



THE CENTRAL AMERICAN MINORS (CAM) PROGRAM

By Andrew Craycroft

The Central American Minors (CAM) Refugee and Parole Program was established in 2014. The hybrid program allows certain young people from El Salvador, Guatemala, and Honduras to safely immigrate to the United States to reunite with a parent or legal guardian who resides in the United States. This advisory gives an overview of the CAM program, including the initial application for refugee or parole status and subsequent re-parole applications for CAM parolees.

I. Background

The CAM program was introduced to address the increase in young people, especially unaccompanied minors coming to the United States from El Salvador, Guatemala, and Honduras. During the summer of 2014, the number of unaccompanied minors increased dramatically, largely due to children from these three countries fleeing gang violence. The government initially responded with “an aggressive deterrence strategy focused on the removal and repatriation of recent border crossers.”¹ As part of this strategy, it massively expanded the use of family detention centers to detain adults and children who entered the United States together. It also created expedited “surge” dockets intended to speed up the deportations of unaccompanied minors, believing that quick deportations would deter other young people from immigrating. This approach failed to recognize that many of the people arriving at the border, especially unaccompanied children, were fleeing persecution or had other

¹ Efforts to Address the Humanitarian Situation in the Rio Grande Valley Areas of Our Nation’s Southwest Border, 1 Pub. Papers 817-18 (Jun. 30, 2014).

claims for immigration relief.²

The CAM program, introduced in November 2014, departed from the administration's enforcement-based approach.³ It created a means for certain minors from El Salvador, Guatemala, and Honduras, to come to the United States safely. Rather than embarking on a dangerous journey over land and relying on smugglers, CAM permits applicants to be processed in their home country. If approved for refugee status or parole, they can then travel to the United States.

The program took effect in December 2014, but its implementation suffered extensive delays. The restrictive eligibility criteria of the program excluded many young people altogether. Applicants who did qualify faced long processing times despite the fact that the program was intended for young people who faced immediate danger in their home countries. No children entered the United States under the program until November 2015.⁴ Advocates and community members reported frustration with the slow implementation of the program, especially given the precarious and sometimes dangerous situations of the young people who were waiting to be processed in their home countries.⁵ Additionally, because of the stringent requirements for refugee status, many of the young people whose applications were accepted were granted parole rather than refugee status.

In 2017, the Trump administration terminated the CAM program. It also rescinded the parole determinations for thousands of applicants who had been conditionally approved but had not yet traveled to the United States. By that time, 10,500 people had applied for the program, but only 3,092 had been admitted to the United States.⁶ In 2019 the government was ordered to complete processing for the 2,714 applicants who had received conditional parole approvals prior to the

² The U.S. government has consistently failed to extend refugee and humanitarian protections for those fleeing persecution in Central America and the Caribbean. Instead, it has routinely characterized them as "economic migrants," especially where they were fleeing governments that were supported by the United States. See, e.g., Elliott Abrams, Ass't. Sec'y of State for Human Rights and Humanitarian Affairs, Letter to the Editor, Economic Migrants from Latin America, *New York Times* (Apr. 2, 1985) (justifying low asylum grant rates for Salvadoran civil war refugees because of "large portions of economic migrants").

³ The expanded Deferred Action for Childhood Arrivals and Deferred Action for Parents of Americans and Lawful Permanent Residents programs were announced alongside CAM, but both programs were ultimately blocked before they could take effect.

⁴ Michael D. Shear. "Red Tape Slows U.S. Help for Children Fleeing Central America," *New York Times* (Nov. 5, 2015), https://www.nytimes.com/2015/11/06/us/politics/red-tape-slows-us-help-for-children-fleeing-central-america.html?_r=0.

⁵ Molly Hennessy-Fiske. "Frustrated by new U.S. program to take in migrants, Central American parents turn to smugglers," *Los Angeles Times* (April 21, 2016), <https://www.latimes.com/nation/la-na-central-american-migrants-20160420-story.html>.

⁶ National Immigration Forum, Fact Sheet: Central American Minors (CAM) Program, Mar. 19, 2021.

program's termination.⁷ Meanwhile, those who had received CAM parole and were in the United States were left without a mechanism of renewing their parole and maintaining their immigration status.

