



Relaunching the Central American Minors Program

Opportunities to Enhance Child Safety
and Family Reunification

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Executive Summary

The Central American Minors (CAM) Program was established to allow certain children living in dangerous conditions in El Salvador, Guatemala, and Honduras to enter the United States as refugees or parolees to join their parents. The program sought to create a safe, legal, and orderly alternative for children who might otherwise seek to enter the country by crossing the U.S.-Mexico border unaccompanied. The program began in 2014, the Trump administration announced its termination in 2017, and the Biden administration relaunched it with expanded eligibility in 2021.

Before its resumption in 2021, the CAM Program allowed more than 4,000 children and qualifying relatives to enter the United States as refugees or parolees. This was important for the children and families helped, but it was a very low number in relation to need. Even with substantial improvements, it is doubtful that the CAM Program will ever be able to assist more than a small fraction of children who face danger in northern Central America and have parents or close relatives in the United States. Still, with improvements, the program can help significantly greater numbers of children and families seeking relief and family reunification.

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A. *How the CAM Program Worked*

Under the CAM Program during the Obama administration, a Qualifying Parent in the United States could request that their Qualifying Child, who may be up to 21 years old, and certain other family members in El Salvador, Guatemala, or Honduras be considered for refugee status, and if not eligible to enter the United States as a refugee, to be considered for parole into the country. To qualify, parents were required to be legally residing in the United States in one of the following specific categories: lawful permanent resident status, Temporary Protected Status (TPS), parole, Deferred Action for Childhood Arrivals (DACA), deferred action (non-DACA), Deferred Enforced Departure (DED), or withholding of removal.

To initiate the application process, a parent needed to contact a refugee resettlement agency, which would then assist the parent in submitting an affidavit of relationship to the State Department. If approved, this would lead to in-country processing for the child, a set of interviews, verification of the child's relationship to the applicant, and a determination of whether the child qualified for refugee status, and if not, for parole. To participate in CAM, all parents had to pay for DNA testing, which was reimbursable if the test confirmed their relationship to the child. Refugees did not incur costs for predeparture medical exams and, like other refugees, they could receive a loan to cover the cost of their travel to the United States. Parolees were responsible for paying for predeparture medical exams and the cost for travel, and they were not eligible for loans to cover travel costs.

While the application process was proceeding, some children remained in vulnerable situations, facing violence, homelessness, and other risk factors. The CAM Program included procedures for expediting

cases, making shelter referrals, and conducting best interests assessments, but there is very limited public information about how well these processes worked or how many children benefited from them.

After the Trump administration announced the termination of the program in 2017, a court ordered the Department of Homeland Security to continue processing parole cases that had already received conditional approval. The limited data available about the CAM Program indicate that:

- ▶ Through March 2017, affidavits of relationship were submitted for about 12,100 individuals. Most applicants were from El Salvador (86 percent), and the great majority were TPS holders.
- ▶ Of the 6,300 cases that received a final decision through March 2017, 29 percent of the children or qualifying relatives were granted refugee status, 70 percent were granted parole, and 1 percent were denied.
- ▶ By the time of the program's termination in August 2017, 1,627 children and other family members had entered the United States as refugees and 1,465 as parolees. As of October 1, 2021, another 1,524 children and other family members whose cases had been conditionally approved for parole before the program ended had entered the United States under procedures ordered by the court.

B. Key Issues and Recommendations for Improving the Program

In response to an executive order from President Biden, the State Department announced on March 10, 2021, that the CAM Program was being restarted. On June 15, 2021, the State Department announced that CAM eligibility would be expanded. In addition to the groups of parents who could submit an application under the original program, legal guardians with those same immigration statuses and both parents and legal guardians who had a pending asylum application or a pending U visa petition before May 15, 2021, have been able to apply since September 14, 2021.

To strengthen the CAM Program, the federal government will need to address a number of key issues. These include deciding whether to further expand program eligibility; improving program administration; addressing safety concerns for children awaiting determinations; expanding support for arriving parolees; and developing a stronger research and evaluation framework. Some of this report's recommendations are straightforward, but others present larger questions about how to resolve program goals that are in tension.

Program Eligibility

Under the Obama administration, only a biological, legal, or stepparent who was lawfully present in the United States pursuant to the categories listed above could initiate a CAM application. This precluded applications from parents who did not meet the specified criteria for lawful presence. It also prevented other close relatives (such as aunts, uncles, grandparents, or older siblings) from submitting an application, and it prevented children whose parents were deceased from participating in the program.

The number of children approved through the CAM Program was small compared to the number who enter the United States each year as unaccompanied children. In fiscal year 2021, more than 120,000

unaccompanied children were referred to the Office of Refugee Resettlement (ORR). Many of these children would not be eligible under either the original or expanded CAM eligibility standards. While 44 percent of unaccompanied children released from ORR custody are released to parents, most are released to relatives or other approved adults, and federal officials have indicated that 80 percent of sponsors and adults in their homes are unauthorized immigrants.

Broadening program eligibility to include parents and legal guardians with pending applications for asylum or U visas will increase the number of eligible children, but it is impossible to estimate the size of the newly eligible population based on publicly available data. Since many parents and relatives sponsoring unaccompanied children came to the United States many years ago, it is possible that only a limited number will have pending asylum claims or U visa petitions.

Before deciding whether to further expand the program, it would be prudent for the administration to develop and publicly share an estimate of how much the expansion will increase eligibility. Moreover, any decisions should be made after consideration of how they will affect refugee resettlement more broadly, given individuals admitted to the country as refugees via the CAM Program count toward both the overall refugee ceiling for the year and the regional allocation for Latin America and the Caribbean. Careful

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consideration should also go to how many parolees should be admitted annually through the program. And, there is a need to attend to the clear tension between the goals of promoting family reunification without the dangerous journeys undertaken by unaccompanied children and the concern that further broadening eligibility could incentivize adults

lacking authorization to enter the country in the hope that their children could subsequently join them. Accordingly, the authors of this report recommend that the administration develop and publish an estimate of the numbers of children and families potentially eligible under the recent expansion and develop targets for the minimum and maximum number of children and relatives to be admitted to the United States through the CAM Program each year. If it appears clear that the targets cannot be met based on the recent expansion and other program improvements, the administration should consider further expanding who is eligible to submit an application.

Program Administration

In its initial operations, the CAM Program faced multiple administrative difficulties—a lengthy and complex process for submitting and processing applications, fees and costs that prevented some families from moving their cases forward or delayed them, and inadequate outreach and program accessibility. Some of these may have been due to start-up challenges, but they also resulted from the fact that the program had no appropriated funds and that it was operating through refugee program procedures intended for refugees in first-asylum countries that were not responsive to the realities of children living in dangerous conditions in their countries of origin and who needed rapid determinations of refugee status or a grant of parole.

Some parents had to wait up to one year to get an appointment to file their application, with additional time for the preparation and transmission of applications. A principal reason for delays at resettlement agencies was that they did not receive needed funding for their work. Although assisting families with their CAM cases involved a significant time commitment, the federal government did not pay resettlement agencies for these costs; agencies were only provided the same per capita reimbursement they received for assisting arriving refugees, and only if children were admitted to the United States as refugees, and they received no payment at all for assisting children admitted as parolees or whose cases were denied.

Once the application was submitted, it took more than 400 days for approved children to arrive in the United States. The program required the children to attend at least five in-person appointments, all of which happened in the capital cities of El Salvador, Guatemala, and Honduras—requiring them to travel long distances, often through dangerous areas, and often at night to arrive in time for morning appointments. Children were not permitted access to counsel during their adjudication interviews. With few exceptions, information about the CAM Program and case processing activities were only available in English. And while all families faced costs, these costs were greater for those who did not attain refugee status.

To improve program administration, the authors recommend:

- ▶ The administration seek a dedicated appropriation for the CAM Program.
- ▶ With adequate funding, participating agencies should be subject to performance standards to ensure parents can apply without delays and have prompt assistance to complete their affidavits of relationship and supporting materials.
- ▶ The program should have multiple access points for parents to submit an application, not limited to resettlement agencies, and it should strengthen outreach and language access and reduce or minimize fees and costs to maximize accessibility.
- ▶ Program administrators should identify and address bottlenecks in the application process to speed up review and determinations on claims, including by making it easier for children to attend appointments in areas closer to where they live.
- ▶ The program should allow children access to counsel to accompany them at all stages of proceedings and to ensure they understand the process and provide information relevant to their cases.

