Language Access in Immigration Court: Guatemalan Indigenous Languages

Matthew Boles[1]

Abstract

The number of immigrants[2] in the United States who have court hearings with the Executive Office of Immigration Review (immigration court) has increased, resulting in a backlog. As immigration judges (I.J.s) determine whether an immigrant is removable and/or will be permitted to stay in the United States, language access and having adequate interpretation is of utmost importance.

A pressing issue immigration courts across the nation face is providing interpreters for indigenous languages. For Guatemalan indigenous language speakers, this is particularly important because of the number of indigenous languages recognized by the Guatemalan government and because of the number of Guatemalans who have immigration court. The number of immigrants in immigration court whose best language is an indigenous language is increasing. Despite this increase, it is difficult to find interpreters.

This paper examines the lack of interpreters for Guatemalan indigenous languages, the rise of the need for interpreters, and provides an overview of the immigration court's obligation to provide an interpreter for immigrants. This paper concludes by arguing that the Department of Justice develop a plan so that there are sufficient interpreters for Guatemalan indigenous language speakers.

Keywords: *Indigenous languages, Guatemala, immigration court, immigrant, EOIR*

Introduction

In the first six months of President Trump's presidency, 57,069 immigrants received removal orders, an increase of almost thirty-one percent from the same period in 2016 (Sacchetti, 2017). Less than two years after President Trump became president, the number of cases in immigration court[3] increased twenty-five percent to nearly 700,000 cases, double the amount six years before (Meckler and Caldwell, 2018). This includes both immigrants who are detained by Immigration and Customs Enforcement ("ICE"), and those who are not (Kassie, 2019). As Goodman (2020, p. 1) noted, "Although celebrated in popular mythology as a nation of immigrants that has welcomed foreigners throughout its

[1] J.D., D.C.L., *cum laude*, Paul M. Hebert Law Center, Louisiana State University, 2017; B.S. Public Relations, *summa cum laude*, B.A. Spanish, *cum laude*, University of Florida, 2014. Mr. Boles is an immigration attorney and works for a nonprofit organization.

[2] The term "immigrant" in this article refers to any foreign-born non-U.S. citizen or national. The term "immigrant" has a specific meaning in immigration law, but for purposes of social science, a "nonimmigrant" may be considered an immigrant. See Loue (1998).

[3] "Immigration court" is the Executive Office for Immigration Review (EOIR), which is under the Department of Justice (Justice Management Division, n.d.).

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

history, the United States has also deported nearly 57 million people since 1882, more than any other country in the world."

Immigrants in immigration court are usually in removal proceedings and are known as "respondents" (Executive Office for Immigration Review, 2018). An Immigration Judge (I.J.) will determine whether a respondent is removable, and if so, whether the respondent will be granted any form of relief. Id. The Department of Homeland Security ("DHS") initiates removal proceedings by filing a Notice To Appear (Executive Office for Immigration Review, 2017). In the 2019 Fiscal Year, DHS apprehended 285,067 Guatemalans, which was more than twenty-eight percent of the total apprehensions that year (Guo, 2020). The United States continued to remove Guatemalans during the COVID-19 pandemic; the U.S. government removed 5,949 people to Guatemala on seventy-eight flights between March 13 to September 21, 2020 (Gonzalez, 2020).

Interpretation in Immigration Court

Immigration courts conduct hearings (civil administrative hearings) when DHS alleges that a respondent has violated immigration law(s) in the United States (Observing Immigration Court Hearings, 2018). Immigration court provides an interpreter for the respondent in his/her best language (DOJ Recipient LEP Guidance, 2002). An interpreter is important to ensure that the hearing complies with due process and fundamental fairness (Matter of Tomas, 1987). Immigration court must also comply with a 2000 executive order, which mandates that all federal agencies provide "meaningful access" to people who have limited proficiency in English ("LEP") (Exec. Order No. 13166, 2000). Most respondents require an interpreter; more than eighty-five percent are LEP (Abel, 2011). The Language Services Unit, part of the Office of the Chief Immigration Judge, oversees staff interpreters and contract interpreters (EOIR, 2018). Several reports document immigration courts struggling to provide interpreters for various languages (Jaafari, 2019; Medina, 2019). This applies to Guatemalan indigenous languages (Nolan, 2019; Poole, 2018).[4] Because of this, what could be a routine hearing may be delayed for weeks, including for detained immigrants (Jaafari, 2019). As more immigrants are in removal proceedings, it is that much more important to have enough qualified interpreters for all languages.

Additionally, Guatemala passed a law in 2003, Ley de Idiomas Nacionales, that recognizes indigenous languages ("Guatemala: New Law Recognises Indigenous Languages", 2003). Guatemala now recognizes twenty-five languages: Spanish (the official language), twenty-two Mayan languages, Xinka, and Garifuna (Holbrock, 2016).[5]

[4] Poole focuses on immigrants who are prosecuted in federal court under Operation Streamline. Although the article is not about immigration court, the same issue applies in immigration court. The Department of Homeland Security implemented Operation Streamline along the border between the United States and Mexico in 2005 (Lydgate, 2010). For a helpful discussion about the history of Operation Streamline, including basics of the program, how it interacts with the judicial system and consequences, see Kerwin & McCabe (2010).

[5] Other sources list twenty-three indigenous languages. See, e.g., "Guatemala: New Law Recognises Indigenous Languages". Other sources, however, state there are twenty-one indigenous languages in Guatemala. See, e.g., McCleary (2020). Finally, other sources, such as Holbrock, list twenty-two Mayan

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

The law reinforces Spanish as the official language but states there would be no local restrictions to indigenous languages and that there must be public services available in them. Id. at 15. To be sure, Guatemala did not prohibit the use of these languages before 2003, but the law for the first time recognized the right to have healthcare, education, justice, and other services in these languages ("Guatemala: New Law Recognises Indigenous Languages", 2003). In practice, however, the resources and access in indigenous languages are not readily available. Sieder (2007, p. 227) found that while Guatemala made "notable advances" in the judiciary system for indigenous language speakers, litigation is not permitted in indigenous languages, there are not enough interpreters, and few judges and attorneys speak indigenous languages. Citing the Judiciary Branch, there are sixty-nine judges or magistrates who speak at least one indigenous language, some of whom speak more than one, and there are 60 interpreters in regions where the majority of people are indigenous ("United Nations Verification Mission", 2021). The report continues:

> Consequently, there are judicial officials with some degree of familiarity in only 7 of the 23 languages, which is of special concern in cases such as that of the Mam language which is spoken in more than 20 municipal districts of the country by a population of more than 300,000. Id.

Materials and Methods

This paper is a case study that focuses on Guatemalan indigenous language speakers in removal proceedings. Guatemala is used as a unit, with its indigenous languages examined in immigration courts in the United States.

There is no one consistent definition of what is a case study (Swanborn, 2010; Flyvbjerg 2011). Lin (2003, p. 12) observed, "the most frequently encountered definitions of case studies have merely repeated the types of topics to which case studies have been applied." Scholz and Tietje (2002) contend case studies have been used since at least 1885 when French sociologist Le Play used them. Duff (2018) writes social scientists have used case studies since the late 1940s. Regardless of how long case studies have been used, they are a tool to provide an in-depth understanding of what is being studied (Gagnon, 2010). Case studies are a type of qualitative research (Mohajan, 2018). Denzin and Lincoln (2009, p. 139) argue, "[q]ualitative researchers are caught in the middle of a global conversation concerning the evidence-based research movement, and emerging standards and guidelines for conducting and evaluating qualitative inquiry." As researchers are caught in this "middle," Kalu (2017, p. 44) states that the purpose of qualitative research is "to enhance understanding of individuals' cultures, beliefs and values, human experiences, as well as to develop theories that describe these experiences."

George and Bennett (2005, pp. 24) define the "case" in a case study "as an instance of a class of events. The term 'class of events' refers here to a phenomenon of scientific

languages, Garifuna, Xinca, and Spanish. See, e.g., Molesky-Poz (2006). The confusion could come from the fact that the Mayan languages are not listed. Rather, in Chapter 1, Article 1 of the law, it specifically lists Spanish, Garifuna, and Xinca but only states Mayan languages ("Guatemala Decree 19-2003").

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

interest…that the investigator chooses to study…a case study is thus a well-defined aspect of a historical episode that the investigator selects for analysis, rather than a historical event itself."

