

Waiting for Refuge: Benefits and Challenges of the Central American Minors In-Country Refugee Processing Program (CAM)

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with



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UUSC is a nonsectarian human rights organization powered by grassroots collaboration. UUSC's mission is to advance human rights and social justice around the world, partnering with those who confront unjust power structures and mobilizing to challenge oppressive policies.

GMIES aims to independently promote the respect of labor rights, the improvement of working conditions, research, and the formulation of innovative proposals in El Salvador, with a professional and integral human team, sensitive to the needs of the working population and committed with the respect of their rights and dignity.

CIPRODEH is a major platform of civil society organizations in Honduras that focuses on improving government accountability and transparency, ensuring the equal protection of the laws and upholding human rights guarantees, administrative decentralization and locally-driven sustainable development, and capacity building among marginalized populations – including migrants and refugees– to demand the rights of citizenship and public participation.

RAICES promotes justice by providing free and low-cost legal services to underserved immigrant children, families and refugees in Central and South Texas. RAICES strengthens communities by promoting justice for immigrants and refugees and by bringing their voices to the halls of justice and public opinion.

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I. Executive Summary

The U.S. government's Central American Minors In-Country Refugee/Parole program (CAM, CAM-AOR, or CAM program) offers life-saving protection for a small subset of the children who flee terror in the Northern Triangle of Central America—the countries of El Salvador, Guatemala and Honduras. The program, created in 2014, is a clear admission that the United States acknowledges the refugee crisis in this region. As the Obama administration considers its legacy and a new administration ascends to power, the United States must protect the rights of refugees and asylum-seekers. The CAM program is one small part of that work and illustrates that the U.S. government must work harder to ensure that it is protecting the human rights of refugees and asylum-seekers from this region.

In the past decade, escalating violence and widespread international gang activity have created a deadly crisis in El Salvador, Honduras, and Guatemala. Families have flooded out of these countries to seek asylum throughout the region. From 2008-2014, asylum applications increased over 1000% in the countries that neighbor the Northern Triangle and rose 370% in the United States.¹ Asylum-seekers undertake a treacherous journey, facing extortion, abuse, rape, and even threat of death as they seek safety at the U.S. border. Administration officials have argued that CAM is a "safe and legal" alternative to the dangerous journey to the southern U.S. border to seek asylum.² Yet, our investigation into the CAM program shows that it is not safe enough for applicants and is not a viable alternative for the majority of minors fleeing this refugee crisis. This is due to long wait times, the requirement that children stay where they are persecuted, dangerous travel, high costs, and strict eligibility requirements. Even minors who are in the midst of their applications face life-threatening risks. As such, our research points to the need to provide security measures for applicants and for expedited processing for in-country refugee programs like CAM. It also offers important evidence that the U.S. and other regional partners must deepen commitments to expand protections for refugees and asylum-seekers.

The CAM program reveals broader weaknesses in current U.S. policy toward asylum-seekers at our borders. At the close of Fiscal Year 2015, the Obama administration could report a decline in apprehensions of unaccompanied children and family units at the southern border of nearly 50% over the previous year.³ Far from meaning the end of the refugee crisis, however, this signaled to many activists that the U.S. government's deterrence strategy against asylum-seekers had effectively been regionalized. Interdictions and returns of Central Americans in Mexico, under the Plan *Frontera Sur*, a border enforcement program implemented with U.S. funding and encouragement, had become increasingly prevalent, alongside such U.S.-based deterrence efforts as family detention and expedited deportation proceedings for Central American families and children. The availability of in-country processing through the CAM program became an important

part of the narrative as well, as many advocates expressed concern that the program might be deployed as a pretext for the larger deterrence strategy.⁴

Our research confirms that few minors (according to our survey, 2.5%) who take the traditional migration route through Mexico to seek asylum in the United States are aware of the CAM program. And even fewer (according to our survey, 1%) feel CAM is a legitimate alternative for them. Most could not wait a year to flee or did not fit the eligibility criteria. Thus, the current and future administrations must do all in their power to protect the rights of asylum-seekers at our doorsteps and to ensure that asylum-seekers are treated humanely, afforded alternatives to detention, reunited with family members in the U.S., and provided a fair day in court with access to counsel.