Strengthening Child Safety

Because processing occurred in-country, children continued living in the dangerous environments they were seeking to leave while awaiting their case outcomes. The fact that CAM appointments were conducted in capital cities also meant that applicants would have to make nearly half a dozen trips with major safety risks. Multiple studies have described the dangers encountered by children waiting for their CAM cases to be adjudicated, including threats, muggings, beatings, sexual assaults, and death. Available information suggests that shelter referrals were often ineffective because children

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generally declined them, local shelters had insufficient capacity, and youth between ages 18 and 21 were ineligible to stay at shelters that only admitted children.

Even assuming processing times can be reduced, the reality is that the process can never reach the speed necessary to address the situation of a child who has just been threatened with death and needs to depart the community immediately. Accordingly, the report recommends that the State Department:

- ▶ develop and publish its guidelines and CAM-specific standard operating procedures for conducting formal best interests assessments for CAM applicants;
- ▶ ensure initial safety screenings for every child applying for the CAM Program;
- ▶ partner with the UN High Commissioner for Refugees or other international organizations to develop and administer a free and secure hotline that CAM applicants can call when in crisis;
- ▶ identify local shelters and international nongovernmental organizations operating in the area with the capacity to protect and care for children and youth with pending CAM cases and build capacity among these shelters, as needed; and
- ▶ explore the potential to enter into bilateral or multilateral agreements with countries in the region that can provide short-term refuge while a child completes CAM case processing.

Support for Children Arriving as Parolees

Most children who were approved for and entered the United States through the CAM Program did so as parolees. Arriving as parolees has important implications for their immigration status and their access to benefits and services.

Refugees can attain lawful permanent resident status after a year and citizenship after five years. In contrast, parole is granted for a time-limited period, subject to extensions, and does not offer a pathway to permanent residency. Moreover, parolees do not have access to the same benefits and services as refugees. Refugees receive assistance through the State Department's Reception and Placement Program and the benefits and services funded by ORR. Refugees also meet immigration-related eligibility requirements for mainstream public benefits such as Medicaid/Children's Health Insurance Program (CHIP), the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Supplemental Security Income (SSI). In contrast, children admitted as parolees do not qualify for assistance through the Reception and Placement Program or ORR-funded benefits and services available to refugees. They will be ineligible for federal cash assistance, and in some states, Medicaid. In addition, because they are not considered unaccompanied children, they are not eligible for the services—principally, short-term case management and, in limited circumstances, legal services—available to unaccompanied children, despite their similarities.

This study's recommendations for improving supports for children arriving as paroles are:

- ▶ The administration should determine whether there is authority to provide case management, legal services, and other services under any existing program or funding stream, and identify the extent to

which resettlement agencies or other entities could be funded to provide initial case management, legal services, and other supports.

- ▶ The Department of Health and Human Services should develop guidance to explain the benefits and services for which children entering as parolees are eligible.
- ▶ States, localities, and other entities should explore developing programs to provide legal counseling and legal representation for children arriving as parolees.
- ▶ The administration should consider whether the initial parole period for arriving children should be extended beyond two years, and it should develop and publish clear criteria for the conditions under which parole will be extended for CAM children.

Enhancing Data, Research, and Transparency

Perhaps because the CAM Program began without express statutory authorization or a dedicated appropriation, the pre-Biden program operated without key aspects of transparency. Program data were not routinely reported, and policies for a number of important dimensions of the program were not available in any centralized location. There is also no indication that the program was supported by a research agenda or mechanisms for evaluation.

The authors of this study recommend that the program develop, implement, and make public data collection on key dimensions of program operations and outcomes. Principal program policies should also be publicly available, and program appropriation should support a robust research and evaluation capacity.

C. Conclusion

The CAM Program represents one key component of a broader strategy to address migration pressures in the region that stretches from Central America to the United States, while also making it possible for children in Central America to reunite with family members without needing to undertake a dangerous journey across several countries to reach the U.S. border and undergo apprehension by border agents and processing by ORR. Going forward, it is important to strengthen multiple aspects of program administration, address safety issues for children awaiting determinations, reconsider eligibility restrictions, and improve the supports for children arriving as parolees. Even if the program grows significantly, it is likely to represent a solution for a very limited share of children who would otherwise arrive unaccompanied at the U.S. border, but it can still play a critical role in promoting family reunification and reducing the dangers facing these children.

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1 Introduction

The Central American Minors (CAM) Program was established to allow certain children in El Salvador, Guatemala, and Honduras living in dangerous conditions to enter the United States as refugees or parolees.¹ The program was developed in response to the large number of children arriving at the U.S. southern border without a parent or other adult caregiver in 2014, seeking to create a safe, legal, and orderly alternative to the often-dangerous journeys these children were undertaking and to mitigate pressures on the border. To do so, the program set up a screening process in these three northern Central American countries to identify children and other qualifying individuals who could be admitted to the United States. The program began in 2014, the Trump administration announced its termination in 2017, and the Biden administration reinstituted it with expanded eligibility in 2021. Under the Biden administration, the revival of the CAM Program is part of a regional migration management strategy.

Before its resumption in 2021, the CAM Program succeeded in allowing more than 4,000 children and relatives to enter the United States as refugees or parolees. This was important for the children and families helped, but this number was very low compared to the numbers of children and young adults seeking to escape violence and reunite with families. One reason numbers were low was that children were only

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eligible if they had a parent in the United States who met a specified definition of being lawfully present. In addition, as a new program without a dedicated appropriation, the CAM Program began slowly and faced multiple operational challenges, resulting in a lengthy application and approval process that, by its nature, was not responsive to children in urgent and dangerous circumstances.

If the CAM Program is to be significantly expanded, a set of important changes are needed to improve program administration; expand eligibility; strengthen safety provisions; and increase assistance to children after they arrive in the United States. This report discusses:

- ▶ the policies and processes under which the CAM Program initially operated;
- ▶ the program's termination by the Trump administration and reinitiation by the Biden administration;
- ▶ available data about the number and characteristics of CAM applicants and approved cases;
- ▶ accomplishments and challenges when the program was fully operating; and
- ▶ recommendations for program improvements as it is reinitiated.

¹ In this report, the term "children" also includes individuals between ages 18 and 21 since they are eligible for the Central American Minors (CAM) Program if they meet other requirements. See U.S. Citizenship and Immigration Services (USCIS), "[Central American Minors \(CAM\) Refugee and Parole Program](#)," accessed December 1, 2021.

Even with substantial improvements, it is doubtful that the CAM Program will ever be able to assist more than a small fraction of children in northern Central America who are living in dangerous conditions and have parents or close relatives in the United States. This underscores the need to view the program as part of a broader regional migration management strategy and to recognize the need for legislative action beyond what can be done administratively. Still, with improvements, the CAM Program can provide immediate help for significantly greater numbers of children and young adults seeking to reunite with their families in the United States.

2 How the CAM Program Worked

The CAM Program was designed to provide a way for eligible parents in the United States to request that their child and certain other family members in El Salvador, Guatemala, or Honduras be evaluated for refugee status and, if they were not eligible to enter the United States as a refugee, to be considered for parole into the country. Parents could initiate an application through one of a network of resettlement agencies, and the child would remain in the country of origin while eligibility was determined, with certain limited safety procedures.

