

Restoring & Strengthening the Central American Minors (CAM) Program

Background: The Biden administration's [February 2nd Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border](#) importantly mandated that the Department of Homeland Security (DHS) consider taking all appropriate actions to reverse the 2017 decision rescinding the Central American Minors (CAM) parole policy and terminating the CAM Parole Program¹ - and consider initiating appropriate actions to reinstitute and improve upon the CAM Parole Program.² On March 10th, the State Department [announced](#) the reopening of the CAM program to expand legal pathways to enter the United States.

As DHS and the State Department initiate the first phase of reinstating the CAM program and develop plans to accept new applications, we encourage the administration to urgently restore *and expand* the CAM program to provide an immediate and impactful pathway to safety, allowing for family reunification from El Salvador, Guatemala, and Honduras with loved ones in the United States. **We recommend the following immediate steps to go hand-in-hand with the restart of CAM:**

- provide necessary resources for safe transport and housing while children wait for reunification and funding for application preparation with civil society organizations, allocated to reduce the in-country waiting process;
- guarantee access to legal orientation and counsel for all children filing applications under CAM and while participating in CAM interviews;
- cover and advance the cost of DNA testing for the AOR process;
- ensure CAM program parolees are eligible for Office of Refugee Resettlement (ORR) services and have opportunities to adjust to lawful permanent residency and be reunited with other family members;
- consider the establishment of a similar program to allow parents to reunite with their children in the United States as program parolees or asylees;
- protect from deportation parents and loved ones in the United States reunifying with CAM participants to ensure that children brought to the United States under the CAM program are not at risk of family separation; and
- extend CAM to cover additional individuals in need of protection, such as young people who would have been eligible when CAM ended but have since aged out as well as children who have any adult relative in the United States who can safely care for them.

We further urge the administration to consider the following principles **in deliberations over the next phase of improving CAM:**

- **Expand eligibility:** An existing relationship to a family member in the U.S. is the backbone of CAM—forming the basis for the program's legal rationale as well as the method for initiating applications. We propose expanding CAM by eliminating the requirement that the family be in lawful immigration status and requiring only that the parent or guardian has been continuously residing in the U.S. for 3 or more years. We also propose to expand the program to individuals who are nationals of the CAM countries (El Salvador, Guatemala, and Honduras), but residing in third countries, such as Mexico.
- **Remedy past wrongs:** The CAM program can be further expanded to redress some of the horrors of the prior administration's family separation policy by allowing children residing in the U.S. without their parents to apply to CAM to reunite with their parents or guardians.

¹ See "Termination of the Central American Minors Parole Program," 82 Fed. Reg. 38,926 (August 16, 2017).

² Under the terminated CAM program, all applicants were considered for refugee resettlement, and if they did not meet the refugee standard, they were automatically considered on a case-by-case basis for parole. Almost immediately after President Trump was inaugurated, the Trump administration stopped considering applicants for parole, citing Executive Order 13767 and a February 2017 DHS Memorandum implementing it. The Trump administration formally terminated the CAM Parole program in August 2017 and rescinded conditional parole approvals from 2,714 applicants in the final stages of processing. CAM parolees already in the United States were no longer eligible to apply for extensions of CAM parole. The Trump administration then shut down the CAM Refugee program in phases: (a) on November 8, 2017, it announced it would stop accepting new applications the next day; (b) on January 31, 2018, it stopped interviewing applications in the pipeline; and (c) it later denied an estimated 4,000 pending applications that had not yet been interviewed.

- **Expand processing options:** Originally, a CAM applicant received a decision on refugee resettlement, and only if ineligible, a decision on parole. Modifying this process to allow for the deferral of the decision on refugee resettlement until after an applicant is paroled into the U.S.—would allow for expedited processing of kids in danger or with medical conditions, and for properly adjudicating especially complex refugee claims.
- **Operational improvements:** Changes must be made to make CAM an attractive option to families by increasing awareness of the program including in rural and urban areas of home countries; prioritizing applicant safety, particularly in a time of COVID-19; reducing processing times and costs; and increasing transparency.
- **Encourage participation in CAM:** Cumulatively, these steps to expand and improve CAM should encourage individuals and families seeking protection to do so through CAM in lieu of making the dangerous journey to the U.S. to seek relief at or near the U.S. - Mexico border.

We propose multiple steps to not only reinstate the CAM program, but also improve and expand it to provide humanitarian relief in a way that addresses operational problems in the original program, expands eligibility for the program, and remedies harm caused during the previous administration.