For this study, the bounded unit is Guatemalan indigenous language speakers. To be sure, some of the languages are not exclusively Guatemalan, but this study looks at indigenous languages recognized in the country. This study then looks at the indigenous language speakers who are respondents. Examining indigenous languages primarily in one country is in concert with other linguistic studies, in which a government can be a unit (Heubner, 2013). Guatemalan indigenous languages speakers in removal proceedings as a unit are important for several reasons. First, Guatemala has implemented various programs to preserve indigenous languages (Thompson and Lamboy, 2012; Del Carpio Ovando, 2012). Second, as I.J.s see more indigenous language speakers, they must recognize the linguistic diversity in the Central American country and not assume everyone speaks Spanish or that Spanish is their best language. Third, Guatemala's linguistic diversity makes it an interesting country to study. Fourth, by limiting the study to Guatemala and indigenous languages that are found primarily there, the case study can be bound and not be too amorphous. Finally, indigenous languages in Guatemala have been researched before. Campbell (1997) commented that Mayan[6] languages, spoken primarily in Guatemala, Belize, and southern Mexico, have been studied more than other indigenous languages. The second step is to select one of the four case types. In this case, it is a single type of case. Specifically, this study uses the single instrumental case study, focusing on a single bounded case.[7] The singular unit is based on Guatemalan

[6] The article uses "Mayan" languages here, and not indigenous, to accurately cite Campbell. Not all of the indigenous languages in Guatemala are Mayan. As Richards & Richards (2012) point out, neither Xinka nor Garífuna are in the Mayan language family. Drozdowicz (2014, p. 71) states that Xinka and Garífuna have "absolutely no linguistic relation to any of the Maya languages whatsoever." An estimated 17,000 people speak Garífuna, an Arawakan language, on the Atlantic Coast in Central America from Belize to Nicaragua. Id. The Xinka language is considered to be an isolated language but has also been linked to Lenca. Id. Rogers (2016, p. 5) reports "there are no fluent native speakers of any of the Xinkan languages or varieties…." However, Xinka speakers continue to occupy a relatively small part of Guatemala. Id. at 4-5. Kaufman (2007) echoes the information about Lenca (also spelled Lenka), stating the language is extinct but that the language was in the Lenkan family/group and was spoken in what is now Honduras. Kaufman & Justeson (2007) refer to the language as Honduras Lenka and write that a conventional name or other name is Lenca-Guaxiguero. For a discussion between the classification attempts of Xinka and Lenca, see, e.g., Sachse (2010). Garífuna is interesting because it is the only Arawakan language still in use today in that region of the world (Gómez Menjívar & Salmon, 2018). This study is consistent with the work of Soto-Corominas (2015) about bilingual education in Guatemala, writing that Garífuna is not a Guatemalan indigenous language strictly speaking but nonetheless includes the language as a Guatemalan indigenous language.

[7] Creswell (2007) describes types of qualitative case studies, depending on the size and/or by intent. Although this article is about Guatemalan indigenous languages, they are treated as a bounded unit as how they intersect with interpretation in immigration courts in the United States. Of the five types of designs for single-case studies, this study is also representative or typical. Immigration courts in the United States provide interpreters for other indigenous languages, both for people from other Central American countries and other parts of the world. A comparable example of indigenous language speakers in immigration court is R-P-M-M-, AXXX XXX 230 (BIA Dec. 10, 2019). In the unpublished decision, the Ecuadorian asylum seeker was able to continue applying for asylum, despite not initially filling out the application and waiving the right to appeal. The BIA specifically cites to his argument that he was unable

indigenous languages. Additionally, this case study is intrinsic because there is a need to learn from cases in which there is either no interpreter or there are delays for a Guatemalan respondent who speaks an indigenous language. The last step is to incorporate the theory into the case study design. Of the three types of reports that can come from a case study, this one is descriptive, as it describes the history of Guatemalan indigenous languages and how it intersects with respondents in removal proceedings who are facing possible removal from the United States. Gray (2004, p. 131) states, "Whatever the precise case study design chosen, it is essential that the case study takes the reader into the case situation." This study is designed to provide historical analysis of Guatemalan indigenous languages and the current situation for a Guatemalan indigenous language speaker in removal proceedings in the United States.

In terms of a descriptive case study, Ariola (2006) notes that resources for this type of case study can consist of observations, questionnaires, newspaper articles, schools, court records, government agencies, and archival documents. Wan (2018) stresses that reading and re-reading the data is essential when conducting qualitative research. Court records are particularly useful here to determine whether indigenous language speakers have appealed decisions based on language access. Court records are a type of public records researchers use in qualitative research (Merriam, 2014). When examining court cases and records, this study does not presume a respondent spoke an indigenous language, even if the case was about race or particular social group when applying for humanitarian relief unless the opinion specifically mentioned an indigenous language. A case that illustrates this point is an unpublished opinion from the BIA in 2020.[8] The case involves a Guatemalan respondent who sought asylum, claiming that she was part of a "disfavored group" of indigenous people. Id. The decision, however, does not mention the asylum seeker's best language or any languages she speaks. Hence, although the case is useful in showing why at least some Guatemalans are seeking asylum, it is not used it in analyzing language access. A criticism of qualitative case studies is a potential lack of methodology (Divakaran Achari, 2014). This study reviews reports and media reports consistent with what Travers (2001) describes as textual analysis or cultural studies. Further, as (Johnson, Jr., 2014) points out, first-generation immigrants in the United States generally have a language barrier, meaning Guatemalan indigenous language speakers could be in a similar situation. This study focuses on Guatemalan indigenous languages via reports across the United States to focus on all of the languages and a reference to any immigration court. Consequently, the breadth and scope trade off with depth of any particular Guatemalan indigenous language or the experiences in a particular immigration

to fully express himself in court without a "Kechua" interpreter. Id. Kechua is also spelled "Quechua" in English (Noble & Lacasa, 2007). Another example of a Mayan indigenous language speaker in immigration court is F-D-H-, AXXX XXX 690 (BIA Aug. 30, 2019). In that case, the respondent's best language was Tzotzil. Id. The attorney withdrew as she could not communicate with him and fulfil her ethical and legal obligations to represent him. Id. Tzotzil is a Mayan indigenous language that is spoken by about 300,000 people in the state of Chiapas, Mexico (Eber & "Antonia," 2011).

[8] B-O-C-, AXXX XXX 958 (BIA June 25, 2020). Unpublished decisions are not binding but are persuasive authority, and the case illustrates a type of case that was not used in this case study.

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

court or region of the United States.[9] This study describes documented cases of Guatemalan indigenous language speakers in removal proceedings.

Indigenous languages could be classified as heritage languages (Ward, 2018). Researchers have studied the motivations behind learning a new language and language revitalization, including of indigenous languages. Id. Indigenous language speakers are increasingly using digital media, such as Twitter, for language revitalization, among other aspects (Caranto Morford and Ansloos, 2021). The results begin, however, by examining the history of indigenous languages in Guatemala. Understanding the situation for Guatemalan respondents today in immigration court requires an understanding of language ideologies and attitudes toward the languages, which although different, are similar concepts (Despagne, 2020). But this study is different in that the case involves examining the situation of Guatemalan immigrants who have immigration court in the United States, as opposed to learning or promoting an indigenous language. Language revitalization is important however, as it applies to this case, because it could impact not only the number of indigenous language speakers, but also the number of interpreters available who would be able to interpret in immigration court. The study also reviewed news outlets and articles because although immigration court hearings are generally open to the public, there are some exceptions in which the hearing is closed, such as during an individual asylum hearing (EOIRa, 2017).[10] Additionally Davis (1999) states that investigating indigenous languages, history, culture, and other issues can help language planners.

Results

Below is a review of Guatemalan indigenous language speakers in removal proceedings. The results begin with a review of the linguistic diversity of Latin America more broadly, and then specifically on Guatemala. Providing a history of language marginalization and preservation efforts is useful when analyzing the need for interpreters in immigration court.

Linguistic Diversity in Latin America and Specifically Guatemala[11]

[9] Beam (2006) describes the relationship between depth vs. breadth when referring to research and provides two examples of research projects to highlight the differences.