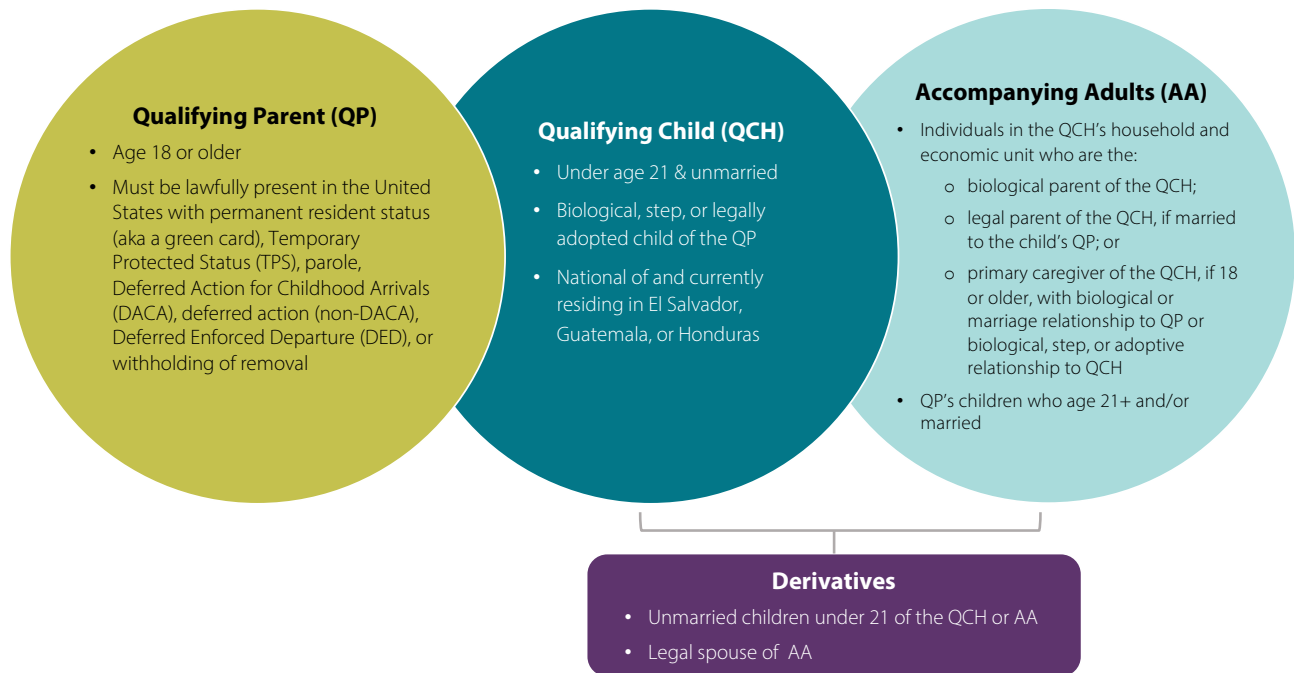
A. *General Case Processing*

The CAM Program was jointly administered by the U.S. Department of State's Bureau of Population, Refugees, and Migration (PRM) and U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS). PRM contracted with the International Organization for Migration (IOM) to run its primary and sub-offices in their Resettlement Support Center (RSC) in Latin America and conduct in-country processing.² The CAM Program operated through the U.S. Refugee Admissions Program without a separate appropriation.

To be eligible, a Qualifying Parent needed to apply on behalf of a Qualifying Child. A Qualifying Parent needed to be legally present in the United States in one of the following categories: lawful permanent resident status (also known as holding a green card), Temporary Protected Status (TPS), parole, Deferred Action for Childhood Arrivals (DACA), deferred action (non-DACA), Deferred Enforced Departure (DED), or withholding of removal. A Qualifying Child was defined as a national and current resident of El Salvador, Guatemala, or Honduras; unmarried; under age 21; and the biological, step, or adopted child of a Qualifying Parent. Beginning in 2016, if the parent and child met qualification criteria, certain other family members could accompany the child if those family members qualified for refugee status.

² U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), "In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States" (fact sheet, November 14, 2014).

FIGURE 1

CAM Program Eligibility Criteria


Sources: U.S. Department of Health and Human Services, Office of Refugee Resettlement, “[State Letter 15-01: In-Country Refugee/Parole Program for Children in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States – Eligibility for ORR Benefits and Services](#)” (letter to state refugee coordinators, national voluntary agencies, and other interested parties, January 7, 2015); U.S. Department of Homeland Security (DHS), “[U.S. Expands Initiatives to Address Central American Migration Challenges](#)” (news release, July 26, 2016); U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), “[In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States](#)” (fact sheet, November 14, 2014); U.S. Department of State, “[DS-7699 Affidavit of Relationship \(AOR\) for Minors from El Salvador, Guatemala, or Honduras](#),” accessed December 8, 2021.

The application process began when a parent contacted a refugee resettlement agency and the resettlement agency helped the Qualifying Parent submit an affidavit of relationship to the State Department.³ The State Department reviewed the affidavit of relationship, and if determined eligible, the State Department referred the application to IOM for in-country case processing. The Qualifying Child and any additional beneficiaries were invited to the RSC for prescreening interviews. Following these interviews, Qualifying Parents and biological Qualifying Children were required to complete mandatory DNA testing to confirm the claimed relationship. Upon the receipt of these results, USCIS interviewed the Qualifying Child to determine whether the child was eligible for refugee status and was otherwise admissible. If USCIS denied refugee status, the agency had the option to consider the child for parole into the United States. Individuals who were approved to enter the United States were required to get medical clearance before traveling.⁴

³ U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), “[State Letter 15-01: In-Country Refugee/Parole Program for Children in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States – Eligibility for ORR Benefits and Services](#)” (letter to state refugee coordinators, national voluntary agencies, and other interested parties, January 7, 2015).

⁴ PRM, “[Central American Minors \(CAM\) Program](#),” accessed November 18, 2021; USCIS Ombudsman, *Annual Report 2015* (Washington, DC: USCIS, 2015), 74–77.

B. *Determining Refugee or Parolee Status*

Individuals who met the standard to qualify as a refugee—that is, demonstrated past persecution or a well-founded fear of future persecution based on race, religion, nationality, political opinion, or membership in a particular social group—could receive refugee status. These children counted toward the United States’ annual refugee ceiling and the regional allocation for refugee admissions for Latin America and the Caribbean.⁵ Those who were determined to be ineligible for admission as refugees could submit a request for review within 90 days.⁶ If refugee status was approved, the child would be required to undertake a medical exam and attend cultural orientation. The resettlement agency would conduct a home study with the parent in the United States to assess the home’s suitability, ask the parent to provide proof of sponsorship, and then the child would travel to the United States with the assistance of IOM.⁷

Applicants who were ineligible for refugee status were considered for parole. A parolee is allowed to enter the United States for “urgent humanitarian reasons or significant public benefit.”⁸ Individuals conditionally approved for parole could be required to submit an affidavit of support to show they had a sponsor who could support them in the United States and complete medical clearance.⁹

There are important differences between attaining refugee status and parole. Children and other family members admitted as refugees must apply for lawful permanent resident status after a year and may then choose to apply for citizenship after five years. In contrast, parole allows an individual who may be inadmissible or ineligible for admission to enter the United States for a temporary period and does not offer a pathway to permanent residency, though it does allow parolees to seek employment authorization.¹⁰ Parole was generally granted for a two-year period, and in order to maintain lawful presence in the United States, parolees were required to submit a request for extension of parole at least 90 days before the expiration of the initial two-year parole grant.¹¹

C. *Costs for Families*

There was no application fee for the CAM Program, but all Qualifying Parents had to pay for DNA testing, which could cost up to \$675 per test, though in some instances, resettlement agencies provided loans for the cost of testing. If the DNA testing confirmed a biological relationship with the Qualifying Child, State Department policies provided for reimbursement of the Qualifying Parent.¹² Refugees did not incur costs for predeparture medical exams. Like other refugees, they could receive a loan to cover the cost of traveling to the United States but were responsible for repaying the loan.¹³ Parolees were responsible for paying for their predeparture medical exams and travel costs, and they were not eligible for loans to cover travel costs.

5 PRM, “In-Country Refugee/Parole Program.”

6 USCIS Ombudsman, *Recommendation on the Central American Minors (CAM) Refugee/Parole Program* (Washington, DC: USCIS, 2016), 41; USCIS, “Request for Review Tip Sheet,” updated March 30, 2021.

7 USCIS Ombudsman, *Annual Report 2015*, 74–75.

8 PRM, “In-Country Refugee/Parole Program.”

9 ORR, “State Letter 15-01: In-Country Refugee/Parole Program.”

10 U.S. Government Accountability Office (GAO), *Refugees: Actions Needed by State Department and DHS to Further Strengthen Applicant Screening Process and Assess Fraud Risks* (Washington, DC: GAO, 2017), 69.

11 GAO, *Refugees: Actions Needed*, 69.

12 USCIS Ombudsman, *Annual Report 2015*, 74.

13 GAO, *Refugees: Actions Needed*, 70.

D. Security and Protection Measures

During the application process, some children remained in vulnerable situations, facing violence, homelessness, and other risk factors. To mitigate risks, the CAM Program included three security and protection measures—expediting cases, shelter referrals, and best interests assessments.