1. **Applications should be accepted and reinstated based on the eligibility criteria set forth in November 2016.** At its inception, CAM allowed parents who were nationals of El Salvador, Honduras, or Guatemala and had lawful status in the U.S. to apply for their unmarried children who were under 21 and living in one of the CAM countries. A parent with a qualifying child could also apply for the child's biological parent who was married to the qualifying parent. If the qualifying child had children, those children were added on to the application. CAM was expanded in November 2016 to allow qualifying parents with a qualifying child to apply for additional relatives, specifically: (i) children older than 21 regardless of marital status; (ii) the qualifying child's biological parent who was not married to the qualifying parent; and (iii) the qualifying child's caregiver who was biologically related to the child or the qualifying parent. The expansion included a 10-month grace period until September 20, 2017 during which qualifying parents could amend their pending applications to add newly eligible relatives. This grace period should be extended until January 20, 2022 to allow qualifying parents with reinstated applications to add relatives who became eligible under the November 2016 expansion to their CAM applications.
2. **Parole extension requests should be accepted** for current and future CAM parolees as well as for CAM parolees currently in the U.S. whose CAM parole status has already expired. The original CAM program allowed CAM parolees in the U.S. to apply to extend their parole for as long as the program remained in effect. As a result of the *S.A. v. Trump* settlement, beginning in 2021, there will be a group of CAM parolees eligible to request parole renewal. Moreover, approximately 1,500 CAM parolees came to the U.S. under the Obama administration and were informed that they would be allowed to request extensions of their parole. These individuals should be allowed to apply for CAM parole extensions if they are still in the United States or allowed to reapply to the CAM program if they have returned to Central America and remain eligible.
3. **Operational improvements must be made to reduce processing times.** The USCIS Ombudsman estimated that CAM case processing took more than 400 days on average from case filing, and there were further delays—as long as 12 months—while parents waited for overwhelmed resettlement agencies to prepare and transmit their applications to the State Department. Reducing processing times requires tackling bottlenecks at several stages of processing:
 - a. **Improve the funding mechanism for resettlement agency CAM work:** Previously, resettlement agencies only received funding for the subset of CAM cases which were eventually resettled as refugees. Yet CAM required all applications to be filed by resettlement agencies to DOS, which in turn demanded substantial labor and expense. Resettlement agencies should instead be funded at the front end for the CAM applications they file, which would enable them to dedicate sufficient staffing resources to CAM. Funding would also enable resettlement agencies to assist CAM families with any processing issues that arise, which would further streamline the process. For example, the International Rescue Committee (IRC) currently operates, in collaboration with IRAP,

Northern Triangle to ensure families are aware of CAM, including in diverse communities such as indigenous and Afrodescendant communities.

7. **The administration should allow access to counsel for interviews.** Without access to counsel, traumatized children struggled to present the facts in support of their complex refugee claims—and stakeholders complained that children with strong refugee claims were often denied resettlement (and its attendant benefits) and instead granted parole. The USCIS Ombudsman recommended that USCIS permit access to counsel for CAM interviews, relying on 8 CFR § 292.5(b) and 5 U.S.C. § 555(b), and said that USCIS was considering doing so (as of November 2016).
8. **The administration should support CAM parolee integration in U.S.** Previously, CAM parolees had no resettlement support, making it difficult for parolees to navigate how to enroll in school, apply for medical benefits, and obtain work authorization. In order for CAM to succeed, CAM parolees must have the basic information and related services they need to thrive, and thus, the resettlement support provided by resettlement agencies and ORR must be provided to CAM parolees, as it is to CAM refugees.
9. **The administration should expand eligibility for:**
 - a. Children who are nationals of El Salvador, Honduras, or Guatemala, even if they are located in a third country, such as Mexico, are eligible for CAM.
 - b. Any parent or guardian who is a national of El Salvador, Honduras, or Guatemala, who has continuously resided in the United States for at least 3 years, regardless of the parent or guardian's immigration status, may apply to CAM on behalf of their children and relatives.
 - c. Any child who is a national of El Salvador, Honduras, or Guatemala and has continuously resided in the United States for at least 3 years, regardless of the child's immigration status, may form the U.S. tie allowing their parents or relatives to apply to CAM.
10. **The administration should eliminate any requirement that the U.S.-based family member be lawfully present such that immigration status is not a factor - and should make further policy changes to eligibility** through broadening the interpretations and implications of: gender-based violence, resisting gang violence, families as particular social groups, nexus, and particular social groups. In determining whether CAM beneficiaries qualify for refugee resettlement, officers should employ the most expansive interpretation of the refugee definition. In determining whether to exercise discretion to grant parole, the fact of one or more prior unlawful entries into the United States shall have no weight. In cases raising particularly complex issues of refugee/asylum law and in expedite cases, create an option to: defer the decision on refugee resettlement, parole the individual into the U.S., and, only after parole into the U.S., make the final refugee/asylum determination.