

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 9, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Anthony J. Blinken
Secretary
Department of State

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Dear Secretaries Blinken and Mayorkas:

I write to you regarding the Biden Administration’s announcement earlier this year of the resumption of the Central American Minors (CAM) program. On March 10, 2021, the Department of State issued a press release announcing that, “[a]s another concrete step in implementing [the Administration’s] comprehensive regional migration management strategy,” the Departments of State and Homeland Security are “expanding legal pathways to enter the United States by reopening the Central American Minors (CAM) program.”¹ More specifically, the Department of State’s Bureau of Population, Refugees, and Migration (PRM) “is working closely with DHS’s U.S. Citizenship and Immigration Services (USCIS) to reopen the program in two phases: the first will process eligible applications that were closed when the program was terminated in 2017, and the second will begin to accept new applications with updated guidance to follow.”²

The CAM program was established in 2014 “to provide certain minors in El Salvador, Guatemala, and Honduras the opportunity to be considered, while still in their home country, for refugee resettlement in the United States.”³ Individuals who were determined to be ineligible for refugee status were then considered by USCIS for the possibility of entering the United States under parole.⁴

Under the original terms of the CAM program, for a minor to be eligible to apply for refugee status or be considered for parole, the minor had to be the child of a “qualifying parent”; had to be unmarried; had to be under the age of 21, and had to be a national of El Salvador, Guatemala, or Honduras.⁵ A qualifying parent of the minor had to be at least 18 years old and lawfully present in the United States in one of several categories, including deferred action,

¹ Press Release, Restarting the Central American Minors Program, U.S. Department of State, March 10, 2021, <https://www.state.gov/restarting-the-central-american-minors-program/>.

² Id.

³ In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM), U.S. Citizenship and Immigration Services, <https://www.uscis.gov/CAM>.

⁴ Id.

⁵ Id.

parole, or Temporary Protected Status.⁶ If the minor applying for refugee status him- or herself had an unmarried child under the age of 21, that child could be attached to the minor's application as a derivative family member and go with the minor to the United States if the minor's refugee application or request for parole was approved. A parent of the minor who was not in the United States, but who lived with the minor and was married to the qualifying parent in the United States, could also be attached to the minor's application as a derivative family member.⁷

The CAM program was terminated in 2017 in stages. The parole portion of the CAM program was terminated in August 2017, and on November 9, 2017, the Department of State stopped accepting new applications for the refugee portion of the CAM program.⁸

In addition to my continuing concerns about the legality of the CAM parole program, I have doubts about the potential effectiveness of the reinstatement of the CAM refugee/parole program. In order to help me and my colleagues better understand the function of the reinstated CAM program, and how it differs from its prior version, please answer the following questions no later than June 23, 2021:

1. How many individuals applied for refugee status under CAM during each year CAM was in effect? How many were approved?
2. It has been reported that the approval rate for refugee status within CAM was "significantly lower" than in other U.S. refugee programs.⁹
 - a. What was the worldwide refugee application approval rate during each of the years CAM was in effect?
 - b. What was the refugee application approval rate during each of the years CAM was in effect for each of the regions from which refugees were approved for resettlement in those years (i.e. Europe and Central Asia, Near East and South Asia, East Asia, Africa, and Latin America and the Caribbean)?
3. How many individuals requested parole under CAM during each year CAM was in effect? How many were approved?
4. How many CAM parole cases were reopened in May 2019 under the court order and related settlement agreement in *S.A. et al v. Trump*? How many of those cases were approved?

⁶ Id.

⁷ Id.

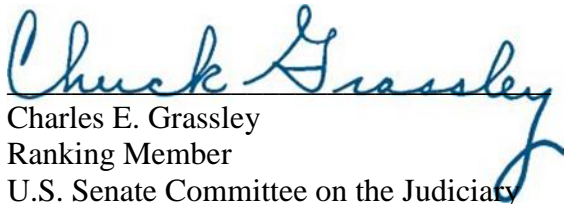
⁸ Id.; Termination of the Central American Minors Parole Program, Notice, U.S. Department of Homeland Security, 82 Fed. Reg. 38,926 (August 16, 2017), <https://www.govinfo.gov/content/pkg/FR-2017-08-16/html/2017-16828.htm>. However, on June 13, 2018, a complaint was filed in federal court challenging the decision to terminate the CAM parole program. *Supra*, note 3. Pursuant to the Final Judgment and Order for Permanent Injunction in *S.A. et al v. Trump* issued on May 17, 2019 and related settlement agreement, USCIS reopened and continued processing of a limited set of CAM parole cases under the previous CAM parole policies and procedures. Id.

⁹ "Issue Brief: Building Better, Not Backward: Learning from the Past to Design Sound Border Asylum Policy," Refugees International, December 18, 2020, <https://www.refugeesinternational.org/reports/2020/12/17/building-better-not-backward-learning-from-the-past-to-design-sound-border-asylum-policy>.

5. The State Department's March 10, 2021, statement indicated that the Bureau of Population, Refugees, and Migration and USCIS were "developing plans to expand the program and accept new applications." In what ways does the Administration plan to expand the CAM program? Does the Administration plan to change the eligibility criteria for access to CAM?
6. The old CAM parole program required that DNA relationship testing occur between all claimed biological relationships. According to testimony from a senior USCIS official in 2015, DNA testing was required in order to protect minors. The State Department has stated that the DNA requirement will continue to be applied in the reinstated CAM program.
 - a. Please confirm that the DNA requirement will continue to be required in the reinstated CAM program.
 - b. Is the Administration planning to make any changes or adjustments to the DNA requirements that existed under the previous version of CAM?
 - c. Is a DNA test also being required for family reunifications, and related parole requests, arranged by the Interagency Task Force on the Reunification of Families?¹⁰
7. By now, I would expect the parole of all the individuals who received parole under CAM and came to the United States between 2014 and 2019 has expired. Have all those individuals had their parole extended? Is there any limit on the number of times a recipient of parole under CAM may extend their parole?
8. How many personnel will the Department of State and DHS dedicate to administering CAM? Specifically, how many refugee officers does DHS currently have and how many of those does DHS plan to send to Central America to process CAM cases?
9. Is an individual whose application for refugee status under CAM is denied still eligible to subsequently make an asylum claim after illegally crossing the U.S. southwestern border?

Thank you for your attention to this important matter. Should you have questions, please contact Drew Robinson of my staff at 202-224-5225.

Sincerely,


Charles E. Grassley
Ranking Member
U.S. Senate Committee on the Judiciary

¹⁰ Press Release, "Biden Administration Begins This Week to Reunite Families Separated Under the Prior Administration," U.S. Department of Homeland Security, May 3, 2021, <https://www.dhs.gov/news/2021/05/03/biden-administration-begins-week-reunite-families-separated-under-prior>.