



Maya Guatemalans Embedded and Indebted in the Asylum System

Introduction

Based on in-depth interviews with 21 Indigenous Maya Guatemalan asylum seekers, and three years of ethnographic observations between 2016 and 2019, we find that **three key encounters** within the asylum process (re)produce criminalization practices that, rather than protect asylum seekers, produce harm to their personal livelihoods, family and social ties, economic stability, and overall well-being.

Fast Facts

- Indigenous Maya Guatemalan asylum seekers face systemic discrimination through credibility tests that ignore linguistic and social realities, effectively criminalizing them.
- Excessive cash bonds and debt burdens trap many asylum seekers—especially women—in economic precarity and vulnerability.
- Surveillance-heavy detention alternatives disrupt family life and children's education, undermining safety, stability, and long-term well-being.

The Credible Fear Interview

Immigrants who are asylum seekers must present their fears of returning to their home country several times throughout the asylum process. While this is meant as screening out the “true” asylum seekers from potential “frauds,” it reflects broader racialized and gendered perceptions of whose fear stories are deemed credible. As a result, Mayan Guatemalan immigrants face punitive outcomes. For instance, in Violeta’s case, the timeline of events in her first interview with an immigration official did not match exactly the dates in the second interview. Her application was denied, even though she had suffered serious violence. Violeta was never given a Chuj interpreter, which is her first language. All the interviews were conducted in Spanish. Linguistic exclusion thus contributes to criminalizing asylum seekers.

Cash Bonds

The second encounter involves cash bonds that allow people to exit detention. Costing anywhere between \$500 and over \$25,000, the cost of the bonds magnify the harmful effects of the asylum system by adding a layer of economic vulnerability to poor asylum seekers, especially Indigenous women who have far fewer financial resources. For example, Delia and her family had to use all their savings, in addition to borrowing money from their family, to pay for the bonds and attorney fees. Her husband Angel told us they had paid well over \$25,000 for Delia to be released from detention. This forces asylum seekers into significant debt, as they borrow from family to cover these exorbitant fees.

Alternatives to Detention Programs

The third encounter is through Alternative to Detention Programs (ATDs). Not all asylum seekers remain in detention as they await their immigration hearings. Some are released on parole and others under ATDs, involving various forms of surveillance (such as electronic monitoring devices, smartphone and smartwatch monitoring, phone calls, or in-person check-ins). These surveillance technologies interfere with asylum seekers’ family, employment, and social lives. The use of such technologies on asylum seekers also impacts their children, including those who are US citizens. Most asylum seekers had frequent check-ins with either a case worker or officer representing immigration enforcement. Asylum seekers participated in these appointments not knowing if they would be deported during the encounter. This meant that some women would bring their children to the appointment in case of possible detention or deportation. Children, therefore, experienced the punitive surveillance of ATDs firsthand, leading them to miss school and impacting their emotional well-being. Attending these appointments also meant that asylum seekers had to miss work, only compounding their debt.