



One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

June 1, 2023

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

RECEIVED

By ESEC at 7:33 am, Jun 02, 2023

Secretary Mayorkas:

The Committee on Homeland Security is conducting oversight of the Department of Homeland Security's (DHS) Central American Minors (CAM) refugee and parole program.¹

CAM was originally launched in November 2014, by the Obama administration to stem increasing numbers of unaccompanied minors from El Salvador, Guatemala, and Honduras. In August 2017, the Trump administration terminated the parole component of the program, resulting in the Department of State declining to accept new applications. Since the reinstatement of the parole component by the Biden administration on March 10, 2021, and the recent changes made on April 11, 2023, it has become evident that the program lacks critical restrictions to prevent abuse. The eligibility of individuals granted Temporary Protected Status (TPS) or parole is troubling.² The concern is deepened by the fact that eligibility for qualifying parents is expanded to include anyone who is a part of the same household and economic unit, and from the child's country of origin. The policy fails to require any actual biological relation or legal responsibility to the eligible child. It simply casts a wider net over anyone associated with the household.

The concerns over the broad eligibility requirements are compounded by the mass migration currently happening at the Southwest border. The current trends indicate that Congress can expect the increase of encounters to continue; therefore, anticipating a substantially larger number of applications submitted for the CAM program. These reports, paired with the expanded, more inclusionary eligibility requirements, magnify our concerns of the program's official use and need for overall reform.

In addition to our previously mentioned concerns are the recently announced changes to the original guidelines of the CAM program, which make apparent the goal of utilizing the program beyond its original intent. Particularly, the change in course of allowing those who failed to qualify for refugee status who were interviewed between August 16, 2017, and January

¹Central American Minors (CAM) Program, uscis.gov, <https://www.uscis.gov/CAM> (last visited May 8, 2023).

² Ibid.

31, 2018, effectively failing eligibility for parole consideration, are now eligible to pursue parole. Moreover, the fact that financial supporters will simply be permitted to provide a sworn statement attesting to their financial abilities rather than requiring applicants to complete the once necessary Form I-134, Declaration of Financial Support as evidence of ability, is astonishing and frankly, ripe for fraud.³

Each aforementioned concern affirms the need for thorough oversight into the highly questionable CAM program. The boundaries of operation have clearly been skewed as a result of the Biden administration's goal to expand current eligibility requirements in an effort to explicate the CAM program beyond its original intent.⁴

To assist the Committee with its oversight of the CAM program, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on June 15, 2023:

1. Documents sufficient to explain how DHS intends to independently verify reported legal marriages and or unions from El Salvador, Honduras, and Guatemala;
 - a. Documents and communications sufficient to explain DHS' policy for approving or denying the marriages in question.
2. Concerning the recent announced changes to the program, all documents and communications providing sufficient information and explanation regarding:
 - a. The number of cases from August 2017 to January 2018 that have been approved and or denied parole;
 - b. The protocol for verifying U.S. citizens who provide sworn statements of financial support in lieu of the Form I-134; and
 - c. The income threshold to be considered financially responsible for refugees or parolees and the maximum number of people one can support based on their level of income.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

³ Departments of Homeland Security and State Announce Enhancements to the Central Amer. Minors Program, <https://www.dhs.gov/news/2023/04/12/departments-homeland-security-and-state-announce-enhancements-central-american> (last visited May. 8, 2023).

⁴ Joint Dep. of State and Dep. of Homeland Sec. Rollout of the Application Process for the CAM Program, <https://www.state.gov/joint-department-of-state-and-department-of-homeland-security-rollout-of-the-application-process-for-the-central-american-minors-cam-program/> (last visited May. 8, 2023).

Secretary Mayorkas

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Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Respectfully,

A handwritten signature in black ink that reads "Clay Higgins". The signature is written in a cursive, flowing style.

CLAY HIGGINS
Chairman
Subcommittee on Border Security and Enforcement

Encl.

cc: The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



U.S. Citizenship
and Immigration
Services

August 22, 2023

The Honorable Clay Higgins
Chairman
Subcommittee on Border Security and Enforcement
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Higgins:

Thank you for your June 1, 2023 letter to the Department of Homeland Security (DHS) regarding the Central American Minors (CAM) program. I am responding on behalf of the Department.

The CAM program provides certain qualified children who are nationals of El Salvador, Guatemala, and Honduras, as well as certain family members of those children, an opportunity to seek refugee status and possible resettlement in the United States. A parent, including a stepparent or legal guardian who is lawfully present in the United States may request refugee status and possible resettlement on behalf of a qualifying child and certain other family members¹ through the U.S. Refugee Admissions Program (USRAP) by submitting a DS-7699 “Affidavit of Relationship for Minors Who Are Nationals of El Salvador, Guatemala, or Honduras” through a U.S.-based resettlement agency. The Department of State (DOS) receives the DS-7699 and determines eligibility for USRAP access. Individuals whom U.S. Citizenship and Immigration Services (USCIS) determines are ineligible for refugee status are considered, on a case-by-case basis, for parole.

As a general matter, U.S.-based qualifying parents or qualifying legal guardians may apply for family members to access CAM based on the categories of family members on the Affidavit of Relationship. Access, even for add-on family members, is limited to individuals with a family relationship to either the qualifying child or the U.S.-based qualifying parent.

On August 16, 2017, a Federal Register Notice (82 FR 38926) was published ending the CAM parole program. On November 10, 2017, DOS stopped accepting new CAM program Affidavits of Relationship. On June 13, 2017, a complaint was filed in the *Northern District of*

¹ Other family members who may be included on an Affidavit of Relationship include the child’s in-country parent, the child’s caretaker, and the child’s siblings who are married and/or over age 21. If those individuals have their own spouse and children, those individuals may be derivatives on the family member’s refugee case.

