

United States Senate

WASHINGTON, DC 20510

June 26, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

Dear Secretary Mayorkas and Director Jaddou:

We write to urge the Department of Homeland Security (DHS) to issue a policy directive ensuring that vulnerable children seeking protection through the Central American Minors program (CAM) have access to counsel—at no expense to the government—during their refugee interviews with U.S. Citizenship and Immigration Services (USCIS). We applaud the Biden administration for reopening and strengthening the CAM program, however, DHS’s prohibition on access to counsel during CAM interviews undermines children’s ability to meaningfully access protection while limiting the program’s potential to ease pressure and enhance orderliness at the U.S. southern border.

CAM—an in-country refugee processing program—provides certain children who face danger in northern Central America with a lawful and orderly pathway through which they may seek to reunite with parents or legal guardians who reside and have lawful immigration status in the United States. By helping eliminate the need for impacted children to make a dangerous journey to the U.S. southern border in pursuit of safety, CAM reduces the strain on U.S. border operations. The program also combats labor exploitation by helping ensure that children arrive with lawful status and are reunified with parents.

In February 2021, President Biden issued an Executive Order that directed DHS to consider policy changes enabling access to counsel during refugee interviews.¹ Yet more than three years later the Department continues to bar the presence of attorneys during CAM refugee interviews despite children’s particular vulnerabilities. Children’s age and developmental stage, communication and comprehension barriers, and discomfort around strangers all can constitute obstacles to navigating the CAM interview process. Many children are unable to understand that they are participating in a refugee interview, much less the legal significance of issues discussed during the interview or the importance of fully articulating a protection claim. These challenges can contribute to adjudications that fail to account for information pertinent to full and fair consideration of refugee status, thereby increasing refugee denial rates.

¹ See *Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration*, Exec. Order 14,013, 86 FR 8839 §4(g)(iii).

Access to counsel during CAM interviews would strengthen the fairness and efficiency of program adjudications. Attorneys would help foster children's confidence during what is frequently a frightening experience; ease children's reservations about sharing traumatic details of events central to their protection claims; enhance understanding of interview protocols; and clarify issues and points of confusion that may arise. In this way, the presence of attorneys would promote adjudicators' efficient acquisition of information vital to rendering fair decisions under the law; advance clearer interview processes; and help realize the program's full promise.

Permitting children to have an attorney represent them during their interview is a straightforward, practicable measure to ensure a more orderly, secure immigration system. Without further delay, USCIS should issue a policy directive outlining how attorneys may access and fully represent children during their CAM refugee interviews before USCIS. To the extent USCIS already has begun developing a policy directive, please share updates regarding the content and timing for its issuance.

We thank you for your past actions to strengthen the CAM program and look forward to your prompt response on this matter.

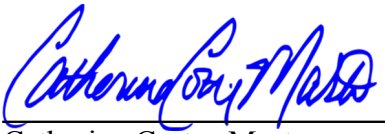
Sincerely,



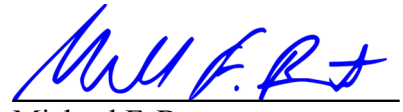
Richard J. Durbin
United States Senator



Laphonza Butler
United States Senator



Catherine Cortez Masto
United States Senator



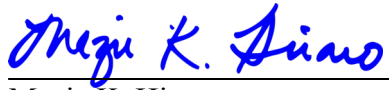
Michael F. Bennet
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