- ▶ **Expedited cases.** A case could be expedited if a child was facing imminent danger due to extenuating factors such as sexual abuse, domestic violence, or medical requirements. However, there is no publicly available information about the procedure or extent to which cases were actually expedited under the program.
- ▶ **Shelter referrals.** Particularly vulnerable children could be referred to in-country shelters.¹⁴ There is no publicly available data on the extent to which this occurred. Reports indicate that these shelters did not have sufficient capacity for long-term stays and that few CAM minors accepted the voluntary shelter. Several shelters reportedly had strict age limits, such as only admitting individuals under age 18, although 50 percent of the CAM caseload involved applicants ages 18 and older.¹⁵
- ▶ **Best interests assessments.** These assessments were conducted on an “as-needed basis” for some Qualifying Children, such as those experiencing homelessness, abuse, or pregnancy, to “analyze the child’s best interests and recommend actions that could include counseling, medical assistance, or ‘alternative care arrangements.’”¹⁶ There is no publicly available information explaining what would be done on the basis of a best interests assessment and to what extent any actions taken would address immediate safety concerns while the child’s case was pending.

3 Termination of the CAM Program

The Trump administration announced the termination of the CAM Program in 2017 and rescinded parole determinations for those who had not yet traveled to the United States.¹⁷ A class action lawsuit was filed in June 2018, *S.A. v. Trump*, challenging the termination of the parole component of the CAM Program

14 USCIS Ombudsman, *Annual Report 2015*; USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 42–43.

15 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 43.

16 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 43.

17 In January 2017, President Trump issued Executive Order 13767, which among other provisions, directed the Department of Homeland Security (DHS) to ensure that parole was only exercised on a case-by-case basis. See Executive Office of the President, “[Executive Order 13767 of January 25, 2017: Border Security and Immigration Enforcement Improvements](#),” *Federal Register* 82, no. 18 (January 30, 2017): 8793–97. Shortly following Trump’s inauguration, USCIS stopped scheduling interviews of all CAM Program beneficiaries and cancelled all interviews scheduled in anticipation of an additional executive order suspending the U.S. Refugee Admissions Program. See *S.A. v. Trump* (Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss, U.S. District Court for the Northern District of California, December 10, 2018), 15. In August 2017, DHS issued a *Federal Register* notice announcing that the parole component of the CAM Program was terminated immediately and DHS was rescinding parole for individuals who had been approved but had not yet traveled to the United States. See DHS, “[Termination of the Central American Minors Parole Program](#),” *Federal Register* 82, no. 157 (August 16, 2017): 38926–27; *S.A. v. Trump* (Class Action Complaint for Declaratory and Injunctive Relief, U.S. District Court for the Northern District of California, June 13, 2018). In October 2017, the State Department announced that it would phase out the refugee component of the CAM Program in fiscal year (FY) 2018 on the basis that the vast majority of individuals accessing the program were not eligible for refugee resettlement. See State Department, DHS, and HHS, *Proposed Refugee Admissions for Fiscal Year 2018: Report to the Congress* (Washington, DC: State Department, DHS, and HHS, 2017), 42–43. On November 9, 2017, the State Department stopped accepting new applications for the refugee component of the CAM Program.

and the mass rescission of parole.¹⁸ In December 2018, the court upheld the administration's decision to end the parole component of the CAM Program but not the mass rescission of 2,714 conditional paroles.¹⁹ Subsequently, in March 2019, the court granted a preliminary injunction requiring DHS to continue processing the 2,714 cases that had received conditional approval but had not yet traveled to the United States.²⁰ In April 2019, the parties in the case signed a memorandum of agreement under which USCIS agreed to file quarterly reports until each conditional parole was fully adjudicated and all eligible parolees had traveled to the United States.²¹

4 Reinitiating the CAM Program in 2021

On March 10, 2021, the State Department announced that it would restart the CAM Program.²² President Biden's February 2nd Executive Order 14010 directed the secretaries of homeland security and state to: "consider taking all appropriate actions to reverse the 2017 decision rescinding the Central American Minors (CAM) parole policy and terminating the CAM Parole Program... and consider initiating appropriate actions to reinstitute and improve upon the CAM Parole Program."²³

Since the issuance of this executive order, the State Department has reopened the CAM Program in two phases.²⁴ In Phase One, cases that were closed before receiving a USCIS interview prior to the termination of the CAM Program became eligible to be reopened; if an application met eligibility requirements as of January 31, 2018, it will remain valid for reopening during Phase One. PRM and USCIS identified all eligible applications, and they have coordinated with U.S.-based resettlement agencies to seek to contact the Qualifying Parent to "verify that the eligible parent is still in the United States and wishes to reopen the case."²⁵ If a Qualified Parent submitted an application before November 9, 2017, and the Qualifying Child later reached the age of 21, the child remains eligible for Phase One. If the parent confirms the wish to reopen the case, PRM will work with the IOM-run RSC to initiate contact with the corresponding children in Central America to prepare them for screening and the interview with USCIS. Further, persons who were previously paroled into the United States via the CAM Program are eligible to apply for re-parole under the reopened CAM Program's criteria.²⁶

On June 15, 2021, the State Department announced the beginning of Phase Two. Eligibility was extended to include legal guardians with the same immigration statuses as initially specified for parents and to include U.S.-based parents or legal guardians who had a pending asylum application or a pending U visa petition

18 *S.A. v. Trump* (Class Action Complaint for Declaratory and Injunctive Relief).

19 *S.A. v. Trump* (Class Action Complaint for Declaratory and Injunctive Relief), 36.

20 *S.A. v. Trump* (Order Granting in Part and Denying in Part Plaintiffs' Motion for Preliminary Injunction, U.S. District Court for the Northern District of California, San Francisco Division, March 1, 2019).

21 *S.A. v. Trump* (Binding Memorandum of Agreement, U.S. District Court for the Northern District of California, San Francisco Division, April 11, 2019), 4.

22 U.S. Department of State, "Restarting the Central American Minors Program" (press release, March 10, 2021).

23 Executive Office of the President, "Executive Order 14010 of February 2, 2021: 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," *Federal Register* 86, no. 23 (February 5, 2021): 8267–71.

24 PRM, "Central American Minors (CAM) Program – Q&A," accessed June 22, 2021.

25 U.S. Department of State, "Restarting the Central American Minors Program."

26 USCIS, "Central American Minors (CAM) Refugee and Parole Program."

filed before May 15, 2021.²⁷ The program began accepting Phase Two applications on September 14, 2021.²⁸ Under the resumed program, those children and other family members who receive parole authorization must coordinate their travel arrangements with IOM and cover the costs of their medical exam and travel.²⁹ However, travel costs for Phase One applicants granted refugee status or parole are being covered through philanthropic support.³⁰

5 Data on CAM Program Applicants and Outcomes

Data on the CAM Program are limited, and different data points are available for different points in time. The data that do exist indicate that while a number of cases were pending when the program was terminated, there had been few denials and most approvals were for parole status. In addition, applications were principally filed for children from El Salvador, TPS holders were the largest group of parent applicants, and among approved cases, those granted refugee status were much more likely to have successfully traveled to the United States than those granted parole.

Through March 2017, USCIS received affidavits of relationship for about 12,100 individuals. USCIS had made final decisions on the cases of about half (6,300) of these applicants, approving 70 percent for parole, granting 29 percent refugee status, and denying the applications of 1 percent.³¹ Through March 2017, 63 percent of all CAM-approved refugees (about 1,100 individuals) and 33 percent of CAM-approved parolees (about 1,500) had traveled to the United States.

As of December 12, 2016—when 9,916 affidavits of relationship had been filed for CAM cases, representing 10,758 individuals—86 percent of these individuals were from El Salvador, 12 percent were from Honduras, and 2 percent were from Guatemala.³² Salvadorans also made up 86 percent of applicants through March 2017.³³ As of March 2, 2016, 89 percent of Qualifying Parents had TPS and 8 percent were permanent residents of the United States.³⁴ Through August 1, 2016, 84 percent of CAM applicants were Qualifying Children; 10 percent were in-country parents of those children; and 6 percent were adult children of the Qualifying Parent, children of the Accompanying Adult, or children of the Qualifying Child.³⁵

27 U.S. Department of State, “Joint Statement by the U.S. Department of State and U.S. Department of Homeland Security on the Expansion of Access to the Central American Minors Program” (press release, June 15, 2021).

28 U.S. Department of State, “Joint Department of State and Department of Homeland Security Rollout of the Application Process for the Central American Minors Program” (press release, September 13, 2021).

29 PRM, “Central American Minors (CAM) Program.”

30 See International Refugee Assistance Project, “Central American Minors (CAM): Restarting Program for Certain Applicants,” accessed November 24, 2021; Shapiro Foundation, “Refugee Travel,” accessed July 8, 2021; TripAdvisor, “Welcome Home: TripAdvisor’s Program to Support the Resettlement of Displaced People,” accessed July 8, 2021. The Shapiro Foundation and TripAdvisor have created a vehicle to fund the full cost of travel for the 2,700 minors who will be united in Phase One, working with Miles4Migrants, a charity that allows travelers to donate their frequent flyer miles to help refugees, asylees, and other groups in need of assistance (see Miles4Migrants, “About Us,” accessed July 8, 2021).