The U.S. has a long tradition of respecting and protecting the rights of refugees. The international community recognized the need to secure the rights of refugees following the fascist and genocidal regimes of World War II and the U.S. participated in securing those rights with the 1951 Convention and 1967 Protocols. We currently resettle more refugees than any other country: approximately 85,000 in 2016. But we cannot be complacent; there are currently more displaced people on the globe than there were after World War II. The U.S. has acknowledged the refugee crisis in Central America and it must fulfill its responsibilities to those who need protection. It is particularly notable that the majority of CAM applicants have been afforded humanitarian parole, not refugee status, for a variety of reasons discussed in this report, but most of these minors need refugee status and the security and protection that such status brings. We must do more to meet these needs, especially welcoming refugees from those regions where U.S. involvement in repressive regimes and failure to curb international gang activity have fueled the crisis.

Origins of the Project

The Unitarian Universalist Service Committee (UUSC) has a long history of partnering with the people of Central America in their struggles for human rights. In the 1980s, UUSC helped to sponsor Congressional delegations to El Salvador to investigate war crimes,⁵ authored an extensive report on human rights in Nicaragua in the era of the Contra War,⁶ and supported fact-finding efforts in Guatemala that contributed to the conviction of former dictator, General Efraín Ríos Montt, on charges of genocide against the indigenous Maya people.⁷ In those years, UUSC's allies and partners in the region were fighting against a U.S. administration that denied protection to refugees who had in part been displaced by its own policies. We found ourselves in a similar situation in 2014, when a second generation of Central American refugees—many of them the children and grandchildren of those who fled in the '80s—arrived at the U.S. border. Once again, the U.S. government instituted a policy of deterrence and deportation, rather than of protection.

UUSC decided to undertake the first comprehensive investigation into the CAM program since its creation, drawing upon the guidance and support of experts who had deep experience in the region. The goal of the organization and its research partners in both Central America and the United States has been to investigate the successes and weaknesses of the CAM program and provide recommendations for future policy-makers to ensure that CAM provides genuinely safe and effective paths to humanitarian protection, and that it is understood in the context of the larger refugee crisis.

Recommendations

As the research project came to a close, a new administration was elected to the White House, the leadership of which has expressed hostility toward undocumented immigrants and refugees. What the policies of this administration will be in practice remains to be seen, but the president-elect's rhetoric and initial policy proposals have been profoundly concerning. We hope nonetheless that future administrations will review this report in good faith and use it to inform a stronger refugee protection system for the region.

In the meantime, however, the outgoing administration should implement all changes that are possible to leave behind a legacy of protection. The Obama administration can take some immediate steps to improve the situation of refugees and asylum-seekers:

- Expedite pending CAM applications for those who have the most dire protection needs and especially for those who have already achieved conditional refugee status but have not arrived in the U.S.
- Work to ensure that refugee status and asylum determinations are made using the most up-to-date understandings of refugee definitions and international protection guidelines for Central America (such as those outlined by the United Nations High Commissioner for Refugees (UNHCR or U.N. Refugee Agency) in 2016).
- Direct U.S. Department of Homeland Security (DHS) to place asylum-seekers directly into immigration court proceedings, rather than into detention and expedited removal where they risk abuse and deportation without due process.

To addressing the Central American Refugee Crisis—Long-Term:

- The CAM program and third-country processing programs should be expanded and amply funded.
 - The International Organization for Migration (IOM) and U.S. Citizenship and Immigration Services (USCIS) should fully implement circuit rides to lessen the burden of long-distance travel for minors.
 - IOM should be directed to provide accommodation and safe interview times.

- The U.S. Department of State’s Bureau of Population, Refugees, and Migration (PRM) and USCIS should work to expand funding for refugee resettlement agencies (RAs), staffing, and resources, as they expand CAM eligibility to avoid backlogs.
- RAs and immigrant services organizations should be funded to provide follow-up services to both refugees and parolees.
- All minors should be afforded access to counsel for refugee determination interviews.
- Children’s refugee determination interviews should be carried out in their language whenever possible.
- U.S. agencies and resettlement agencies should partner with trusted civil society groups, human rights organizations of governments in Central America, and immigrants’ rights and advocacy organizations in the U.S. to build trust and better share information about humanitarian programs.
- The U.S. should work with UNHCR to further expand programs like the protection transfer agreement (PTA) with Costa Rica, providing expedited processing and safe haven for those with the most grave and immediate protection needs.