[10] Removal proceedings generally being open the public with exceptions is from before the COVID-19 pandemic. Since the pandemic, however, there have been changes. On the immigration court's website, the Frequently Asked Questions page from October of 2021 states I.J.s have the discretion to limit attendance and that it is "recommended" that only parties and witnesses appear in person (EOIR, 2021). Naturally, this has made it more challenging to attend hearings and observe what takes place.

[11] This is a general overview and does not purport to be comprehensive. Rather, the information contextualizes the history and current state of indigenous languages as it relates to removal proceedings. Additionally, background information about indigenous languages is in this section to provide context as to historical reasons why it can be difficult for indigenous language speakers today who have immigration court. Dotger (2011) notes case studies for specific problems often have background information to help understand the context of the problem.

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

Latin America[12] is one of the most linguistically diverse areas of the world (Sanabria, 2015). Latin America has more than fifty language families and more than seventy isolated languages (Cupples, 2013).

Scholars of Latin America prefer using the term "invasion" rather than conquest or discovery (Warren, 1998, pp. 135-136). The first decades of the Spanish rule (1524-1541) were characterized as years "of plunder and confusion" (Grandin, 2000, p. 26). After Governor Pedro de Alvarado died in 1541, "Indians" were forcibly moved to "congregaciones," or concentrated populations. Id. at 26-27. From around 1524 and for a century later, Nahuatl, or as the Spanish called it, the "lengua mexicana," was the "colonial language of translation" (Matthew, 2012, p. 232). The Spanish were the most familiar with Nahuatl, and this was the language used to translate other Mayan languages. Id. The Spanish probably used Nahuatl in the 16th century because of the sheer number of speakers and their high status. Id. at 233-234. Hence, there was a great desire of Nahuatlatos, or those who were Nahuatl translators. Id. at 234.[13] The other languages were, at least in some cases, geographically diverse. "Language connected the speaker to a particular region." Id. at 231.

Guatemala has an estimated population of 15.4 million and is surrounded by Mexico, Belize, Honduras, El Salvador, the Gulf of Honduras, and the Pacific Ocean (Horst, et al., 2021). Although in some ways similar to other Latin American countries, in other ways it is different. One important difference between Guatemala than other Central American countries is the "dominance" of indigenous culture. Id. With more than six million combined speakers, England (1998, p. 99) notes "Mayan languages are among the most vigorous of indigenous American languages." Before a relatively recent effort to preserve and promote indigenous languages, (England, 1992, p. 30) observed, "[Mayas] are a politically subordinated set of communities that have been subject to five hundred years of colonialist policy. Language is part of that policy, for instance in the differential legal and customary statuses accorded to Mayan languages and Spanish." When the Spanish arrived, Guatemala was already home to several languages.

> The valley of Guatemala in the sixteenth century was a jumble of languages. Maya slaves and allies from the Guatemalan highlands spoke K'iche', Achi', Kaqchikel, Tz'utujil, Mam, and numerous other languages. Natives from the east spoke Poqomam, Pipil, and languages classified as part of the Xinca family. The Nahua and Oaxacan conquistadors and their families spoke mostly Nahuatl, but also varieties of Zapotec and Mixtec. And these are only the most common languages listed in sixteenth-century documents, almost certainly generalized from a much greater variety. (Matthew, 2012, p. 232).

[12] Not everyone agrees with what exactly constitutes Latin America. See, e.g., Collier & Henrique Cardoso (1979). Some groups, such as the World Bank, refers to the area as Latin America and the Caribbean (LAC) when comparing Guatemala to other nearby countries (World Bank, 2021).
[13] Additionally, Nahuatl was already the lingua franca in what is now Mexico even before the Spanish arrived and it was the first indigenous language the Spanish encountered. (Farriss, 2018).

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

Since then, there have always been bilingual people in Guatemala.[14] Not only have some people been bilingual, but it was mostly Mayas who were bilingual between Spanish and an indigenous language, as Ladinos[15] were normally monolingual. The imbalance of bilingualism is due, at least partially, to racism, which began during the colonial period (Howard, 2014). As López Martinez (2001, p. 293) states, "The influence of other languages brought to the region by the conquistadors has left many indigenous peoples without this essential element of identity." Pye (2017) noted that in several countries, including Guatemala, parents want their children to speak the majority language to avoid the discrimination they endured as children.

The late nineteenth to the mid-20th century was defined by assimilation, as languages and customs, and practices were viewed as being backward (Goldgel-Carballo & Poblete, 2020).[16] Maxwell (2016, p. 252) states there is relatively little documentation from colonial times of indigenous languages, and that "[w]riting in and on Mayan languages languished until the 20th century." In the 1930s, missionary William Cameron Townsend went to Guatemala and conceived what later became the Summer Institute of Linguistics, which extended beyond Guatemala but became the official advisor to the Guatemalan government regarding indigenous languages and policies. Id. In 1945, President Arévalo created the Instituto Indígenista Nacional to study Mayan culture. Id. During the thirty-five-year civil war that ended in 1996, there were some reforms. Id. Some examples include: the 1985 Constitution recognized both indigenous groups and languages as part of the national patrimony; the Academia de las Lenguas Mayas de Guatemala was created in 1987; the Ministry of Education created the Programa Nacional de Educación Bilingüe and started with the four largest Mayan languages. Id.[17] The four largest are: Kaqchikel, K'iche', Q'eqchi', and Mam, all of which have more than 500,000 speakers (Rohloff & Kraemer Díaz, 2013).[18] Despite these programs, the 1980s have been characterized as "scorched-Earth genocide" against Mayas during the war (Way, 2012, p. 16). As Torres (2017, p. 31) noted, "One of Guatemala's darkest and most shameful periods occurred only a few decades ago. At this time, the Guatemalan government tried to wipe out the Mayans once and for all." The civil war and genocide were inextricably linked. According to Barrett (2015), a civil rights movement and cultural revitalization followed ethnic violence. The reforms came as a result of the Peace Accords (Short, 2007).

Momentum for Language Preservation and 2003 Law

In 1999, Guatemalans voted for constitutional reforms as a result of the 1996 Peace Accords between the National Advancement Party and the Guatemalan National

[14] This is not to say that people were not bilingual before the arrival of the Spanish.

[15] Spanish law granted citizenship to people who had European descendants, even if only one parent was Spanish ("Poverty in Guatemala," 2004). Hence, this category of people was known as first "Poblacion de Castas," and then later known as Ladinos. Id.

[16] In reality, however, indigenous groups were always considered backward from the time of the first contact. (Montejo, 2005).

[17] This is simply a summary of some of the reforms and programs by the Guatemalan government. For more information, see Milian & Walker (2019); Bitar, et al. (2008).

[18] In Guatemala, similar to other Latin American countries, the estimates of the number of people who speak indigenous languages are political.

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

Revolutionary Party (Lehoucq, 2002). Some of the reforms voted on included recognizing indigenous languages and customary law. Id. England (2003) explains that the referendum was turned down, at least concerning recognizing indigenous languages. The speaking of Mayan languages in Guatemala is widely considered to be the most prominent symbol of the Mayan identity for two reasons: (1) the number of indigenous language speakers, and (2) it is considered authentic. Id. When beginning the cultural revitalization, many of the Maya leaders stated that they had to begin with language. Id.

