

**MEMORANDUM OF COOPERATION BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY
OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF GOVERNMENT
OF THE REPUBLIC OF GUATEMALA
ON SECURITY ACTIVITIES THAT MAKE IT POSSIBLE TO ADDRESS
IRREGULAR MIGRATION**

The Department of Homeland Security of the United States of America (DHS) and the Ministry of Government (MOG) of the Republic of Guatemala; henceforth, each a "Participant," and collectively the "Participants".

Within the framework of the General Agreement for Technical Cooperation Between the Government of the Republic of Guatemala and the Government of the United States of America, signed at Guatemala City on September 1, one thousand nine hundred fifty-four (01/09/1954).

Taking into consideration the cooperation on security of the Participants, and the Memorandum of Cooperation amongst the United States of America, the Republic of El Salvador, the Republic of Guatemala and the Republic of Honduras, with Annex, signed at Tegucigalpa on March 27, 2019, and the Memorandum of Cooperation on Homeland Security Matters between the Department of Homeland Security of the United States of America and the Ministry of Government of the Government of the Republic of Guatemala, signed at Guatemala City on July 9, 2014.

Recognizing the importance of orderly and legal migratory flows for the public safety and security of each country; and taking into account that it corresponds to the Ministry of Government of the Republic of Guatemala to carry out and support actions related to national security issues, it is the intention of the Participants, according to their abilities and competence, to work cooperatively in a spirit of mutual respect and support.

Confirming the Participants' intent to develop and execute an Irregular Migration Mitigation Plan, to address irregular migratory flows in the region,

Hereby reach the following understanding:

SECTION 1: AREAS OF COOPERATION

The Participants intend to cooperate under this Memorandum of Cooperation (MOC) on matters pertaining to:

1. Border security, in order to reduce irregular migratory flows;
2. Necessary training, in order to improve criminal investigations;
3. Necessary concrete actions to counteract human trafficking and human smuggling; the interdiction of illicit drug trafficking; illegal trade in firearms, ammunition and explosives and illicit financial flows;
4. Necessary preparation, in order to improve the capacity to identify, manage and attend to irregular migrants.

In order to optimize the purpose of the Memorandum, the Participants state that if necessary, they may invite institutions or experts, to be incorporated into the working groups at the technical level.

SECTION 2: PURPOSE AND SCOPE

The purpose of this MOC is to facilitate the development and implementation by the Participants of an Irregular Migration Mitigation Plan, aimed at supporting joint and coordinated programs, initiatives, mechanisms, and measures where having as fundamental principle strengthening security, enhancing border security is sought in order to reduce irregular migration flows; carry out the necessary training to support and enhance criminal investigations; concrete actions to counteract human trafficking and human smuggling; and the interdiction of illicit drug trafficking; the necessary preparations in order to

improve the capacity to identify, manage, and attend to irregular migrants, as well as to counteract the illegal trade in firearms, ammunition and explosives and illicit financial flows.

Phasing and timeline estimations are found in the Annex to this MOC.

This MOC is a bilateral mechanism intended to provide a framework to guide, monitor, promote, and evaluate the identification and implementation of a new phase in the development and follow-up of activities carried out jointly by the Participants. Furthermore, the Participants may periodically suggest and mutually decide a new approach on areas that must be jointly pursued, which is subject to the availability of resources and corresponding authorizations.

The Participants intend to share information, best practices and expertise, and assist each other in the successful implementation of those mutually designed programs, operations, initiatives, mechanisms and measures, in accordance with their respective competencies established in laws, regulations and policies.

SECTION 3: MONITORING MECHANISM

The Participants intend to periodically review the progress and mutually proposed timetables, for the completion of each of the areas of cooperation and activities carried out under this MOC.

SECTION 4: GENERAL PROVISIONS

1. This MOC begins immediately upon signature for a period of (2) years, which may be extended by mutual decision of the Participants, with sixty (60) days' notice, through an exchange of letters.
2. **CONSULTATIONS:** The Participants intend to regularly consult on the implementation of all actions under this MOC, to ensure the continued effectiveness and mutual benefit of bilateral decisions, security initiatives

and compliance with the MOC. The Participants intend to issue corresponding administrative guidelines only after consulting each other and discussing the issues.

3. **COSTS**: Each Participant is expected to be responsible for its own costs incurred in the implementation of this MOC, except as otherwise mutually determined in writing by the Participants in accordance with applicable laws. All activities under this MOC are subject to the availability of appropriated funds and other resources. The Participants intend that the funding of any support for this joint cooperation will be recorded in separate documents.

The Participants acknowledge that this MOC is not intended as a commitment to future funding, staffing or other resources. Nothing in this MOC is intended to be construed or interpreted to obligate the Participants to any current or future funds expenditures, before, or in excess, of the availability of appropriations, nor is this MOC intended to obligate the Participants to obligate funds for a particular purpose, even if the funds are available.

4. **LEGISLATION**: The Participants reaffirm that all activities under this MOC are carried out in accordance with applicable laws, regulations and international treaties or agreements in which the respective countries are party or participants.
5. **MODIFICATIONS**: The Participants may change this MOC by mutual decision, at any time, in writing.
6. **UNILATERAL SUSPENSION IN ADVANCE**: A Participant may unilaterally interrupt the MOC at any time before the expiration of the term, but is expected to notify the other Participant with 90 calendar days in advance.
7. **LIMITATIONS OF USE OF INFORMATION**. The Participants commit to maintaining the confidentiality of the information exchanged,

and to use or disclose it only if the other Participant authorizes it expressly in writing.

The Participants identify the information obtained pursuant to this MOC, including in the Irregular Migration Mitigation Plan, as law enforcement sensitive information.

8. **EXCLUSION OF THIRD PARTIES:** This MOC represents an understanding between the Participants. It is not intended, and should not be construed, that it creates any right or benefit, substantive or procedural, required by law or otherwise, by any third party against the Participants, or the officers, employees, agents or others associated personnel thereof.

Signed at _____ on the ____ day of _____ of the year 2019 in two originals, in English and Spanish languages.

For the Department of Homeland Security
of the United States of America

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Kevin K. McAleenan
Acting Secretary of Homeland Security

For the Ministry of Government
of the Republic of Guatemala

(b)(6)

Enrique A. Degenhart Asturias
Minister of Government