II. Methodology

The bulk of this report is based on in-depth interviews and focus group meetings with 135 children and families in the United States, El Salvador, and Honduras. The interviews are inclusive of a variety of experiences and perspectives: children and families who have used the CAM program to arrive in the U.S. with parole or refugee status, minors in El Salvador and Honduras who are in the midst of their applications, family members and guardians of CAM applicant beneficiaries in Central America, parents in the U.S. who have initiated the CAM-AOR process, and members of migrant family committees in Honduras who consider a wide variety of options to achieve family reunification for children at risk.

The research also includes a survey of 514 asylum-seekers, unaccompanied minors, and mothers with children, who have recently taken the more traditional and treacherous journey from the Northern Triangle of Central America to the border of Texas and are in asylum proceedings. We have also conducted interviews with seasoned immigration attorneys with the Refugee and Immigrant Center for Education and Legal Services (RAICES) who serve hundreds of unaccompanied minors arriving each week in south Texas.

The perspectives of asylum-seekers and CAM families are complemented by interviews with the staff at resettlement agencies across the country—staff who have processed the applications for over 1,300 CAM minors; non-governmental organizations (NGOs) and human rights

organizations; government and diplomatic officials in Honduras, El Salvador, and the United States; and with representatives of major advocacy organizations with great depth of experience in immigrants' rights.

Note on sources: The confidentiality of our interviewees is of the utmost importance. Thus, the reader will encounter quotations without citation. These quotations are taken from interviews with CAM applicants and their families conducted in Spanish and have been translated by UUSC.

III. CAM in the Context of the Refugee Crisis in the Northern Triangle

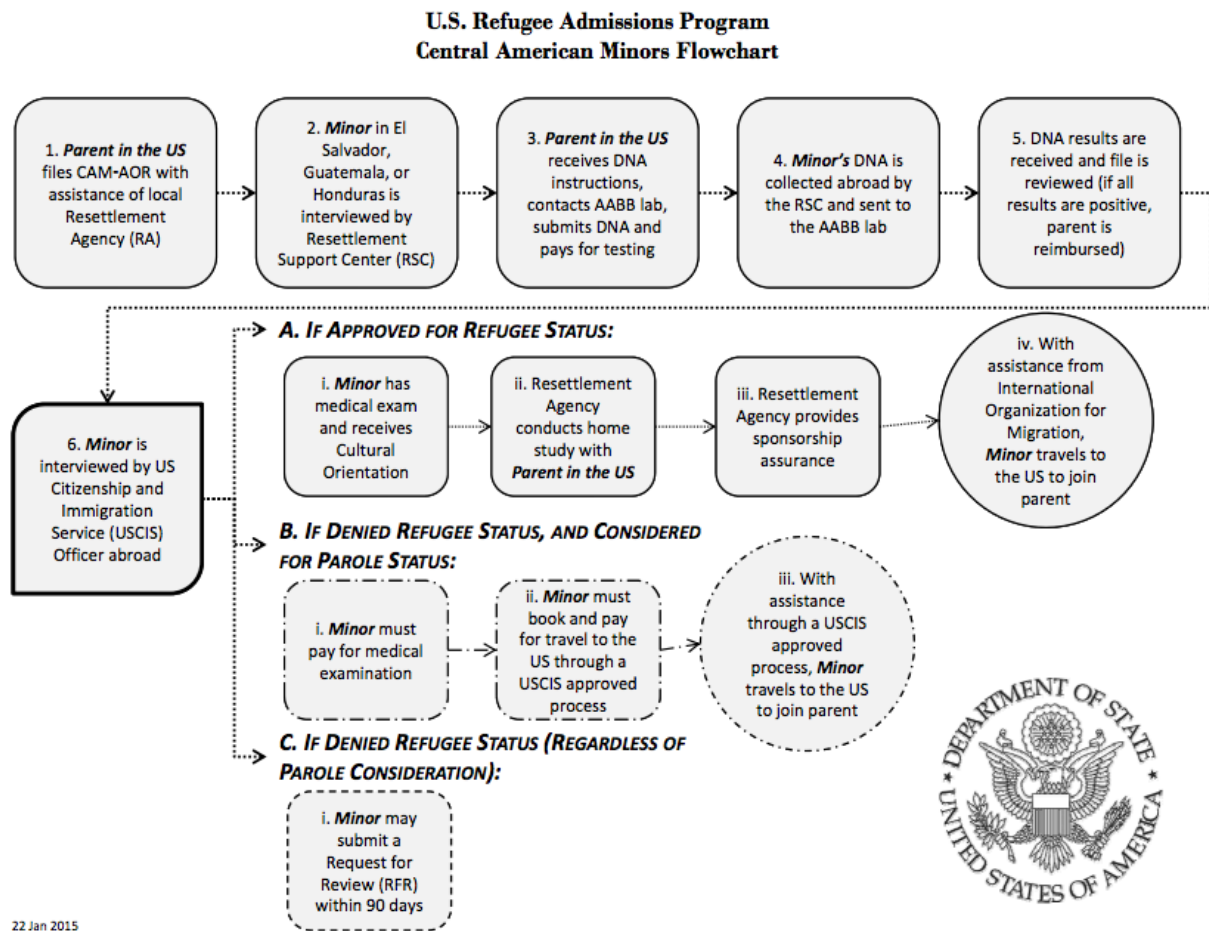
In November 2014, the Obama administration announced the creation of CAM. It was initially described as a "a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States" which would "provide certain vulnerable, at-risk children an opportunity to be reunited with parents lawfully residing in the United States."⁸ The administration's announcement, in its introductory paragraph, made it very clear that this program would not be a "pathway for undocumented parents to bring their children to the United States."⁹ The program went online in December 2014, but our research indicates that parents in the U.S. (called "qualifying parents" within the program) did not begin applying in any significant numbers until March or April 2015.¹⁰