On March 10, 2021, the Biden administration announced that it was reopening the CAM program.⁸ The first reopening phase focused on reopening and processing applications that were pending when the CAM program was terminated. The second phase, announced on June 15, 2021, reopened the program for new applicants and expanded its eligibility criteria. Under the new criteria a child's legal guardian may file a petition. Those who previously had CAM parole can now apply for re-parole under the program. Additionally, the required status for petitioners has been expanded to now include parents and legal guardians who are legally present in the United States as a permanent resident, temporary protected status, parole (for a minimum of one year), deferred action (for a minimum of one year), deferred enforced departure, withholding of removal, or with a pending application for U nonimmigrant status or asylum.⁹

II. CAM Application Process

A. Eligibility

The CAM program is intended to reunite children with their parents and legal guardians who have lawful status or certain types of immigration applications but lack a mechanism to petition for their minor children to immigrate to the United States. The program is not intended for U.S. citizens or those who have refugee or asylee status, as they have access to other processes that allow them to petition for their minor children. The program also does not benefit children who are already in the United States but lack legal status, nor does it benefit families wishing to reunite from countries other than El Salvador, Guatemala, and Honduras.

1. Qualifying Petitioner and Child

The qualifying parent or legal guardian must be:

- 1) At least eighteen years of age; and
- 2) Either:
 - a. Be lawfully present in the United States pursuant to lawful permanent residence, temporary protected status (TPS), deferred action (such as deferred action for

⁷ *S.A. v. Trump*, 18-cv-03539 (N.D. Cal. Mar. 1, 2019).

⁸ USCIS, Central American Minors (CAM) Refugee and Parole Program, <https://www.uscis.gov/CAM>.

⁹ A pending I-589 application for asylum or a I-918 petition for U nonimmigrant visa must have been filed prior to May 15, 2021. *Id.*

childhood arrivals (DACA) or U visa deferred action)(for a minimum of one year), parole (for a minimum of one year), withholding of removal, or deferred enforcement of departure; or

- b. Have a pending application for asylum filed before May 15, 2021; or
- c. Have a pending petition for U nonimmigrant status filed before May 15, 2021.¹⁰

The qualifying child must be:

- 1) The biological, step, or adopted child of the qualifying parent, or the petitioner must be their legal guardian;
- 2) Under twenty-one years old;
- 3) Unmarried;
- 4) A national of El Salvador, Guatemala, or Honduras; and
- 5) Physically located in their country of nationality.¹¹

2. Expanded Categories of Family Members

On July 26, 2016, the Department of Homeland Security (DHS) announced expanded categories of family members who can participate in the CAM program with a qualifying child. These expanded categories are also included in the current reopened CAM program.

Other family members who will be eligible to apply through the CAM program include:

- **Children of the qualifying child** who are under twenty-one and unmarried;
- **Siblings of the qualifying child** (adult sons and daughters of the qualifying parent);
 - These children have their own case and can include their spouse and unmarried children under the age of twenty-one;
- **In-country parent (including step or adoptive)** of the qualifying child who resides with the qualifying child and is married to the qualifying parent in the United States if they:
 - Are part of the same household and economic unit as the child;
 - Are married to the qualifying parent at the time the application is filed; and

¹⁰ USCIS, Central American Minors (CAM) Refugee and Parole Program, <https://www.uscis.gov/CAM>.

¹¹ Id.

- Continue to be married to the qualifying parent at the time of admission or parole into the United States;
- ***In-country biological parent*** of the qualifying child, whether or not married to qualifying parent in United States if they are part of the same household and economic unit as the child (the unmarried biological parent of the qualifying child may also include their legal spouse as a derivative on their case);
- ***Children of the in-country parent*** who are under twenty-one years old and unmarried; and
- ***Caregivers of the qualifying child*** who are related biologically or through marriage to the qualifying parent in the United States or related to the qualifying child through a biological, step, or adoptive relationship.¹²

If a legal guardian is filing the application, they cannot include an in-country parent of the qualifying child, but they can include the siblings of the qualifying child. A legal guardian can only include a caregiver if the caregiver is related to the qualifying child.