31 GAO, *Refugees: Actions Needed*, 70.

32 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 44.

33 GAO, *Refugees: Actions Needed*.

34 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 45.

35 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 45.

By the time of the program's termination in August 2017, 1,627 noncitizens had resettled in the United States as refugees and 1,465 had reunited with their families as parolees.³⁶ As of October 1, 2021, an additional 1,524 applicants had travelled to the United States based on the required processing of their conditional paroles pursuant to the litigation in *S.A. v. Trump*.³⁷

At the time of writing, there were no publicly available data on the total number of applicants who filed applications prior to the program's termination and have had those applications reopened and processed since the program was reinitiated.

6 Program Challenges and Recommendations for Improvement

As a new program, CAM faced significant operational challenges, described in reports from the USCIS Ombudsman, Government Accountability Office (GAO), and nongovernmental organizations.³⁸ Beyond those operational challenges, the relatively small number of children and family members who benefited from the original CAM Program reflects policy decisions made by the Obama administration for a program with goals that were in tension.

If the principal goal had been to maximize admissions of northern Central American children in danger, eligibility would not have been limited to children with parents in the United States. And, if the principal goal was to reunite children with their parents, eligibility would not have been limited to parents who met the specified criteria for

lawful residence. Moreover, if a principal goal was to provide a rapid means of allowing children to leave their country of origin and travel to the United States, the program would not have utilized a refugee screening process that takes a year or more. But, for what were likely a mix of policy reasons and political judgments, the CAM Program was initially established as limited to children in northern Central America, with parents meeting the program definition of lawful residence in the United States, and who would only be considered for parole after an initial interview for refugee status. Accordingly, while some decisions the Biden administration now faces concern administrative improvements, others present more fundamental decisions about the purpose and intended goals of the program.

While some decisions the Biden administration now faces concern administrative improvements, others present more fundamental decisions about the purpose and intended goals of the program.

³⁶ *S.A. v. Trump* (Order Granting in Part and Denying in Part Defendants' Motion to Dismiss), 11.

³⁷ *S.A. v. Trump* (Defendant's Tenth Quarterly Report, U.S. District Court for the Northern District of California, San Francisco Division, October 4, 2021), 11.

³⁸ USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*; GAO, *Refugees: Actions Needed*; Amber Moulton, Joshua Leach, and Kevin Ferreira, *Waiting for Refuge: Benefits and Challenges* (N.p.: Unitarian Universalist Service Committee, Grupo de Monitoreo Independiente de El Salvador, Centro de Investigación y Promoción de los Derechos Humanos, and Refugee and Immigrant Center for Education and Legal Services, 2016); Kids In Need of Defense (KIND), *Thwarted Potential: The Need to Revive and Expand the Central American Minors (CAM) Program as a Key Path to Protection for At-Risk Unaccompanied Children* (Washington, DC: KIND, 2020).

A. *Who Should Be Eligible for CAM Program Assistance?*

Under the Obama administration CAM Program, only a biological, legal, or step-parent who is lawfully present in the United States could initiate a CAM application. This prevented relatives other than a child's parents (such as aunts, uncles, grandparents, or older siblings) from submitting an application, and it barred children whose parents were deceased from participating in the program.³⁹ It also precluded applications from parents who did not meet the criteria for lawful presence.

The number of children approved for admission through the CAM Program represented a small fraction of those who enter the United States each year as unaccompanied children. A total of 69,488 unaccompanied children were referred to the Office of Refugee Resettlement (ORR) in FY 2019, of whom the great majority (93 percent) were from northern Central America. The number of arriving unaccompanied children fell sharply in FY 2020, principally because of the pandemic and Trump administration expulsion policies, but arrivals in FY 2021 exceeded 120,000 children.⁴⁰

One reason for low participation in the CAM Program as compared to the number of arriving unaccompanied children is that the length of the program's application process made it unsuitable for children who urgently needed to escape dangerous circumstances. Considering the characteristics of unaccompanied children suggests two other reasons why CAM Program participation was low. Participation was limited to children with parents in the United States. While 44 percent of unaccompanied children released from ORR custody are released to parents,⁴¹ the majority are released to relatives or other approved adults. Moreover, children were only eligible for the CAM Program if the parent in the United States was lawfully present, pursuant to certain eligible categories. Data are not available about the immigration statuses of the parents and sponsors to whom unaccompanied children are released, but federal officials have indicated that 80 percent of sponsors and adults in their homes are unauthorized immigrants.⁴²

Going forward, one factor will likely further reduce the eligible population, while another will expand it, though it is unclear how much. Nearly all Qualifying Parents (89 percent) of the pre-2021 CAM Program were TPS holders and 86 percent were nationals of El Salvador, strongly suggesting that the program principally worked for Salvadoran TPS holders. However, very few parents will qualify on that basis in the future. TPS for persons from El Salvador requires continued presence and residence in the United States since 2001.⁴³ Given the passage of time, by 2021, there are no longer significant numbers of individuals who have been in the United States continuously since 2001 and who have minor children in El Salvador.

The Biden administration has expanded CAM eligibility in several respects. In addition to parents, legal guardians can now file a CAM application. In addition, parents and legal guardians with pending

39 Moulton, Leach, and Ferreira, *Waiting for Refuge*, 25–27. See also USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 21.

40 Referrals of unaccompanied children to ORR for FY 2019 and FY 2020 are available at ORR, "[Facts and Data](#)," accessed November 24, 2021. Referrals for FY 2021 are based on MPI calculations from data available at HHS, "[Latest UC Data – FY2021](#)," accessed November 24, 2021.

41 Authors' calculations based on information on total monthly discharges to individual sponsors only (FY 2018 through May 2021) from HHS, "[Unaccompanied Children Information: Fact Sheets](#)," accessed November 24, 2021.

42 William A. Kandel, *Unaccompanied Alien Children: An Overview (updated September 1, 2021)* (Washington, DC: Congressional Research Service, 2021), 22.

43 USCIS, "[Temporary Protected Status Designated Country: El Salvador](#)," updated September 21, 2021.

applications for asylum or petitions for U nonimmigrant visas will be able to access the CAM Program.⁴⁴ Press coverage of the announcement indicated that administration officials estimated that this could expand program eligibility by as much as 100,000 petitioners.⁴⁵ While this would be a substantial increase, the administration has not yet provided a basis for this estimate. The figure appears to be based on the number of persons from El Salvador, Guatemala, and Hondurans with a pending asylum application or U visa petition. Data are not available on the shares of these asylum seekers and U visa petitioners who are parents or legal guardians with minor children in their country of origin. However, since many parents sponsoring unaccompanied children came to the United States many years ago, it is possible that only a limited number will have pending asylum applications or U visa petitions.

The administration might be able to get better insight into these numbers by gathering data on the number of sponsors of a sample of children in the unaccompanied children program with a pending asylum or U visa case. But at this point, and with no public information to estimate the size of this group, there is reason to believe it will be far less than the 100,000 petitioners reported in the press.

Should the program be further expanded? Before doing so, it would be prudent for the administration to develop a better estimate of how much the Phase Two expansion will increase eligibility. But if the Phase Two expansion only modestly increases eligibility, one option would be to expand the relationship-based eligibility requirements so that close relatives meeting the same definition of lawfully present used for parents and legal guardians can apply to the program on behalf of their grandchildren, nieces and nephews, younger siblings, or other children in their family. This would substantially increase the number of potentially eligible children, though as with parents, publicly available data do not make it possible to estimate the extent to which such relatives will meet the program's definition of legal presence and, thus, expand program participation.

A greater number of CAM Program participants granted refugee status will mean fewer available slots for Central American adults not associated with CAM cases and for refugees from the rest of the region.

In any program expansion, it will be important to consider the impacts of these admissions on other humanitarian populations. CAM Program participants admitted as refugees count as part of the overall cap on refugee admissions and as part of the regional allocation for Latin America and the Caribbean. For fiscal year (FY) 2022, the refugee admissions ceiling is 125,000, with a regional allocation of 15,000 for Latin America and the Caribbean.⁴⁶ Thus, it will be necessary

to determine what part of that allocation should be for CAM Program participants. A greater number of CAM Program participants granted refugee status will mean fewer available slots for Central American adults not associated with CAM cases and for refugees from the rest of the region.