In 2003, Guatemala passed a law, Ley de Idiomas Nacionales, Decree 19-2003, that reinforced Spanish as the official language but also recognized some of the country's indigenous languages, committed funds to preserve them, and mandated that all national provisions, statutes, and regulations should be translated and that public institutions shall provide services in these languages ("Guatemala: New Law Recognises Indigenous Languages", 2003). The Mayan languages are: Achi (Achí), Akateko (Acateco), Awakateko (Aguacateco), Ch'orti' (Chortí), Chuj, Ixil, Itzaj (Itzá) Kaqchikel (Cakchiquel), K'iche' (Quiché, K'ichee'), Mam, Mopan (Mopán), Popti' (Jakalteko, Jacalteco), Poqomam (Pocomam, Pokomam), Poqomchi' (Pocomchí, Pokomchí), Q'anjob'al (Kanjobal), Q'eqchi' (Kekchí), Sakapulteko (Sacapulteco), Sipakapense (Sipacapense, Sipacapeño), Tektiteko (Teko, Tectiteco), Tz'utujil (Tzutujil, Tzutuhil), Uspanteko (Uspanteco) (England, 2006). The other two languages are Garifuna (Garífuna) and Xinca (Xinka).[19]

To be sure, Guatemala did not prohibit the use of these languages immediately preceding the 2003 law, but the law for the first time recognized the right to have healthcare, education, justice, and other services in these languages. Id. Isser (2011, p. 103) called the law a "remarkable shift." French (2010, p. 1) shared similar sentiments, calling it a "historically unprecedented move." As of 2011, the four largest Maya ethnic groups were: Q'eqchi', Mam, Kaqchikel, and K'iche'. Of these four groups, the percentage of speakers of an indigenous language ranges from 50.3 to 84.4 (Holbrock, 2016). These statistics also showed that monolingualism in a Mayan language ranged from 7.5 percent for Mam and Kaqchikel to 56.7 percent for Q'eqchi' speakers. The levels of bilingualism to monolingualism in Guatemala vary by region. In some regions, an estimated 90 percent of people speak an indigenous language (and possibly Spanish, as well), while in another region that number is only 11 percent. "Mayan languages constitute one of the principal symbols of an unequivocally Mayan identity, they are still spoken by the overwhelming majority of the Mayan population, and they are the principal communicative devices through which Mayan world-view and philosophy are learned and transmitted" (England, 1998, p. 105). The National Directorate for Bilingual Intercultural Education has educational materials in thirteen Mayan languages in 2,193 primary schools and 1,200 elementary schools (Coronel-Molina and Solon, 2011). Despite these programs, many indigenous people are dissatisfied with the lack of indigenous culture and knowledge as part of the program. Id. As Milian and Walker (2019) point out, educational materials are

[19] Some Mayan languages have various spellings. (Mateo-Toledo, 2003). Brockmann (2020) notes that writing in the orthography of indigenous languages is preferred to writing the languages in Spanish. For a table comparing current language names with older name and additional variants, if applicable, see Aissen, et al., 2017. Additionally, not all of the Guatemalan indigenous languages are recognized by the Academia de Lenguas Mayas de Guatemala (ALMG) (Tree, 2011). There is some debate as to the exact number of indigenous languages in the country, but there are around thirty. Id.

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

not translated into all indigenous languages, particularly for languages with fewer speakers. Further, López López (2017) points out that the historical separation between Spanish and indigenous languages in Guatemala resulted in the view that indigenous languages needed to be advanced or developed. Also, although this is a sweeping law to protect and promote the use of indigenous languages, at least in the healthcare context, "this right is not protected in practice" (Flood & Rohloff, 2018, p. 134). Despite the criticism, initiatives and programs attempt to promote indigenous languages. Wessendorf (2018) notes that people organized an "Editathon," in which people wrote and published more than sixty articles on Wikipedia in Kaqchikel and hope other communities write entries in their languages. This can be challenging, as many indigenous languages (not just ones in Guatemala) do not have a standardized orthography (Cruz & Robles, 2019). In 2019, the year the United Nations General Assembly designated the year of Indigenous Languages, Guatemala hosted the first annual Latin American Indigenous Language Internet Festival (Atkins, 2019).

Indigenous language speakers interacting in immigration court

Indigenous language speakers are in removal proceedings at an increasing rate. Even before a respondent has immigration court, there are language barriers for the indigenous language speaker to even have immigration court. These barriers include coming to the United States and communicating with officials to see (in some contexts) if the person will have immigration court once someone arrives to the country.

Dadhania (2020, p. 715) notes, "Although these countries [Mexico, Guatemala, Honduras, and El Salvador] are majority Spanish-speaking, many individuals who speak less common indigenous languages also seek asylum from these countries." Difficulties for indigenous language speakers begin before arriving in the United States. According to Kladzyk et al., indigenous language speakers face greater risks while in Mexico traveling to the United States. They are more likely to suffer from persecution before coming to the United States (Landau, et al., 2021). In a newspaper article, Kladzyk et al. reported indigenous language speakers in shelters in northern Mexico face language barriers, and that "significant problems await" in immigration court. Fajardo (2021) reports there are more than five hundred indigenous languages still in use in Latin America. Libbey (2021) reported a Guatemalan mother with her 11-year-old son in northern Mexico in a shelter coming to the United States spent two months there and did not find anyone else who spoke the same indigenous language. In a June 2018 White House Daily Briefing, then Secretary of Homeland Security, Kristjen Nielsen, spoke about the "zero tolerance" policy[20] and said, "Additionally, all U.S. Border personnel on the southwest

[20] "Zero tolerance" refers to the policy issued by the Attorney General Jeff Sessions in April of 2018, directing U.S. Attorneys along the Southwest Border to prosecute adults for illegal entry under 8 U.S.C. § 1325(a), regardless of whether adults came with their children. (Department of Homeland Security Factsheet, 2018). The policy resulted in more than 3,000 family separations (Long, 2021). The Biden administration rescinded the policy on January 26, 2021 (Office of Attorney General Memorandum, Rescinding the Zero-Tolerance Policy for Offenses Under 8 U.S.C. § 1325(a), 2021).

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

border are bilingual—every last one of them" (Sanders and Nielsen, 2018).[21] She added that they are instructed to explain and provide documents in English and Spanish. Id. Wilson-Keenan (2021, p. 42) notes that a "major problem" with the explanation and documents is that there are indigenous language speakers who do not read or write in Spanish. One tragic example came in 2018, when a seven-year-old Guatemalan child died while in DHS custody (Nunberg, 2019). Hours before her death, her father signed a form in English stating that she was healthy after people explained it in Spanish. Id. The father, however, only spoke limited Spanish and primarily spoke Q'eqchi'. Id.[22] Chaparro (2021) reported that some indigenous language-speaking Guatemalans return to Guatemala rather than wait in Mexico to have an interpreter and that for those who wait, their cases in immigration court are re-scheduled due to lack of interpreters.

CARA Family Detention Pro Bono Project wrote to the Office of Inspector General and Office of Civil Rights and Civil Liberties in DHS in December of 2015, describing the lack of translated materials for indigenous languages, inadequate screening, and inadequate interpretation for other services, including medical services ("CARA Family Detention Pro Bono Project," 2015). Wallace and Hernández (2017) contend that indigenous language speakers during Credible Fear Interviews may believe that information they tell Asylum Officers to see if they will have immigration court will be shared with their communities and may not be comfortable sharing their stories.

Carcamo (2016) wrote that immigration courts have difficulties finding interpreters for Guatemalan indigenous languages. Sanchez (2021) reports that asylum seekers in the Migrant Protection Protocols, a program that ended in June of 2021, there were at least 337 people who spoke either a "rare" or "indigenous" language. Most of the "rare language" speakers are from Guatemala. Id. Additionally, the number of indigenous language speakers may be undercounted and may be labeled as Spanish speakers. Id. This could happen in part because previous reports from Customs and Border Protection suggest that agents believe a person's best language is Spanish if he is coming from a predominantly Spanish-speaking country ("40 Languages Spoken Among Asylum Seekers with Pending MPP Cases 2021," 2021).

Once in immigration court, most indigenous language speakers need "additional help" in their cases (Sanchez, 2021). A nonprofit organization created audio instructions in four Guatemalan indigenous languages to check the status of immigration court ("Audio Instructions for Checking Immigration Court Case Status in Mayan Languages," 2021). The need for interpreters in Guatemalan indigenous languages is evident. Between 2013 to 2017, Guatemala ranked in the top three of each year for the number of new cases in immigration court in terms of nationality (EOIRb, 2017).[23] The federal government published (table 1) the most common languages for what it calls initial case completion (ICC) in immigration court cases. Id. In the FY 2013, no Guatemalan indigenous languages made the list of the top twenty-five languages. Id.[24] The following year,

[21] According to the Customs and Border Protection website, trainees are required to learn Spanish. If a trainee does not pass a test in the Spanish language, he will attend eight weeks of training in the Spanish language. See Are trainees required to learn the Spanish language? (n.d.).
[22] The author here uses "Q'eqchi'" spelling to match the spelling in the source.
[23] The Statistics Yearbook is referring to fiscal years for the United States Federal government.
[24] Note that it is possible that some of the languages in the "unknown language" category includes indigenous languages.

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

however, there were two, followed by three the following years. Id. Mam was among the top ten languages in both FY2016 and FY 2017. Id.