The in-country parent, if not the biological parent, may participate so long as there is sufficient evidence to show that they are part of the household and economic unit of the child. It is also required that the in-country parent, if not the biological parent, be married to the qualifying parent at the time of application and upon entry with parole.

“Caregivers” is a significant addition to the program. There is the potential for many more people to qualify for participation in the program under this category. There is not a definitive list of qualifying relationships. Possible familial relationships to the qualifying parent in the United States include aunts, uncles, and grandparents. The caregiver must be the qualifying child’s primary caregiver and must be in the same household and economic unit as the qualifying child.

B. Applying for CAM through a Refugee Resettlement Agency

1. Affidavit of Relationship (AOR)

The first step in applying for CAM is that the U.S.-based parent or legal guardian must file the initial application. They must submit the initial application on Form DS-7699, *Affidavit of Relationship for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras (AOR)*. They must file the AOR with the assistance of a designated refugee resettlement agency funded

¹² Id.

by the U.S. Department of State.¹³ These agencies are designated by the government to participate in the U.S. refugee resettlement program and assist in receiving arriving refugees and providing initial services. There is no publicly available application form; the only way to file the initial AOR is through a refugee resettlement agency. There is no fee to file this form, and the resettlement agencies are not permitted to charge fees for this service.

A list of recognized resettlement agencies throughout the United States is available at <https://www.wrapsnet.org/rp-agency-contacts/>.

2. DNA Testing Required in All Cases

All CAM cases based on a biological relationship require DNA testing.¹⁴ This includes cases where there are multiple children of the same qualifying parent. DNA testing must be done simultaneously for all children being applied for by the qualifying parent. Only an accredited laboratory may perform DNA testing. Accredited labs comply with American Association of Blood Banks (AABB) standards. A list of accredited labs can be found here: www.aabb.org/SA/FACILITIES/Pages/RTTestAccrFac.aspx.

Although there is no cost for the CAM application itself, the petitioner must pay the cost of DNA testing upfront. If the DNA test confirms all biological relationships in question, the State Department will reimburse the cost of the tests afterward.¹⁵

The applicant parent and child(ren) will be notified to begin DNA testing via a letter from the resettlement agency where they completed their application.¹⁶ DNA results are sent to both the qualifying parent and State Department. If the biological relationship is confirmed, the child will be contacted for an interview with a U.S. Citizenship and Immigration Services (USCIS) officer in the country of nationality. Because the DNA testing process itself can take several months, the processing time of the application can take over a year.

¹³ See U.S. Dep't of State, Bureau of Population, Refugees, and Migration, *Reception and Placement*, <https://www.state.gov/refugee-admissions/reception-and-placement/>.

¹⁴ U.S. Dep't of State, Bureau of Population, Refugees, and Migration, *Central American Minors 2021 Reopening*, <https://www.state.gov/refugee-admissions/central-american-minors-cam-program/>.

¹⁵ *Id.*

¹⁶ U.S. Embassy Honduras, In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador, and Guatemala (Central American Minors – CAM) (July 2016) https://hn.usembassy.gov/wp-content/uploads/sites/109/2016/07/visas_camprogram-faqs.pdf.

C. Adjudicating the Application

1. CAM Refugee Status

The CAM program is a unique hybrid refugee and parole program. Applicants are first screened for refugee status.¹⁷ If they are not eligible, they are then considered for parole in the alternative. The program therefore recognizes that many young people fleeing El Salvador, Guatemala, and Honduras would have strong asylum claims in the United States and that even those who do not meet the refugee definition may still face danger and require protection on humanitarian grounds.¹⁸ The distinction between refugee status and parole is important, as only refugees have a path to lawful permanent residence. Parole, as discussed below, is renewable but temporary and does not offer a path to permanent status on its own.¹⁹

At the interview, the officer will first assess whether the minor meets the definition of a refugee under INA § 101(a)(42). Similarly, each family member included must individually present a claim for refugee status and independently demonstrate their eligibility.