44 U.S. Department of State, "Joint Statement by the U.S. Department of State and the U.S. Department of Homeland Security on the Expansion of Access to the Central American Minors Program."

45 Tracy Wilkinson, "Under Biden Immigration Change, More Central American Children May Join Family in US," *Los Angeles Times*, June 15, 2021.

46 The White House, "Memorandum for the Secretary of State on Presidential Determination on Refugee Admissions for Fiscal Year 2022" (press release, October 8, 2021).

There is no similar cap or ceiling for parolee admissions, but the administration will need to determine if it is problematic to have substantially more parolee than refugee admissions through the program, and to have a large number of children paroled into the country, ineligible for key public assistance programs and without a path to lawful status.

In light of these considerations, the authors of this study make the following eligibility-related recommendations:

- ▶ The administration should develop and publish an estimate of the numbers of children and families potentially eligible under the Phase Two expansion.
- ▶ The administration should develop targets for the minimum and maximum number of children and relatives to be admitted to the United States through the CAM Program each year.
- ▶ If it appears clear that the targets cannot be met based on the Phase Two expansion and other program improvements, the administration should consider alternatives for further expanding the definition of Qualifying Parents.

Under any of these policy alternatives, significant numbers of children living in dangerous conditions in northern Central America and apart from their parents or close relatives in the United States are likely to still be ineligible for CAM Program assistance; this illustrates that under even the most expansive conditions, the program will not be a substitute for immigration reform legislation that comprehensively addresses the circumstances that these children and families face, and further highlights the importance of efforts to work with El Salvador, Guatemala, and Honduras to address concerning conditions in these countries.

B. How Can Program Administration Be Improved?

The Obama administration CAM Program faced multiple administrative difficulties—a lengthy and complex process for initiating applications; lengthy processing times after applications were initiated; fees and costs that resulted in barriers to cases going forward; and inadequate outreach and program accessibility. Some of these may have been due to start-up challenges, but they were also a result of the fact that the program had no appropriated funds and that it was operating through refugee program procedures that were not responsive to the realities of children in dangerous situations who needed rapid determinations on their cases.

Case processing times were lengthy. In some cases, Qualifying Parents in the United States had to wait up to one year before getting an appointment to file their affidavit of relationship with a resettlement agency,⁴⁷ with additional time for the preparation and transmission of applications. Once the application was submitted, it took more than 400 days for approved children to arrive in the United States—410 days on

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⁴⁷ USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 20.

average for refugees, 402 days for parolees.⁴⁸ Case processing times were also extended by the fact that many Qualifying Parents needed time to save or borrow money to cover the costs involved in the process.⁴⁹ Such delays could lead to more challenges, including expired background checks or medical clearances that had to be renewed.⁵⁰ As previously mentioned, these prolonged timeframes posed substantial safety risks for the children waiting in-country, and some applicants felt compelled to leave the CAM Program.⁵¹

A principal reason for delays at resettlement agencies was that they did not receive needed funding for their work. Work on CAM cases involved a significant time commitment; staff at several resettlement agencies have estimated that it was in the range of 20 hours per case.⁵² Despite the additional administrative work involved, the federal government did not pay resettlement agencies for developing and submitting affidavits of relationship or for their continued engagement with parents while cases were pending.⁵³ Resettlement agencies were only provided the per capita reimbursements they normally received for assisting arriving refugees, and only for those children who were adjudicated as refugees under the CAM Program⁵⁴—that is, no funding was provided for cases resulting in parole or application denial. This meant there was no federal funding to carry out essential CAM Program operations, including outreach and education, the provision of guidance to potentially eligible families, assistance with filing an affidavit of relationship,⁵⁵ and ongoing CAM case management. This contributed to insufficient training on the program for staff, limited public outreach, lengthy wait times for some eligible families, and overall reduced efficiency in CAM case processing.⁵⁶ Resettlement agencies faced these pressures at a time when they were losing staff and closing offices as a result of significant reductions in federal funding as the Trump administration reduced refugee admissions.

All families faced costs, with greater costs for those who did not attain refugee status. While the CAM Program did not require an application fee, all applicants were required to pay upfront for DNA testing (approximately \$500–\$600 per parent-child pair) and parolees were required to pay upfront for medical exams (at least \$150–\$250 per person) and travel to the United States (\$1,000–\$1,500 per person).⁵⁷ Policies provided for reimbursing families for the cost of DNA testing if the tests confirmed the biological relationship, but these upfront costs meant that some parents were unable to apply, and others needed significant time to save the necessary funds, resulting in further processing delays.

48 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 20.

49 *S.A. v. Trump* (Class Action Complaint for Declaratory and Injunctive Relief), 29; USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 20.

50 *S.A. v. Trump* (Class Action Complaint for Declaratory and Injunctive Relief), 15, 19.

51 Daniel Restrepo and Silva Mathema, *A Medium- and Long-Term Plan to Address the Central American Refugee Situation* (Washington, DC: Center for American Progress, 2016); USCIS Ombudsman, *Annual Report 2016* (Washington, DC: USCIS, 2016), 20.

52 Author email exchange with Kelly Agnew-Barajas, Director of Refugee Resettlement, Catholic Charities Community Services, Archdiocese of New York, August 2, 2021; author email correspondence with Kaitlyn Mullen, Associate Director for Pre-Arrival Services, Church World Service, August 11, 2021.

53 USCIS Ombudsman, *Annual Report 2016*, 19–20.

54 USCIS Ombudsman, *Annual Report 2016*, 19–20.

55 USCIS Ombudsman, *Annual Report 2016*, 19–20.

56 Moulton, Leach, and Ferreira, *Waiting for Refuge*, 25–27.

57 Author email correspondence with Meredith Owen, Director of Policy and Advocacy, and Kaitlyn Mullen, Associate Director for Pre-Arrival Services, Church World Service, August 11, 2021.

Costs were greater for parolees. While CAM Program policies provided for reimbursing both refugees and parolees for DNA testing that confirmed the familial relationship, it did not pay for parolees' medical screening fees or provide loans for their airfare to the United States, as it did for refugees.⁵⁸ By July 2017, nearly two-thirds of all individuals granted refugee status under the CAM Program had traveled to the United States, but only one-third of those granted parole had done so. The higher costs for parolees are one factor that may explain this disparity.

Once an application was initiated, there were lengthy delays in the review and approval process in countries of origin. The program required applicants to attend at least five in-person appointments, all of which happened in capital cities—requiring some applicants to travel long distances, often through dangerous areas, and often at night to arrive in time for morning appointments. The multiple steps and length of the process are not unusual for the refugee program, but they were not well-suited to the conditions facing children who were often in immediate and urgent danger.

Consistent with USCIS practice for other refugee interviews, children were not permitted access to counsel during their adjudication interview with the agency. Given their age, trauma, language barriers, and the complexity of U.S. immigration law, it seems clear that children would benefit from an attorney to help them understand what is happening with their case and to decipher what information is relevant to the USCIS representative. For example, the USCIS Ombudsman explained that children from this region have become so accustomed to violence that they might not notify the USCIS representative of dangerous situations that are relevant to their claims for refugee protection.⁵⁹

With a few exceptions, information about the CAM Program and case processing activities were only available in English.⁶⁰ RSC prescreening interviews were conducted in Spanish and USCIS interviews were conducted in English with Spanish interpreters.⁶¹ Little information is available about language access for applicants who spoke Indigenous or Afro-heritage languages, such as K'iche' and Garifuna. One report found that some children who would have qualified for refugee status were likely given parole instead due to language barriers and lack of counsel.⁶²

In seeking to improve the CAM Program's administration, principal goals should be to make it simpler for parents and legal guardians to apply; reduce the time involved in submitting an application; eliminate or reduce financial barriers to participation; make it simpler for children and relatives in countries of origin to be interviewed and have their cases considered; improve language access to promote both program accessibility and improved decision-making; and allow for access to counsel.

To accomplish these goals, this study's authors recommend:

- ▶ **The administration should seek a dedicated appropriation for the CAM Program so that it can be adequately funded.** The program needs its own appropriated funds rather than having to rely on funding through the refugee program. With this funding, resettlement agencies should receive

⁵⁸ GAO, *Refugees: Actions Needed*, 70.

⁵⁹ USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 26–27.

⁶⁰ Moulton, Leach, and Ferreira, *Waiting for Refuge*, 35–36.

⁶¹ Moulton, Leach, and Ferreira, *Waiting for Refuge*, 15.