Table 1. Twenty-five most common languages, immigration court (ICC), FY2013-FY2017[25]

Rank	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
1	Spanish	Spanish	Spanish	Spanish	Spanish
2	English	English	English	English	English
3	Mandarin	Mandarin	Mandarin	Mandarin	Mandarin
4	Unknown Language	Unknown Language	Unknown Language	Unknown Language	Creole
5	Russian	Russian	Arabic	Arabic	Unknown Language
6	Arabic	Arabic	Russian	Punjabi	Punjabi
7	Punjabi	Punjabi	Punjabi	Russian	Portuguese
8	Creole	Creole	Creole	Portuguese	Arabic
9	Portuguese	French	Somali	Mam	Russian
10	French	Portuguese	French	Creole	Mam
11	Korean	Korean	Portuguese	Somali	French
12	Foo Chow	Nepali	Quiche	Quiche	Quiche
13	Nepali	Somali	Nepali	French	Nepali
14	Amharic	Foo Chow	Bengali	Nepali	Tigrigna - Eritrean
15	Tagalog	Amharic	Mam	Foo Chow	Romanian-Moldovan
16	Romanian-Moldovan	Vietnamese	Foo chow	Bengali	Konjobal
17	Vietnamese	Gujarati	Korean	Amharic	Somali
18	Gujarati	Quiche	Amharic	Korean	Bengali
19	Tigrigna - Eritrean	Mam	Vietnamese	Tigrigna - Eritrean	Urdu
20	Urdu	Tagalog	Tigrigna - Eritrean	Konjobal	Foo Chow
21	Indonesian	Urdu	Gujarati	Romanian-Moldovan	Korean
22	Armenian	Albanian	Albanian	Urdu	Albanian
23	Somali	Armenian	Konjobal	Albanian	Amharic
24	Albanian	Indonesian	Tagalog	Vietnamese	Vietnamese
25	Tamil	Tigrigna - Eritrean	Urdu	Armenian	Gujarati

Source: EOIR

Discussion

EOIR first needs to be transparent as to the number of immigrants in removal proceedings required an interpreter who speaks a Guatemalan indigenous language. As Gentry (2020) notes, EOIR lists the most common twenty-five languages but does not release the number of speakers for each language. Without this information, it is impossible to know and analyze data and understand the number of indigenous language speakers. Based on the several reports about delays in court hearings for people whose best language is an indigenous language, EOIR should prioritize hiring interpreters to meet the increasing demand. Several Guatemalan indigenous languages are now in the most common languages of respondents in immigration court. As Guatemala preserves

[25] Note this list is reproduced from EOIR (immigration court), which explains the spelling of languages. The author believes EOIR should change the spelling to more accurately reflect the names of the languages.

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

indigenous languages, there may be more Guatemalans whose best language is not Spanish who come to the United States and are placed into removal proceedings. The number of indigenous language respondents is not just a one-time thing; several of these languages have been in the top twenty-five languages for several years.[26]

EOIR, above all, needs to collaborate with the Department of Homeland Security to ensure that the immigration court has the immigrant's best language correctly coded so there is an interpreter. This is particularly important in the case of Guatemalan respondents, as the country is linguistically diverse (World Bank, 2004). After ICE initiates removal proceedings but before the first immigration court hearing, either ICE or immigration court should make efforts to determine the respondent's best language and schedule an interpreter beforehand. At the first hearing, if an I.J. is not already doing so, she should confirm the respondent's best language. Not only should an I.J. confirm the best language, but she should also see if there is a specific dialect.[27] Languages can vary greatly (Miyagawa, 2012; Ingram, 1989). A language can have multiple dialects (Siegel, 2010). On the asylum application, the person must write his native language and dialect, if applicable, and any other language in which the person is fluent. There is no reason why this question could not be asked to all of the respondents before a hearing to have an interpreter.

Next, an I.J. should further determine if a respondent's best language varies by topic or by way of communication. Judd and Beggs (2005) note that a person's language ability can vary within the language, such as reading, writing, and speaking.[28] In other words, the respondent's best language can be different, depending on the topic or line of questioning. At a hearing, a respondent may have to testify about a wide range of subjects. The I.J. can ask the respondent if his best language could vary, and if so, the immigration court could have an interpreter for another language(s) ahead of time.

Finally, if the immigration court is having difficulties finding an interpreter, ICE should release the respondent from custody if he is detained. Rather than continuing the case and re-setting the hearing at a future date while the person is deprived of freedom, a respondent could be released and have the case transferred to a non-detained docket. Although immigration detention is civil (Adekoya v. Holder), in reality, many of the detention centers' practices resemble criminal incarceration (Noferi, 2014). A respondent should not be detained longer due to the immigration court having trouble finding an interpreter.

Conclusion

Guatemalans who primarily (or only) speak an indigenous language who come to the United States face a journey with that many more hardships than others, and that is

[26] The author recognizes that in addition to linguistic competency, translators must also have cultural competency. (Schjoldager, 2008).

[27] Edwards (2009) notes that generally speaking, dialects are perceived as being inferior to languages. Note that the word "dialect" here is referring to technical meaning, and not its connotation.

[28] This is an example of diglossia, in which there are two languages that are used. See Baker & Prys Jones (1998).

Boles, Matthew (2022) Language Access in Immigration Court: Guatemalan Indigenous Languages. *New Florida Journal of Anthropology* 3(2), DOI: 10.32473/nfja.v3i2.129235

just the beginning of the process. Indigenous language speakers face challenges communicating along the border, but also in immigration court. The number of indigenous language speakers, and the number of indigenous languages, are increasing in immigration court. As Guatemala preserves indigenous languages, it is more important for immigration courts in the United States to have interpreters for respondents once ICE initiates removal proceedings. Respondents who speak indigenous languages should not be marginalized more than they have been historically, and language access in immigration court is paramount while facing the threat of being removed from the United States.

Acknowledgments

Thank you to several professors and colleagues for their inspiration regarding language access, language identity, and translations, and insight about language rights in immigration court.

References

Abel, L. (2011). Language Access in Immigration Courts. Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/legacy/Justice/LangAccess/Language_Access_in_Immigration_Courts.pdf

Adekoya v. Holder, 751 F. Supp. 2d 688, 694 n. 4 (S.D.N.Y. 2010).

Aissen, J., England, N.C., & Maldonado, Z. (2017). Introduction. In Aissen, J., England, N.C., & Maldonado, Z. (Eds.), The Mayan Languages (pp. 1-18). Routledge. https://doi.org/10.1093/acrefore/9780199384655.013.60

U.S. Customs and Border Protection. (last visited 2021, December 14). Are trainees required to learn the Spanish language? https://www.cbp.gov/faqs/are-trainees-required-learn-spanish-language

Ariola, M.M. (2006). Principles and Methods of Research. Rex Book Store.

Atkins, J. (2019, September 2). Guatemala hosts indigenous language internet festival. Contxto. https://contxto.com/en/news/guatemala-hosts-indigenous-language-internet-festival/

Audio Instructions for Checking Immigration Court Case Status in Mayan Languages (2021, March 4). CLINIC. https://cliniclegal.org/resources/removal-proceedings/audio-instructions-checking-immigration-court-case-status-mayan

Baker, C. & Prys Jones, S. (1998). Encyclopedia of Bilingualism and Bilingual Education. Multilingual Matters LTD. https://doi.org/10.1080/15235882.1998.10162728

Barrett, R. (2016). Mayan language revitalization, hip hop, and ethnic identity in Guatemala. Language & Communication. 47(1). 144–153. https://doi.org/10.1016/j.langcom.2015.08.005

Beam, R.A. (2006). Quantitative Methods in Media Management and Economics. In Albarran, A.B., Chan-Olmstead, S.M. & Wirth, M.O. (Eds.), Handbook of Media Management and Economics (pp. 523–551). Lawrence Erlbaum Associates, Inc.

Bitar, M., Pimentel, C., & Juarez, A. (2008). Language gain, language loss: The production of K'iche'tellano in Highland Guatemala. International Journal of Language, Society and Culture, (26), 25-33.

B-O-C-, AXXX XXX 958 (BIA June 25, 2020).