INA § 101(a)(42) defines a refugee as:

“any person ... who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”

Persecution does not have a specific statutory definition. Case law describes persecution as “the infliction of harm or suffering upon those who differ in a way that is regarded as offensive.”²⁰ Although most persecution is actual or threatened physical harm, it is not limited to it. Other forms of emotional, psychological, or even substantial economic harm may constitute persecution. Additionally, according to USCIS guidelines, “harm a child fears or has suffered

¹⁷ See INA § 101(a)(42) for the definition of refugee.

¹⁸ Not all types of feared harm and persecution qualify for asylum protection. Furthermore, restrictive rulings by the Board of Immigration Appeals (BIA) have made it harder for Central Americans fleeing gang-based persecution to qualify for asylum. See *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014); *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014); *Matter of E-A-G-*, 24 I&N Dec. 591 (BIA 2008); *Matter of S-E-G-*, 24 I&N Dec. 579 (BIA 2008).

¹⁹ Parolees may be able to adjust status if a different immigrant visa is available to them. INA § 245(a).

²⁰ *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985)

may still qualify as persecution despite appearing to be relatively less than that necessary for an adult to establish persecution.”²¹

In order to obtain refugee status, the child must show more than a well-founded fear of harm or persecution. They must also show that the persecution is connected to one of the protected grounds for refugee status – race, religion, nationality, membership in a particular social group, or political opinion. This required connection is known as nexus. Even though many young people from El Salvador, Guatemala, and Honduras face harm or threats from gangs that meets the definition of persecution, showing a nexus between gang violence and one of the five protected grounds under current case law is challenging in many cases. During the initial 2014-2017 phase of the program, most approved CAM applicants were granted parole rather than refugee status.

If found to meet the refugee definition, the applicant will be granted refugee status. They will be permitted to enter the United States after completing a physical examination prior to travel to the United States. At the same time, a home study of the qualifying parent’s home in the United States will be conducted in order to ensure it is a proper placement for the minor. The resettlement agency will work with the qualifying parent or guardian to prepare for the arrival of the minor. Upon completion of both steps in the respective countries, the minor will be issued a travel document and travel to the United States will be arranged at government expense.

There are many benefits to refugee status. Refugee status is granted indefinitely and permits the individual to live and work lawfully in the United States. Refugees are automatically authorized to work incident to their status.²² Refugee status does not expire, but after one year as a refugee they are required apply for lawful permanent residence. Refugees also have access to resettlement assistance services and an array of public benefits. For more information, please visit the website of the Office of Refugee Resettlement: www.acf.hhs.gov/orr/refugees.

If refugee status is not granted, the applicant has ninety days to file a Request for Review (RFR) of that determination. The RFR process does not affect their continued application for CAM parole. Parole consideration can be suspended while the RFR is pending and resumed if the denial of refugee status is affirmed. However, if the child is granted parole and travels to the United States while the RFR for refugee status is pending, the RFR will be considered abandoned.

²¹ USCIS, Asylum Officer Basic Training Course, Guideline for Children’s Asylum Claims, Mar. 21, 2009, <https://www.refworld.org/docid/4f3e30152.html>.

²² They may also apply for an Employment Authorization Document by filing Form I-765 as proof of their authorization.

2. CAM Parole

If the applicant is denied refugee status, they will then be considered for a grant of parole. Parole is a discretionary determination made on a case-by-case basis after assessing various factors. The factors considered include whether the young person faces harm in their country of origin, has passed all background checks, does not have any negative discretionary factors, and that someone in the United States has agreed to be financially responsible for their needs.²³ To show that someone has agreed to support them, the applicant must submit Form I-134, Affidavit of Support and supporting documentation. If refugee status is denied, there is no fee for consideration for parole under the CAM program and consideration for parole is automatic.²⁴

If the young person is found conditionally eligible for parole, which is a determination included in the letter denying refugee status, they must complete several steps to receive final approval. First, they must undergo and pay at their own expense a medical examination completed by an approved medical provider. The cost is estimated at around \$60-120 depending on the country. In addition, the minor will undergo certain criminal and security background checks.