⁶² Moulton, Leach, and Ferreira, *Waiting for Refuge*, 25–27.

allocations sufficient to ensure that they can accept and promptly process all applications, without awaiting reimbursement and with funding for all cases, not just those in which children receive refugee status.

- ▶ **Parents and legal guardians should be able to apply without delays and have prompt assistance to help them complete their affidavits of relationship and supporting materials.** If resettlement agencies are provided with adequate funds for program administration, these agencies should be subject to performance standards to ensure ready access to appointments, language access supports, and prompt actions to move cases forward.
- ▶ **There should be multiple access points for parents and legal guardians to apply for the program.** There is a strong case for broadening points of access to the program beyond resettlement agencies. One way this might be achieved is by providing resettlement agencies with sufficient funding to contract with legal services providers and other community organizations with relevant experience to conduct outreach and provide assistance with the CAM application process. Organizations with experience with unaccompanied children and strong community ties may be well-positioned for this work. An alternative could involve inviting competitive applications from additional organizations, while maintaining assured opportunities for program participation by resettlement agencies and maintaining their role in providing services to arriving children. The administration should also explore whether USCIS has or could develop the capacity to directly receive applications from Qualifying Parents. In any of these situations, it would be important to ensure that applicants are not charged new fees or charges and are not subject to fraud or abuse by entities purporting to offer assistance.
- ▶ **Outreach should be strengthened, both in the United States and in northern Central America.** Again, with dedicated funds for program administration, resettlement agencies should be provided with sufficient funding to conduct their own outreach and the federal government should develop and implement a coordinated regional outreach strategy.
- ▶ **The program should develop and implement a plan to improve language access.** Program forms and outreach materials should be translated into Spanish and other languages spoken in El Salvador, Guatemala, and Honduras. Funded entities administering the program should also be required to demonstrate how they will provide effective language access, including through staff or implementing partners able to speak and understand the languages spoken by applicants.
- ▶ **The program should reduce or minimize fees and costs for applicants.** The program should provide loans for travel to the United States for parolees and pay for their medical screening expenses, as it already does for refugees. If the program concludes that DNA testing remains a needed feature, the program appropriation should cover testing costs.
- ▶ **Program administrators should initiate a process to identify and address bottlenecks in application processing, with the aim of ensuring timely review and decisions on claims.** Available data indicate the average length of cases but not the length of individual components of the process, nor do they provide a basis for analyzing why the process takes in excess of a year after an application is submitted. Program administrators should initiate a process to identify how long each component

takes, when an expedited process is needed, and what the timeframes should be for an expedited process.

- ▶ **The CAM Program should allow children access to counsel who can accompany them at all stages of proceedings.** Children on their own should not be expected to make a case for refugee status without the assistance of counsel.
- ▶ **The program should make it easier for children to attend appointments in areas closer to where they live.** In-person appointments—such as for prescreening, interviews, and medical exams—should be conducted in locations throughout each country, including rural areas, and the RSC should work with applicants to ensure safe travel options.

C. *How Can the Program Do More to Help Children Be Safe While Awaiting a Decision or Travel?*

Since the CAM Program was an in-country processing program, Qualifying Children continued living in the dangerous environments they were seeking to leave while awaiting the resolution of their cases. Multiple studies have described the dangers encountered by children waiting for their CAM cases to be adjudicated, including threats, muggings, beatings, sexual assaults, and death.⁶³ As one study notes, lengthy waiting periods can be “exceedingly perilous” for children who are “often forced to make life or death decisions within a matter of weeks, days, or even hours.”⁶⁴ CAM Program appointments were conducted in the capital cities of El Salvador, Guatemala, and Honduras, meaning applicants would have to make nearly half a dozen trips with major safety risks associated with travel in these countries—such as unsafe cross-country transit options, being subject to roadside robberies, and crossing gang territories.⁶⁵ These challenges have intensified during the COVID-19 pandemic. Rival gangs in all three countries have solidified territorial control and now engage in more violent behavior to compensate for their loss of income from extortion and drug-trafficking.⁶⁶

While descriptions of the CAM Program reference best interests assessments, expedited case processing, and referrals to in-country shelters as safeguards, there is little information on how these measures were implemented. Available information suggests that shelter referrals were ineffective because children generally declined them and local shelters had insufficient capacity.⁶⁷ The RSC did not track the rates of shelter use by children with pending applications. Additionally, since about half of the CAM caseload involved applicants ages 18 and older, many program applicants were not eligible to stay at the referred shelters since some shelters admit only children.⁶⁸

63 *S.A. v. Trump* (Class Action Complaint for Declaratory and Injunctive Relief), 8–9; USCIS Ombudsman, *Annual Report 2016*, 19; USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 10.

64 Moulton, Leach, and Ferreira, *Waiting for Refuge*, 25–27.

65 Moulton, Leach, and Ferreira, *Waiting for Refuge*, 30–32; Faye Hipsman and Doris Meissner, *In-Country Refugee Processing in Central America: A Piece of the Puzzle* (Washington, DC: Migration Policy Institute, 2015).

66 KIND, *Thwarted Potential*.

67 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 43.

68 USCIS Ombudsman, *Recommendation on the CAM Refugee/Parole Program*, 43.

Under the Protection Transfer Arrangement (PTA) with Costa Rica, the UN High Commissioner for Refugees (UNHCR) and IOM conduct in-country prescreenings and vulnerable individuals can be relocated to Costa Rica for additional case processing while awaiting resettlement. However, the PTA cannot be used for persons under age 18, and there are no indications it has been used for youth between the ages of 18 and 21, so it appears that it has never been used in connection with the CAM Program. Additional inquiry is needed to determine how the PTA or similar agreements might be used to supplement the CAM Program.⁶⁹

It is essential to do more to address safety risks for children awaiting CAM determinations or travel to the United States. As noted, the pre-2017 process took more than 400 days from application submission to a participant's travel to the United States. Even assuming application submission and processing times can be reduced, the reality is that the process can never reach the speed necessary to address the situation of a child who has just been threatened with death and needs to depart from a community immediately.

It is essential to do more to address safety risks for children awaiting CAM determinations or travel to the United States.

In its 2016 report, the USCIS Ombudsman highlighted the need for clear, CAM-specific expedite request procedures going beyond the general State Department guidance on expediting refugee cases since those procedures were designed to address the safety concerns of refugees in their countries of first asylum and do not address the circumstances of individuals still residing in their countries of origin amid the dangerous conditions they are seeking to leave.⁷⁰ Additionally, the report noted that an increase in the number of RSC prescreenings and USCIS interviews was needed to shorten CAM processing timeframes given the dangers Qualifying Children face in their countries of origin. The report further recommended reevaluating the CAM shelter referral mechanism and developing a more robust safe shelter protocol for particularly vulnerable Qualifying Children. The protocols and procedures need to distinguish between circumstances in which children can safely relocate and live within their country of origin and those in which it will be safest to depart altogether.

Here, the authors recommend that the State Department:

- ▶ **Develop and publish its guidelines and CAM-specific standard operating procedures for conducting formal best interests assessments for CAM applicants.** The guidelines and procedures should clarify case conditions that warrant a best interests assessment, what professional qualifications are required to conduct this assessment, and the specific objectives of the assessment, such as determining the most appropriate durable solution for the child, instituting safeguards to mitigate in-country violence and other safety risks, and making temporary care arrangements while the child awaits case processing.
- ▶ **Instruct RSC staff to conduct initial safety screenings for every child applying for the CAM Program to determine whether immediate actions are needed to secure the child's safety.** The safety screening must be completed and documented as part of the initial interview. In situations

⁶⁹ Emmanuelle Diehl, *Evaluation of Effectiveness of the Protection Transfer Arrangement in Central America* (Geneva: UN High Commissioner for Refugees, 2018).

⁷⁰ PRM, "Expedited Protection and Resettlement of Refugees" (fact sheet, October 24, 2011).

where the child's safety is imminently at risk, the RSC should work with family members and nonprofit partners to form a tailored safety plan for that child. Depending on the severity of the safety concerns, the child may return home while awaiting the case outcome, move to a local shelter, or relocate to a different region within the country.