Brockmann, S. (2020). The science of useful nature in Central America: landscapes, networks and practical enlightenment, 1784–1838. Cambridge University Press. https://doi.org/10.1017/9781108367615

Campbell, L. (1997). American Indian Languages: The Historical Linguistics of Native America. Oxford University Press. https://doi.org/10.1017/s0022226702221374

CARA Family Detention Pro Bono Project. (2015, December 10). CLCR Complaint on Challenges Faced by Indigenous Language Speakers in Family Detention, AILA Doc. No. 15121011. https://www.aila.org/advo-media/press-releases/2015/crcl-complaint-challenges-faced-family-detention

Caranto Morford, A. & Ansloos, J. (2021). Indigenous Sovereignty in Digital Territory: A Qualitative Study on Land-Based Relations with #NativeTwitter. AlterNative, 17(2), 293-305. https://doi.org/10.1177/11771801211019097.

Carcamo, C. (2016, August 9). Ancient Mayan languages are creating problems for today's immigration courts. Los Angeles Times. https://www.latimes.com/local/california/la-me-mayan-indigenous-languages-20160725-snap-story.html

Chaparro, L. (2021, July 3). Indigenous asylum seekers struggle for interpreters in US., Al Jazeera. https://www.aljazeera.com/news/2021/7/3/indigenous-migrants-seeking-us-asylum-struggle-for-interpreters

Collier, D. & Henrique Cardoso, F. (1979). The New Authoritarianism in Latin America. Princeton University Press.

Coronel-Molina, S.M. & Solon, M. (2011). Bilingual Education in Latin America. In Diaz-Campos, M. (Ed.), The Handbook of Hispanic Sociolinguistics (pp. 686-703). John Wiley & Sons. DOI:10.1002/9781444393446

Creswell, J.W. (2007). Qualitative Inquiry and Research Design: Choosing Among Five Approaches. Sage Publications.

Cruz, E., & Robles, T. (2019). Using Technology to Revitalize Endangered Languages: Mixe and Chatino case studies. In Chacón, G.E. & Menjívar, J.G. (Eds.), Indigenous Interfaces: Spaces, Technology, and Social Networks in Mexico and Central America (pp. 79-98). University of Arizona Press. https://doi.org/10.2307/j.ctvfjcwwj

Cupples, J. (2013). Latin American Development. Routledge. https://doi.org/10.4324/9780203554869

Dadhania, P.R. (2020). Language Access and Due Process in Asylum Interviews. Denver Law Review, 97(4), 707-742.

Davis, K.A. (1999). The Sociopolitical Dynamics of Indigenous Language Maintenance and Loss: A Framework for Language Policy and Planning. In Huebner, T. & Davis, K.A. (Eds.), Sociopolitical Perspectives on Language Policy and Planning in the USA (pp. 67-98). John Benjamins Publishing Company. https://doi.org/10.1075/sibil.16.08dav

Del Carpio Ovando, K. (2012). Bilingual Education in Chenalhó, Chiapas in Southeast Mexico. Universal Publishers.

Denzin, K. N., & Lincoln, Y. S. (2009). The elephant in the living room: Or extending the conversation about the politics of evidence. Qualitative Research, 9(2), 139-160.

Department of Homeland Security. (2018, June 15). Factsheet: Zero Tolerance Immigration Prosecutions – Families. https://www.dhs.gov/news/2018/06/15/fact-sheet-zero-tolerance-immigration-prosecutions-families

Despagne, C. (2020). Decolonizing Language Learning, Decolonizing Research: A Critical Ethnography Study in a Mexican University. Taylor & Francis. https://doi.org/10.4324/9780429031458

Divakaran Achari, P. (2014). Research Methodology: A Guide to Ongoing Research Scholars in Management. Horizon Books.

Dotger, B. (2011). The School Leader Communication Model: An emerging method for bridging school leader preparation and practice. Journal of School Leadership, 21(6), 871-892. https://doi.org/10.1177/105268461102100606

Drozdowicz, J. (2014). The Symbolic Dimension: Anthropological Studies in Culture, Religion and Education. Lit Verlag Publishing.

Duff, P. (2018). Case Study Research in Applied Linguistics. Routledge. https://doi.org/10.4324/9780203827147

Eber, C. & "Antonia," (2011). The Journey of Tzotzil-Maya Woman of Chiapas, Mexico: Pass Well Over the Earth. University of Texas Press. https://doi.org/10.7560/726659

Edwards, J. (2009). Language and Identity. Cambridge University Press. https://doi.org/10.1017/cbo9780511809842

England, N.C. (1992). Doing Mayan linguistics in Guatemala. Language, 68(1), 29-35. https://doi.org/10.1353/lan.1992.0073

England, N.C. (1998). Mayan Efforts Toward Language Preservation. In Grenoble, L. & Whaley, L. (Eds.), Endangered Languages (pp. 99-116). Cambridge University Press. https://doi.org/10.1017/cbo9781139166959

England, N.C. (2003). Mayan Language Revival and Revitalization Politics: Linguists and Linguistic Ideologies. American Anthropologist, 105(4), 733-743. https://doi.org/10.1525/aa.2003.105.4.733

England, N.C. (2006). Guatemala: Language Situation. In Brown, K. (Ed.), Encyclopedia of Language and Linguistics (2nd ed., vol. 5, pp. 166-168). Oxford: Elsevier. https://doi.org/10.1016/b0-08-044854-2/01775-2

Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000).

Executive Office for Immigration Review. (2017). Observing Immigration Court Hearings. https://www.justice.gov/eoir/observing-immigration-court-hearings

Executive Office for Immigration Review. (2017). Statistics Yearbook. https://www.justice.gov/eoir/page/file/1107056/download

Executive Office for Immigration Review. (2018). Observing Immigration Court Hearings (Factsheet). https://www.justice.gov/eoir/page/file/941991/download

Executive Office for Immigration Review. (2018). Immigration Court Practice Manual. https://www.justice.gov/eoir/page/file/1084851/download

Executive Office for Immigration Review. (2021). Frequently Asked Questions. https://www.justice.gov/file/1444661/download

Fajardo, J. (2021, July 9). The sound of indigenous resistance in Latin America. Equal Times. https://www.equaltimes.org/the-sound-of-indigenous-resistance#.YOssx-hKg2w

Farriss, N. (2018). Tongues of Fire: Language and Evangelization in Colonial Mexico. Oxford University Press. https://doi.org/10.1093/oso/9780190884109.001.0001

F-D-H-, AXXX XXX 690 (BIA Aug. 30, 2019).

Flood, D. & Rohloff, P. (2018). Indigenous Language and Global Health: Comment. The Lancet, 6, e134-135. https://doi.org/10.1016/s2214-109x(17)30493-x

Flyvbjerg, B. (2011). Case study. In N. K. Denzin & Y. S. Lincoln (Eds.), Sage Handbook of Qualitative Research (4th ed., pp. 301–316). Sage Publications.

French, B.M. (2010). Maya Ethnolinguistic Identity: Violence, Cultural Rights, and Modernity in Highland Guatemala. University of Arizona Press.

Gagnon, Y-C. (2010). The Case Study as Research Method: A Practical Handbook. Presses de L'Université Du Québec.

Gentry, B.A. (2020). O'odham Niok? In indigenous languages, U.S. "jurisprudence" means nothing. Chicana/o Latina/o Law Review, 37(1), 29-63. https://doi.org/10.5070/c7371048095

George, A.L. & Bennett, A. (2005). *Case Studies and Theory Development in the Social Sciences*. MIT Press. DOI: 10.1017/S0022381607080231

Goldgel-Carballo, V. & Poblete, J. (2020). Piracy and Intellectual Property in Latin America. Routledge. https://doi.org/10.4324/9780367823955

Gómez Menjívar, J. & Salmon, W. (2018). Tropical Tongues: Language Ideologies, Endangerment, and Minority Languages in Belize. University of North Carolina at Chapel Hill. https://doi.org/10.5149/9781469641416_gomezmenjivar

Gonzalez, D. (2020, October 28). 'They were sending the virus': Guatemala reels after U.S. deports hundreds of deportees with COVID-19. Arizona Republic. https://www.azcentral.com/story/news/politics/immigration/2020/10/28/hundreds-deported-by-us-to-guatemala-during-pandemic-had-covid-19/5902239002/

Goodman, A. (2020). The Deportation Machine: America's Long History of Expelling Immigrants. Princeton University Press. https://doi.org/10.23943/princeton/9780691182155.001.0001

Grandin, G. (2000). The Blood of Guatemala: A History of Race and Nation. Duke University Press. https://doi.org/10.2307/j.ctv12102ff

Gray, D.E. (2004). Doing Research in the Real World. Sage Publications.