Once the medical examination is complete, officials will contact the parent in the United States to pay for and make travel arrangements. Unlike refugees, parolees are required to pay their own transportation costs to United States, estimated at between \$1,100-1400 depending on whether a minor requires an escort during travel. Nonetheless, *travel must be booked through the International Organization for Migration (IOM)*, which has offices in all three countries. If additional time is needed to secure funds to pay for the travel arrangements, officials at the consulate should be notified so that the case can be administratively closed. However, applicants who require extra time must be careful to not let the medical examination expire, which is only valid for a limited period. Once the funds are secured and travel arrangements confirmed, the case can be reopened and proceed normally.

If parole is granted, the minor will be issued travel documents for travel to the United States. Once the parole document, Form I-512L, is issued, the minor will have a specified timeframe during which they can travel to the United States, typically four months. Throughout the parole process, the qualifying parent or legal guardian must remain in the qualifying status for CAM, including when the minor is issued a travel document and travels to the United States.

²³ USCIS, Central American Minors (CAM) Refugee/Parole Program: Information for Conditionally Approved Applicants, <https://www.uscis.gov/humanitarian/humanitarian-parole/central-american-minors-cam-refugeeparole-program-information-conditionally-approved-applicants>.

²⁴ U.S. Embassy Honduras, In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador, and Guatemala (Central American Minors – CAM) (July 2016) https://hn.usembassy.gov/wp-content/uploads/sites/109/2016/07/visas_camprogram-faqs.pdf.

Parole under the CAM program is generally granted for a two-year period. That means a minor who enters on the program can live and work lawfully in the United States during that period. Parolees are eligible to apply, once in the United States, for an employment authorization document (EAD) by filing Form I-765 and paying the requisite fee, or submitting a fee waiver request on Form I-912. The category of the employment authorization that should be listed on Form I-765 is (c)(11).²⁵ Applying for work authorization is recommended even if the minor does not plan to work or is not of legal age to engage in employment in order to have a form of government-issued photo identification and a social security number.

III. Re-Parole for Current and Former CAM Parolees

As mentioned above, unlike refugee status, which is permanent and is a path to permanent residence, parole is time limited. At the conclusion of the two-year parole period, parolees are eligible to apply for re-parole ninety days prior to the expiration date of their current parole. Because of the timing of the Trump administration's suspension of the CAM program, many CAM parolees did not have the opportunity to apply for re-parole before their status expired. As of this writing, CAM re-parole is once again available to CAM parolees whose parole is about to expire as well as those whose parole expired prior to the reopening of CAM.

Unlike the initial CAM application, the re-parole application does not require an AOR, nor does it need to be done through a refugee resettlement agency. Re-parole applicants must file an I-131 application packet and supporting documentation pursuant to CAM-specific instructions. These instructions can be found on the USCIS website at: <https://www.uscis.gov/CAM>. Under the instructions, the packet should include an I-134 affidavit of support, an explanation with supporting documentation as to why the person needs to remain in the United States, and "CAM re-parole" should be written across the top of the application. The re-parole application requires the filing fee for the I-131 or fee waiver request.²⁶ The re-parole requests will be adjudicated under the same criteria as the original CAM application. Re-parole applicants whose parole has expired due to the previous CAM termination should also include a statement explaining why they did not apply for parole sooner.

Although re-parole confers work authorization once it is granted, applicants for re-parole cannot file the I-765 request for an employment authorization document (EAD) concurrently with the re-parole application. Instead, they must wait until the re-parole is approved. For a parole-based

²⁵ 8 C.F.R. § 274a.12(c)(11).

²⁶ As of this writing, the filing fee for Form I-131 is \$575. A new fee rule is anticipated in the coming months and this amount could soon change.

EAD, the I-765 must be accompanied by the I-94 or other evidence that the applicant has been paroled.

The International Refugee Assistance Project (IRAP), a refugee resettlement agency, has additional information and resources, including a sample cover letter and statement for a re-parole application. For additional information please visit, <https://support.iraplegalinfo.org/hc/en-us/articles/4404258889876-I-am-in-the-United-States-now-with-CAM-parole-status-or-my-status-ended>.



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