- ▶ **Partner with UNHCR or other international organizations to develop and administer a free and secure hotline that CAM Program applicants can call when in crisis.** Professionals trained in psychology, social work, and crisis management should staff the hotline and provide children or their family members support with developing a safety plan while awaiting case processing.
- ▶ **Identify local shelters and international nongovernmental organizations operating in the area with the capacity to protect and care for children and for applicants over age 18 with pending CAM cases and build capacity among these shelters, as needed.** This may call for contracting with local civil-society organizations to provide culturally competent shelter, case management, and other protection measures in the best interests of the children or young adults.
- ▶ **Explore the potential to enter into bilateral or multilateral agreements, such as the PTA with Costa Rica, with countries in the region that can provide short-term refuge while children complete CAM case processing.** As part of its regional and in-country efforts to manage migration, the Biden administration could leverage its diplomatic and economic relationships to negotiate CAM-specific agreements that would allow children facing significant safety risks to find a temporary safe haven in a neighboring country.

D. How Can Assistance for Children Arriving as Parolees Be Increased?

Through March 2017, most children approved for entry through the CAM Program (70 percent), and most children who actually entered the United States, did so as parolees. This could change under the restarted program if a larger share of children qualify for refugee status with the assistance of qualified counsel, but it seems likely that a substantial share of arriving children will be parolees. This has important implications for their immigration status and their access to benefits and services.

If children are admitted as parolees for a two-year period, they must request approval to renew their parolee status beyond two years. They can only attain lawful permanent resident status under very limited circumstances.⁷¹ In practice, for many, there will be no pathway to lawful permanent resident status, absent legislative change.

Children admitted as parolees do not have access to the same benefits and services available to those who enter as refugees.

Children admitted as parolees do not have access to the same benefits and services available to those who enter as refugees. Refugees can initially receive the supports available through the State Department's Reception and Placement Program. Then, as refugees, they qualify for the benefits and services funded by ORR. In addition, refugees meet immigration-related eligibility requirements for mainstream public benefits such as Medicaid and the companion Children's Health Insurance Program (CHIP), the Supplemental

⁷¹ Andorra Bruno, *Immigration Parole* (Washington, DC: Congressional Research Service, 2020), 15.

Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Supplemental Security Income (SSI).

In contrast, children admitted as parolees do not qualify for assistance through the Reception and Placement Program or for the ORR-funded benefits and services available to refugees. For the purposes of mainstream public benefits, parolees are considered “qualified immigrants” if they have been paroled into the United States for at least a year. However, they are ineligible for federally funded SNAP and TANF during their first five years in the United States and longer for SSI. They are also ineligible for Medicaid and CHIP benefits during their first five years in the country unless their state has enacted what is referred to as the CHIPRA Option⁷² to extend Medicaid and/or CHIP benefits to children and pregnant immigrants who are lawfully residing in the United States.⁷³ Most states have elected this option,⁷⁴ so in those states, CAM parolees can qualify for Medicaid.

Separate from the CAM Program, some unaccompanied children released from federal custody into local communities in the United States have access to support services—principally, short-term case management and, in limited circumstances, legal services.⁷⁵ It is likely that, like unaccompanied children, children entering as parolees will have significant needs and could benefit from access to case management, legal services, and linkages with health-care coverage and community benefits for which they may qualify. And, like unaccompanied children, they may face challenges in adjusting to U.S. schools and will not qualify for assistance that may be available to refugee children through the Refugee School Impact Program and the Refugee Youth Mentoring Program. However, because children entering the United States as parolees will not be considered unaccompanied children, they have not been considered eligible for the services that are available to unaccompanied children, despite the similarities between these populations.

To support children arriving as parolees, the authors recommend the following:

- ▶ **The administration should determine whether there is authority to provide case management, legal services, and other services to CAM parolees under any existing programs or funding streams.** In particular, because children arriving as parolees could have arrived as unaccompanied children, but for the CAM Program, the administration should consider whether they could be eligible for services available to unaccompanied children.
- ▶ **The administration should identify the extent to which resettlement agencies or other entities could be funded to provide initial case management, legal services, and other supports.** If an appropriation is sought for the CAM Program, it should include authorization for the development of a post-arrival set of supports to ensure children arriving as parolees receive services that are more closely analogous to those available to children arriving as refugees.

⁷² “CHIPRA” is short for the *Children’s Health Insurance Program Reauthorization Act of 2009*.

⁷³ Centers for Medicare and Medicaid Services, “Medicaid and CHIP Coverage of ‘Lawfully Residing’ Children and Pregnant Women” (guidance letter, July 1, 2010).

⁷⁴ Centers for Medicare and Medicaid Services, “Medicaid and CHIP Coverage of Lawfully Residing Children and Pregnant Women,” accessed September 1, 2021.

⁷⁵ See Mark Greenberg, Kylie Grow, Stephanie Heredia, Kira Morin, and Essey Workie, *Strengthening Supports for Unaccompanied Children in U.S. Communities* (Washington, DC: Migration Policy Institute, 2021).

- ▶ **The Department of Health and Human Services should develop guidance for programs, states, and communities to explain the benefits and services for which children entering as parolees are eligible.** This should include explaining the fact that they can be eligible for Medicaid in those states that have elected the CHIPRA Option.
- ▶ **States, localities, and other entities providing legal services for immigrants should explore whether they can develop programs to provide counseling and representation for children arriving as parolees.** Children arriving as parolees through the CAM Program should be provided information about legal services that may be available to them and that could help them determine if they are eligible for other forms of immigration relief and potentially assist them in pursuing such relief.
- ▶ **The administration should consider whether the initial parole period for arriving children should be extended beyond two years, and if the two-year period is maintained, should develop and publish clear criteria for the conditions under which parole will be extended for CAM participants.** If a principal goal of the program is to make it possible for children to reunite with their parents or legal guardians, it is unclear why parole would be limited to two years.

E. How Can Transparency and Information about Program Performance Be Strengthened?

Perhaps because the CAM Program began without express statutory authorization or dedicated appropriation, the pre-Biden program operated without key aspects of transparency. Neither USCIS nor the State Department developed a routine reporting system for collecting and sharing program data, and the data instead appeared in a mix of federal agency reports, a GAO report, and court filings. Policies for a number of important dimensions of the program were not available in any centralized location. At least from publicly available information, there is no indication that the program was supported by a research agenda or mechanisms for evaluation.

As to data, different data points are available for different points in time on key dimensions of program operations and outcomes. As a result, it is difficult and sometimes impossible to analyze trends. There are also some important aspects of program operations for which there are no reported data; for example, no data or even a clear description of policies are available on the expediting of cases, best interests assessments, or provision of shelter assistance to children. For children entering the United States as parolees, there are no data on the numbers who applied for and attained parole extensions, or how many have attained asylum or other status after entering the United States. There is no information on overall program costs or costs of individual program components.

To improve transparency and facilitate evidence-informed decision-making, the authors make the following recommendations:

- ▶ **The program should develop, implement, and make public data collection on key dimensions of CAM Program operations and outcomes.** There should be regular public reporting of program

metrics including the number of applications submitted, the number of applicants approved for refugee and parolee status, how many have successfully been reunited with family in the United States, the number of applications pending and denied, the characteristics of Qualifying Parents and Children, how many applicants are benefitting from safety provisions, and information on the subsequent asylum or parole renewal outcomes for children admitted to the United States with parole.

- ▶ **Principal program policies should be publicly available.** The administration should consider whether the program should be subject to rulemaking. Whether or not there is rulemaking, a description of the program’s principal policies, including those relating to safety protections for children, should be available on agency websites and routinely updated.
- ▶ **The CAM Program appropriation should support the development of a robust research and evaluation capacity.** The administration should engage with stakeholders to identify key questions relating to program operations and outcomes and develop an ongoing research and evaluation agenda focused on identifying ways to strengthen program operations and to more clearly measure program outcomes.

7 Conclusion

The CAM Program represents one key component of a broader strategy to address migration pressures in the region that stretches from Central America to the United States, while also making it possible for children in northern Central America to reunite with family members in the United States without undertaking a dangerous journey through the region or undergoing apprehension by U.S. border agents and processing as unaccompanied children by ORR. Going forward, it is important to strengthen multiple aspects of program administration, address safety issues for children awaiting determinations, reconsider eligibility restrictions, and improve the supports for children arriving as parolees. Even if the program grows significantly, it is likely to represent a solution for a very limited share of children who would otherwise arrive unaccompanied at the U.S. border, but it can still play a critical role in promoting family reunification and reducing the dangers facing these children.

Going forward, it is important to strengthen multiple aspects of program administration, address safety issues for children awaiting determinations, reconsider eligibility restrictions, and improve the supports for children arriving as parolees.

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Mark Greenberg was a Senior Fellow at the Migration Policy Institute (MPI) and Director of its Human Services Initiative until December 2021. The Initiative focuses on immigration issues affecting children and families and humanitarian populations and intersections between immigration and health and human services.

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