Guatemala Decree 19-2003, available at https://observatoriop10.cepal.org/sites/default/files/documents/decreto_19_de_2003_idiomas_nacionales_de_guatemala.pdf

Guatemala: New Law Recognises Indigenous Languages. (2003, May 20). Inter Press Service. http://www.ipsnews.net/2003/05/guatemala-new-law-recognises-indigenous-languages/

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455, 41471 (June 18, 2002).

Guo, M. (2020). Immigration Enforcement Actions: 2019. Department of Homeland Security. Office of Immigration Statistics.

Heubner, T. (2013). Case Studies. In Robinson, P.J. (Ed.), The Routledge Encyclopedia of Second Language Acquisition (pp. 70-71). Routledge. https://doi.org/10.4324/9780203135945

Holbrock, M.J. (2016). Mayan Literacy Reinvention in Guatemala. University of New Mexico Press.

Horst, O. H., Anderson, T.P., Griffith, W.J., and Stansifer, C.L. (2021, March 10). Guatemala. Encyclopedia Britannica. https://www.britannica.com/place/Guatemala

Howard, D. (2014). Ethnicities, nationalism and racism. In McIlwaine, C. & Willis, K. (Eds.), Challenges and Change in Middle America: Perspectives on Development in Mexico, Central America and the Caribbean (pp. 61-81). Routledge. https://doi.org/10.4324/9781315838441

Ingram, D. (1989). First Language Acquisition: Method, Description, and Explanation. Cambridge University Press.

Isser, D. (2011). Customary Justice and the Rule of Law in War-torn Societies. United States Institute of Peace Press. https://doi.org/10.2979/africatoday.59.1.116

Jaafari, J.D. (2019, March 20). Immigration Courts Getting Lost in Translation. The Marshall Project. https://www.themarshallproject.org/2019/03/20/immigration-courts-getting-lost-intranslation#:~:text=Federal%20law%20requires%20an%20interpreter,foreign%20languages%20they%20deal%20with.

Johnson, Jr., M. (2014). Intergenerational Relationships, First-Generation Challenges. In Coleman, M.J. & Ganong, L.H. (Eds.), The Social History of the American Family: An Encyclopedia (vol. 1, pp. 568-569). Sage. https://doi.org/10.4135/9781452286143

Judd, T. & Beggs, B. (2005). Cross-Cultural Forensic Neuropsychological Assessment. In Barrett, K.H. & George, W.H. (Eds.), Race, Culture, Psychology, and Law (pp. 141-162). Sage. https://doi.org/10.4135/9781452233536.n10

Kalu, F.A. (2017). What makes qualitative research good research?: An explanatory analysis of critical elements. International Journal of Social Science Research, 5(2), 43-56. https://doi.org/10.5296/ijssr.v5i2.10711

Kassie, E. (2019, February 12). How Trump Inherited His Expanding Detention System. The Marshall Project. https://www.themarshallproject.org/2019/02/12/how-trump-inherited-his-expanding-detention-system

Kaufman, T., with help from Berlin, B. (2007). South America. In: R.E. Asher & C. Moseley (Eds.), Atlas of the World's Languages (2nd ed., pp. 59–94). Routledge. https://doi.org/10.4324/9781315829845

Kaufman, T. & Justeson, J. (2007). The History of the Word for Cacao in Ancient Mesoamerica. Ancient Mesoamerica, 18(2), 193–237. DOI: 10.1017/S0956536107000211

Kerwin, D. & McCabe, K. (2010, April 29). Arrested on Entry: Operation Streamline and the Prosecution of Immigration Crimes. Migration Policy Institute. https://www.migrationpolicy.org/article/arrested-entry-operation-streamline-and-prosecution-immigration-crimes

Kladzyk, R., Ramos Pacheco, M. & Martinez, V. (2021, May 10). Indigenous diaspora: the arduous journey from Guatemala through Mexico, part 1. Puente News Collaborative. https://borderzine.com/2021/05/indigenous-diaspora-the-arduous-journey-from-guatemala-through-mexico/

Kladzyk, R., Ramos Pacheco, M. & Martinez, V. (2021, May 12). Indigenous diaspora: Expelled to Northern Mexico and invisible in U.S. immigration courts, part 3. Puente News Collaborative. https://elpasomatters.org/2021/05/12/indigenous-diaspora-expelled-to-northern-mexico-and-invisible-in-u-s-immigration-courts/

Landau, A., Sanchez, B., Kiser, L., De Zapien, J., Hall-Lipsy, E., Pina Lopez, D., Ingram, M., & Ahumada, J. (2021). Health Sciences Interprofessional Collaborative: A Perspective on Migration, COVID-19, and the Impact on Indigenous Communities. Frontiers in sociology, 6, 618107. https://doi.org/10.3389/fsoc.2021.618107

Lehoucq, F. (2020). The 1999 General Elections in Guatemala. Electoral Studies, 21(1), 107-114. https://doi.org/10.1016/s0261-3794(01)00005-1

Libbey, M.B. (2021, July 10). On the border, the human spirit inspires awe. Santa Fe New Mexican. https://www.santafenewmexican.com/opinion/commentary/on-the-border-the-human-spirt-inspires-awe/article_6b8b184e-e06b-11eb-b02d-e34617e7a449.html

Lin, R.K. (2003). Case Study Research Design and Methods (3rd ed.). Sage.

Long, C. (2021, January 14). Watchdog: DOJ bungled 'zero tolerance' immigration policy. AP News. https://apnews.com/article/aclu-doj-zero-tolerance-policy-failure-b8e6e0a189f5752697335f51d57b1628

López López, L. (2017). The Making of Indigeneity, Curriculum History, and the Limits of Diversity. Routledge. https://doi.org/10.4324/9781315392424

López Martinez, A. (2001). Racism Against Indigenous Peoples of Central America and the Caribbean. In Chakma, S. & Jensen, M. (Eds.), Racism Against Indigenous Peoples (pp. 280-311). IWGIA.

Loue, S. (1998). Defining the Immigrant. In Loue, S. (Ed.), Handbook of Immigrant Health (pp. 19-36). Springer U.S. DOI: 10.1007/978-1-4899-1936-6.

Lydgate, J. (2010). Assembly-line Justice: A Review of Operation Streamline. The Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity. https://www.law.berkeley.edu/files/Operation_Streamline_Policy_Brief.pdf

Mateo-Toledo, B.E. (2003). The use of languages' names: the Mayan case. International Journal of American Linguistics. 69(2), 151–153. https://doi.org/10.1086/379682

Matter of Tomas, 19 I&N Dec. 464 (BIA 1987).

Matthew, L.E. (2012). Memories of Conquest: Becoming Mexicano in Colonial Guatemala. University of North Carolina Press. https://doi.org/10.5149/9780807882580_matthew

Maxwell, J. (2016). Revitalization Programs and Impacts in Latin America and the Caribbean. In Coronel-Molina, S.M. & McCarty, T.L. (Eds.), Indigenous Language Revitalization in the Americas (pp. 247-265). Routledge. https://doi.org/10.4324/9780203070673

Maxwell, J.M. (2006). Mayan Languages. In Brown, K. (Ed.), Encyclopedia of Language and Linguistics (2nd ed., pp. 549-553). Elsevier Limited. https://doi.org/10.1016/b0-08-044854-2/02284-7

McCleary, R.M. (2020). Protestant Innovative Evangelizing to Oral Cultures in Guatemala. In Orique, O.P., Fitzpatrick-Behrens, S., & Garrard, V. (Eds.), The Oxford Handbook of Latin American Christianity (pp. 347-376). Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199860357.013.12

McNally, S. (2006). Pocket Adventures Guatemala. Hunter Publishing.

Meckler, L. & Caldwell, A. A. (2018, May 23). The Glitch in Trump's Immigration Campaign: Overloaded Courts. Wall Street Journal. https://www.wsj.com/articles/u-s-immigration-courts-long-crowded-are-now-overwhelmed-1527089932

Medina, J. (2019, March 19). Anyone Speak K'iche' or Mam? Immigration Courts Overwhelmed by Indigenous Languages. New York Times. https://www.nytimes.com/2019/03/19/us/translators-border-wall-immigration.html

Merriam, S.B. (2014). Qualitative Research: A Guide to Design and Implementation. Revised and Expanded from Qualitative Research and Case Study Applications in Education. Jossey-Bass.

