**Presentation of the Ministry of Foreign Affairs**

**José Arturo Rodríguez Díaz, Director of Migration Affairs**

The Role of the State of Guatemala in Regard to Temporary Migrant Workers

José Arturo Rodríguez Díaz

Director of Migration Affairs

Guatemalan Temporary Workers Abroad

**Canada**

Consular Network

* Consular Section of the Embassy of Guatemala in Ottawa, Canada;
* General Consulate of Guatemala in Montreal, Canada;
* Honorary Consulate of Guatemala in Vancouver, Canada.

In 2003, the Guatemalan Temporary Agricultural Workers to Canada Programme was established as a pilot project, as a result of joint efforts by the Ministry of Foreign Affairs and the Ministry of Labour and Social Welfare and with cooperation from the International Organization for Migration – IOM.

Programme Objectives:

* To promote orderly and safe migration;
* To be an alternative to irregular migration;
* To benefit the sending as well as the receiving country;
* To improve the living conditions of workers and their families and communities of origin;
* To contribute to the country’s economy through remittances and investments in infrastructure and services.

Guatemalan Workers to Canada

\*Updated in November 2014

**Mexico**

Approximately 35,000 Guatemalans travel to Mexico as temporary workers each year, especially to work in the agriculture and services sectors. This border relationship is implemented through the Border Worker Visitor Card (TVTF, Spanish acronym), which is issued at operating entry points and offices of the National Institute of Migration (INM) located close to the Mexico-Guatemala border. The TVTF enables holders to work in all productive sectors in the states of Chiapas, Tabasco, Campeche and Quintana Roo and in addition, it enables the entry of spouses and under-age children. The TVTF is valid for one year from the date of issuance and cannot be extended.

Consulates with the highest demand for consular services by temporary workers:

* General Consulate of Guatemala in Tenosique;
* General Consulate of Guatemala in Ciudad Hidalgo;
* Consulate of Guatemala in Comitán de Domínguez;
* Consulate of Guatemala in Tapachula.

Bilateral Working Group

* Mexico-Guatemala Ad Hoc Group on Guatemalan Temporary Agricultural Migrant Workers.

**United States**

Consular Network:

- General Consulate in Chicago. Illinois;

- General Consulate in Denver, Colorado;

- General Consulate in Los Angeles, California;

- General Consulate in Miami, Florida;

- General Consulate in Atlanta, Georgia;

- General Consulate in Providence, Rhode Island;

- General Consulate in Silver Spring, Maryland;

- Consulate in San Bernardino, California;

- General Consulate in New York;

- General Consulate in San Francisco;

- General Consulate in Phoenix, Arizona;

- Consulate in Tucson, Arizona;

- General Consulate in Houston, Texas;

- Consulate of Guatemala in McAllen, Texas;

- Consulate in Del Río, Texas.

Binational Signed Instruments

Joint Declaration between the United States Labour Department and the Ministry of Foreign Affairs of Guatemala;

Letter of Agreement between the Wage and Hour Division of the United States Labour Department and the Ministry of Foreign Affairs of Guatemala.

**Belize**

Negotiating the Memo of Understanding between the Government of the Republic of Guatemala and the Government of Belize on the Guatemalan Temporary Migrant Worker Programme:

* The primary objective of the Memo is to regulate existing migration flows between Guatemala and Belize in order to ensure coordinated, safe and dignified migration.

Consular Network:

* Consular Section of the Embassy of Guatemala in Belize;
* General Consulate of Guatemala in Benque Viejo del Carmen, Belize.

Legal Framework of the Consular Work

Case: The Role of the State of Guatemala in Regard to the Protection of Temporary Migrant Workers

National Legal Framework

* Political Constitution of the Republic of Guatemala
* Labour Code of Guatemala
	+ Article 34, Paragraph 7
* Organic Law on Diplomatic Services of Guatemala
* Organic Internal Regulations of the Ministry of Foreign Affairs
	+ Article 60, Subparagraph 6
	+ Article 61, Subparagraphs 2 & 8
	+ Article 62, Subparagraph 3

International Legal Framework

* Universal Declaration of Human Rights;
* Vienna Convention on Consular Relations;
* International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
* International Labour Organization (ILO) Convention 97 on Migrant Workers;
* Local legislation of the countries of destination of Guatemalan workers.

**Consular Protection and Assistance**

Consular protection is understood as the set of actions carried out by representations of Guatemala abroad to safeguard the interests and rights of Guatemalans abroad, in accordance with the principles of international law, national legislation and relevant legislation and regulations in the country where protection is granted.

The Ministry of Foreign Affairs, as the representative of the State of Guatemala abroad, is responsible for ensuring respect for the rights of Guatemalans irrespective of their migration status, and to provide the necessary consular protection and assistance.

Consular Protection and Assistance

Consular assistance;

Assistance in cases of deceased Guatemalans;

Immigration guidance and assistance;

Assistance to victims of trafficking in persons;

Document issuance and other consular actions;

Assistance for Guatemalan workers in vulnerable situations.

Consular Assistance

Facilitating guidance and legal aid for workers;

Answering questions about their working conditions;

Providing information to workers about their rights, obligations and benefits;

Providing advice to workers regarding procedures before local authorities.

Ministry of Foreign Affairs

Protection Actions by Diplomatic Missions (consular sections), Consular Missions and the General Directorate of Consular and Migration Affairs:

* Providing assistance to workers in case of emergency;
* Maintaining direct contact with government authorities and employers to verify working conditions;
* Upon request of the workers, acting as mediators between workers and employers;
* Verifying if the accommodation conditions comply with the established standards;
* Regularly visiting the farms or plantations;
* Ensuring that the workers receive fair and equal treatment under the laws of the State where they are;
* Ensuring that health care is provided to the workers in a timely manner.

Increased and Improved Assistance and Protection for Guatemalan Temporary Workers Abroad

New Actions:

* Conducting an assessment;
* Designing an appropriate operational structure of relevant departments of the Ministry of Foreign Affairs – MINEX – and the Ministry of Labour – MINTRAB;
* Enabling the complementarity between both ministries in order to achieve higher levels of collaboration, coordination and cooperation.

Developing and implementing the Protocol for Action Relating to Labour Migration between MINEX and MINTRAB in order to establish competencies and redefine roles.

* Developing and implementing a computer system at MINEX and MINTRAB to:
* Manage, implement and link migration to employment;
* Promote employment;
* Protect the well-being of migrants;
* Implement support services for migrants.

Reception of temporary workers in the country of destination by consular officers and distribution of an informative brochure about consular services and rights and duties of Guatemalans as temporary workers (Canada)

Expanding and strengthening the Consular Network abroad

* This will enable providing assistance and protection services to Guatemalans in a more immediate manner.

Thank you for your attention.