California, S.A. v. Trump, cv-03539, challenging the August 2017 decision to terminate the CAM program and related issues. In the meantime, during the period of August 2017 to January 2018, USCIS did not consider cases for CAM parole, and there were no CAM parole approvals or denials. USCIS rescinded conditional parole approvals for individuals who had received a conditional parole approval letter but who had not completed parole processing.

On May 17, 2019, a final judgment and order for permanent injunction in *Northern District of California, S.A. v. Trump* was issued, and with the related settlement agreement, USCIS reopened parole cases and has continued processing of certain CAM parole cases under the previous CAM policies and procedures.² On March 10, 2021, DOS announced the reopening of the CAM program in two phases. Phase One focused on reopening and processing eligible Affidavits of Relationship that were closed when the program was terminated. On June 15, 2021, DOS and DHS announced Phase Two, which allowed for the acceptance of new Affidavits of Relationship.

When considering access to the CAM program as a spouse or eligibility for derivative refugee status as a spouse under the CAM program,³ USCIS applies the “place-of-celebration”⁴ rule and the USCIS Guidance on Informal (“Camp”) Marriages.⁵ The place-of-celebration rule requires that for immigration purposes, the legal validity of a marriage is determined by the law of the place where the marriage was celebrated. The informal marriage exception may apply where a spouse demonstrates that they are unable to have their marriage legally recognized in the place of celebration as a result of their flight from persecution and circumstances beyond their control or due to restrictive laws or practices in their country of origin or country of first asylum. For the exception to apply, spouses who have been prevented from obtaining a valid marriage or formal perfection of the marriage must show certain indicia of a marriage.

² USCIS reopened approximately 2,700 parole cases and has continued processing of certain CAM parole cases under the previous CAM policies and procedures. Of those individuals, as of June 6, 2023, approximately 1,680 individuals were authorized parole under CAM and 18 individuals had their CAM parole cases denied. Approximately 750 individuals have had their case administratively closed or have withdrawn their case. USCIS processed approximately 760 new or reinterviewed CAM cases that were found ineligible under USRAP and were not considered for parole under CAM due to the Federal Register Notice. Note that there may be multiple individuals attached to the same CAM case. These cases were not reopened under the final judgement and order and related settlement agreement in *Northern District of California, S.A. v. Trump* because they had not received a conditional parole approval letter. USCIS is in the process of reviewing the procedure for reopening these cases to consider individuals for CAM parole. None of the individuals on these cases have been approved or denied CAM parole at this time.

³ Individuals who may be considered for eligibility for derivative refugee status as a spouse under the CAM program include certain married qualifying children who proceeded with their cases during the CAM Phase I reopening or the spouse of certain family members accompanying the qualifying child.

⁴ See *Matter of Rodriguez-Cruz*, 18 I&N Dec. 72 (BIA 1981)

⁵ On February 14, 2022, the USCIS Refugee, Asylum and International Operations Directorate issued a memorandum entitled “Revised Guidance on Informal (“Camp”) Marriages” outlining a return to the USCIS’ prior longstanding recognition of an exception to the general place-of-celebration rule that may be applied in Form I-590, Registration for Classification as Refugee, cases. See https://www.uscis.gov/sites/default/files/document/memos/Revised_Guidance_on%20Informal_%28_Camp_%29_Marriages.pdf. The 2022 guidance also applies to Form I-589, Application for Asylum and for Withholding of Removal, and Form I-730, Refugee/Asylee Relative Petition, adjudications. See <https://www.uscis.gov/i-589>.

USCIS reviews all evidence submitted with the refugee application, including testimony provided under oath to a USCIS officer during interview. Where possible, evidence of a marriage will consist of a civilly issued marriage certificate, and, if previously married, proof of the legal termination of all previous marriages, as specified in 8 C.F.R. § 204.2(a)(2). If primary evidence is not available, 8 CFR § 207.7(e) provides for consideration of secondary evidence to establish the qualifying relationship. This may include evidence of cohabitation, birth certificate(s) of child(ren) born to the union, testimonial evidence (to include testimonial evidence from third parties having personal knowledge of the marital relationship), as well as any relevant country of origin information or other evidence in the case file.

For parole, each applicant must establish that there is significant public benefit and/or urgent humanitarian reasons for their parole into the United States and that they merit a favorable exercise of discretion on a case-by-case basis. A valid marriage to an individual already authorized for parole or already in the United States may be considered as a strong positive factor in maintaining family unity, to be weighed against other discretionary factors, when USCIS determines whether the applicant merits a favorable exercise of discretion.

Financial support is not a requirement for individuals who are eligible for refugee status, because they are eligible for resettlement benefits after arrival in the United States. For CAM parolees, most financial supporters are the U.S.-based qualifying relative or are individuals who otherwise share a familial relationship with the parolee. Financial supporters attest that they are able to provide financial support to the parolee for the duration of parole. Per the Federal Register Notice (88 FR 21694) published on April 11, 2023, USCIS now allows financial supporters to provide a sworn statement as an alternative to completing the Form I-134, and USCIS may request supporting documentation as needed.

For certain CAM parolees who require evidence of financial support in the United States, the financial supporter attests that they will provide financial support to the parolee for the duration of parole. While the program does not set a maximum number of CAM parolees an individual can support in the United States, USCIS considers the Health and Human Services poverty guidelines and any special circumstances related to the beneficiary's need for care, when assessing, whether there are sufficient funds in place to adequately support the parole beneficiary when they are in the United States.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou

Director, U.S. Citizenship and Immigration Services