Milian, M. & Walker, D. (2019). Bridges to bilingualism: teachers' roles in promoting indigenous languages in Guatemala. Forum for International Research in Education, 5(3), 105-128. https://doi.org/10.32865/fire201953138

Miyagawa, S. (2012). Case, argument structure, and word order. Routledge. https://doi.org/10.4324/9780203126844

Mohajan, H., Qualitative Research methodology in social sciences and related subjects. Journal of Economic Development, Environment and People, 7(1), 23-48. https://doi.org/10.26458/jedep.v7i1.571

Molesky-Poz, J. (2006). Contemporary Maya Spirituality: The Ancient Ways Are Not Lost. University of Texas Press. https://doi.org/10.7560/713093

Montejo, V. (2005). Maya Intellectual Renaissance: Identity, Representation, and Leadership. University of Texas Press. https://doi.org/10.7560/706842

Muñoz, N. (2003, May 30). Guatemala: new law recognises indigenous languages. Inter Press Service. http://www.ipsnews.net/2003/05/guatemala-new-law-recognises-indigenous-languages/

Noble, J. & Lacasa, J. (2007). Introduction to Quechua: Language of the Andes (2nd ed.). Dog Ear Publishing.

Noferi, M. (2014). Making Civil Immigration Detention "Civil," and Examining the Emerging U.S. Civil Detention Paradigm, J. Civil Rights and Econ. Dev. 27(3), 533-587.

Nolan, R. (2019, December 30). A Translation Crisis at the Boarder. New Yorker. https://www.newyorker.com/magazine/2020/01/06/a-translation-crisis-at-the-border

Nunberg, G. (2019). Opinion: migrant girl's death reveals a need for more interpreters along the border. NPR. https://www.npr.org/2019/01/03/681942831/opinion-migrant-girls-death-reveals-a-need-for-more-interpreters-along-the-borde/

Office of Attorney General Memorandum. (2021, January 26). Rescinding the Zero-Tolerance Policy for Offenses Under 8 U.S.C. § 1325(a). https://www.justice.gov/ag/page/file/1360706/download

Poole, B. (2018, July 20). No Court Interpreters for Many Indigenous Immigrants. Courthouse News Service. https://www.courthousenews.com/no-court-interpreters-for-many-indigenous-americans/

Poverty in Guatemala. (2004). World Bank Publications. https://doi.org/10.1596/0-8213-5552-x

Pye, C. (2017). The Comparative Method of language Acquisition Research. University of Chicago Press. https://doi.org/10.7208/chicago/9780226481319.001.0001

Richards, J., & Richards, M. (1997). Mayan language literacy in Guatemala: A socio-historical overview. In Hornberger, N.H. (Ed.), Indigenous Literacies in the Americas: Language Planning from the Bottom Up (pp. 189-211). Mouton de Gruyter. https://doi.org/10.1515/9783110814798.189

Rogers, C. (2016). The Use and Development of the Xinkan Languages. University of Texas Press. https://doi.org/10.7560/308318

Rohloff, P. & Kraemer Díaz, A. (2013). Guatemala: A Guide for Global Health Workers, Medical Practitioners, and NGO Volunteers. Dartmouth College Press. R-P-M-M-, AXXX XXX 230 (BIA Dec. 10, 2019).

Sacchetti, M. (2017, August 8). Deportation Orders Increase Under Trump; Fewer Migrants Prevail in Court. Denver Post. https://www.denverpost.com/2017/08/08/deportation-order-increase-immigration-cases-donald-trump/

Sachse, F. (2010). Reconstructive Description of Eighteenth-Century Xinka Grammar (LOT Dissertation Series 254) [Dissertation]. Utrecht, Netherlands: Landelijke Onderzoekschool Taalwetenschap (LOT).

Sanabria, H. (2015). The anthropology of Latin America and the Caribbean. Routledge. https://doi.org/10.4324/9781315664811

Sanchez, S. (2021, April 29). Rare and indigenous languages add to backlog of asylum court cases, study finds. Border Report. https://www.borderreport.com/hot-topics/immigration/rare-and-indigenous-languages-add-to-backlog-of-asylum-court-cases-study-finds/

Sanchez, S. (2021, May 24). 'It's a harsh system': immigration courts inch closer to offering automatic legal representation. Border Report. https://www.borderreport.com/hot-topics/immigration/its-a-harsh-system-immigration-courts-inch-closer-to-offering-automatic-legal-representation/

Sanders, S. & Nielsen, K. (2018, June 18). White House Daily Briefing. C-Span. https://www.c-span.org/video/?447252-1/homeland-security-secretary-nielsen-calls-congress-fix-immigration-policy

Schjoldager, A. (2008). Understanding Translation. Academica.

Scholz, R.W. & Tietje, O. (2002). Embedded Case Study Methods: Integrating Quantitative and Qualitative Knowledge. Sage.

Short, N. (2007). The International Politics of Post-Conflict Reconstruction in Guatemala. Palgrave Macmillan U.S. https://doi.org/10.1007/978-1-137-04084-8

Sieder, R. (2007). The Judiciary and Indigenous Rights in Guatemala. INT'L J. Const. L., 5(2), 211-241. https://doi.org/10.1093/icon/mom007

Siegel, J. (2010). Second Dialect Acquisition. Cambridge University Press. https://doi.org/10.1017/cbo9780511777820

Soto-Corominas, A. (2015). Bilingual Education in Guatemala. The Working Papers in Literacy, Culture, and Language Education (WPLCLE) (pp. 71-89). https://doi.org/10.14434/ijlcle.v4i0.26917

Statistics Yearbook. (FY2017). U.S. Department of Justice Executive Office for Immigration Review. https://www.justice.gov/eoir/page/file/1107056/download

Swanborn, P. (2010). Case Study Research: What, why and how? Sage. https://doi.org/10.4135/9781526485168

Thompson, G. & Lamboy, E. (2012). Spanish in Bilingual and Multilingual Settings Around the World. Brill. https://doi.org/10.1163/9789004249493

The Indigenous Peoples of Guatemala: Overcoming Discrimination in the Framework of the Peace Agreements. (2021). United Nations Verification Mission in Guatemala.

Torres, J.A. (2017). The Guatemalan Genocide of the Maya People. Rosen Publishing Group.

Travers, M. (2001). Qualitative Research Through Case Studies. Sage Publications. https://doi.org/10.4135/9781849209724

Tree, E.F. (2010). Global Linguistics, Mayan Languages, and the Cultivation of Autonomy. In Blaser, M., De Costa, R., McGregor, D., & Coleman, W.D. (Eds). Indigenous Peoples and Autonomy: Insights for a Global Age. (pp. 80-106). UBC Press.

Wallace, M., & Hernández, C. I. (2017). Language access for asylum seekers in borderland detention centers in Texas. Revista de Llengua i Dret, Journal of Language and Law, 68, 143-156.

Wan, R. (2018). Data Coding for Indigenous Language Research: Attaching Local Meanings in Generating Categories and Themes. SHS Web of Conferences, 53, 01002. https://doi.org/10.1051/shsconf/201853012 53

Ward, M. (2018). Qualitative Research in Less Commonly Taught and Endangered Language CALL. Language Learning & Technology, 22(2), 116–132. https://doi.org/10125/44639.

Warren, K.B. (1998). Indigenous Movements and Their Critics: Pan-Maya Activism in Guatemala. Princeton University Press. https://doi.org/10.1086/ahr/106.2.618

Way, J.T. (2012). The Mayan in the Mall: Globalization, Development, and the Making of Modern Guatemala. Duke University Press. https://doi.org/10.1515/9780822394785

Wessendorf, T. (2018, August 20). Guatemala: strengthening indigenous languages via the internet. DW Akademie. https://www.dw.com/en/guatemala-strengthening-indigenous-languages-via-the-internet/a-45147414

Wilson-Keenan, J. (2021). Children at the border: an American human rights crisis. McFarland Publishing.

World Bank (last updated 2021, October 6). The World Bank in Guatemala. https://www.worldbank.org/en/country/guatemala/overview#1