The CAM program was created, in the short term, as a response to the "surge" of unaccompanied minors seeking asylum at the southern U.S. border that garnered major media attention in 2014 and, in a broader sense, as a response to the growing refugee crisis in Central America. In fact, the creation of CAM is a welcome indicator that the administration is recognizing the severity of the crisis.¹¹ Much of the debate surrounding the "surge" focused on attempts to try to identify the reasons children were arriving in increased numbers. Border Patrol officials and DHS officials, along with some members of Congress, argued that the children were responding to lax policies implemented by the Obama administration—that children were coming simply because they had heard that if they came to the border they would be released into the community.¹² Others have argued that family reunification is a primary factor for many children.¹³

Since that time, the humanitarian crisis in the region has been well-documented. Numerous reports have illustrated that children and families seeking asylum from the Northern Triangle are fleeing violence, extortion, and imminent threats of kidnapping, rape, and death, primarily from international gangs who act with impunity in their communities.¹⁴ The number of youth and families fleeing the region has not abated. A UNHCR study of minors who fled to the United States to seek asylum in 2014 estimated that 58% had legitimate claims for humanitarian relief.¹⁵ A survey carried out by RAICES around the same time estimated 63%.¹⁶ This research, too, illustrates the

serious protection needs of children who seek entry to the United States, either through in-country processing like CAM or traditional asylum-seeking.

The CAM program has been repeatedly touted by administration officials as a “safe and legal” alternative to migration across the U.S. southern border to seek asylum, including most recently in DHS Secretary Johnson’s November 10, 2016 Statement on Southwest Border Security, in which he writes, “Those who attempt to enter our country without authorization should know that, consistent with our laws and our values, we must and we will send you back. Once again, I encourage migrants and their families to pursue the various safe and legal paths available for those in need of humanitarian protection in the United States” —among which he enumerates CAM and the recent PTA with Costa Rica.¹⁷ Such phrasing implicitly casts asylum seeking at the border as an “illegal” activity, in spite of the fact that asylum seeking is a protected right under U.S. and international law. It also obscures the fact that a relatively small percentage of children who need international protections are able to access CAM due to the program’s strict eligibility criteria.



22 Jan 2015

Source: U.S. Refugee Admissions Program

Terror in the Northern Triangle

No, you cannot trust anyone because there are many policemen who are with gang members. You cannot trust anyone. It is scary to go and make a complaint because they are allies. If you do that, you have to essentially hide. If you stay there and file a complaint, they kill you.

- A CAM Applicant from El Salvador

Despite being neglected for years in discussions about the global refugee crisis, a mass exodus of forced migration has been unfolding in Central America for several years due to drug wars and the expansion of criminal networks in the region.¹⁸ Honduras, El Salvador, and Guatemala—known collectively as the Northern Triangle—registered between them a total of 17,422 murders last year, an increase of 11% over 2014.¹⁹ According to one estimate, 150,000 people have died violently in these three countries in the last ten years, making for the highest homicide rates in the world.²⁰ As a result, hundreds of thousands of Central Americans have fled their native countries, 160,000 were returned from Mexico last year and 75,000 from the United States. Honduras, El Salvador, and Guatemala are among the countries with the highest homicide rates in the world.²¹ A 2013 report by the United Nations Office on Drug and Crime reported homicide rates of 90.4 per 100,000 inhabitants in Honduras, 41.2 per 100,000 in El Salvador and 39.9 per 100,000 in Guatemala—figures that have increased markedly since 2007. For comparison, Mexico has a homicide rate of 21.5 per 100,000 people and Costa Rica has a rate of 8.5 per 100,000 people. Although Honduras and Guatemala have seen small declines in killings very recently, there was a sharp rise in violence in El Salvador after the failure of a gang truce in 2014.

High levels of impunity, weak justice and judicial systems, and high levels of corruption are endemic to the violence in the Northern Triangle. There is an extremely low number of convictions for violent crimes, with levels of impunity at 95% or higher.²² The justice systems are overburdened and penetrated by organized crime.²³ CAM applicants routinely report that the police cannot protect them and that denouncing gang threats puts victims in increased danger. One El Salvadoran applicant noted that his son is finishing high school and is doing an internship in a “delegation of the National Civil Police, and they [the police] are threatened by gangs . . . my brothers serve as officers . . . and have been threatened personally.” Another noted that she did not denounce an attack [which left her in the hospital] “because I feared that they would do something worse to me and also because the last time there were problems . . . the police advised [a neighbor] that it was not advisable, that it was better not to denounce so that she would no longer have problems.”

The lack of disincentives for crime is coupled with a continued disregard for rights of particular groups of people. Guatemala and El Salvador are among the top ten countries with the highest female murder rates. While domestic and general violence partially explain the high rates of

femicide, women are now targets of gangs and other organized crime. Despite laws to protect women from gender-based violence and the creation of specialized law enforcement units trained in addressing gender-based violence the majority of cases go unreported and convictions remain low.²⁴

History of U.S. role in the region

The United States has a moral and historic responsibility to help solve the refugee crisis in this region. The roots of this crisis lie in the history of the Northern Triangle and in the bloody footprint of the U.S. foreign and economic policies there. In 1904 President Theodore Roosevelt first asserted the right to intervene in the region, explaining that the United States should act as the international police power in the Western Hemisphere. During the Cold War the United States government sacrificed human rights goals in favor of its economic and geopolitical interests in the region. Anti-communist interventions in the Northern Triangle began with the overthrow of Guatemalan President Arbenz in 1954 through the successful CIA operation, code-named "PBSUCCESS." This was followed by a military dictatorship supported by the United States. The United States signaled that it was willing to support strong, oppressive military regimes as part of its anti-communist aims.

In the 1980s, the United States directly contributed to war-related displacement in Central America by providing funding, arms, and training to military dictatorships and their associated paramilitary death squads. These entities were responsible for widespread torture, forced disappearance, assassination, and in Guatemala, the genocide of indigenous peoples. Over 200,000 people were killed or disappeared during the armed conflict in Guatemala that lasted from 1960 to 1996.²⁵ In El Salvador, similar extreme violence and scorched-earth campaigns left 85,000 dead from 1979 through 1992. Truth commissions found that in Guatemala 93% of the acts of violence were committed by the government, and in El Salvador the government's share of violence was 85%. The U.S. government strongly supported Honduras with military and economic aid during this period and established the country as a post to spread U.S. interests in the region.²⁶ This included support and military training towards units that terrorized Hondurans and were responsible for torture, kidnappings, and disappearances.²⁷ The United States established the Soto Cano (Palermo) air base and used Honduras as a post for launching anti-communist campaigns and raids against the Nicaraguan government.²⁸ Because of its complicity in these atrocities, the United States under the Reagan administration denied protection to hundreds of thousands of refugees who fled across Mexico to the United States in the 1980s²⁹ by discriminating against Central Americans in the asylum process.³⁰

These conflicts ended and left the United States and the Northern Triangle deeply entwined. Despite the formal end to the civil wars, their legacy continues as an erosion of human rights and the rule of law as well as a culture of fear and violence that permeates the region. The many

Guatemalans and Salvadorans who fled north during the conflicts and in subsequent years have created a transnational community, with families spread across two countries. The Migration Policy Institute (MPI) estimates, for example, that approximately one in five El Salvadorans resides in the United States.³¹

The complicity of the U.S. government in the destabilization of the region is perhaps most starkly illustrated in Honduras, where the United States has maintained close ties to the right-wing government that came to power in a 2009 coup against the democratically-elected president and has pressed for trade policies that displaced many traditional industries and harshly circumscribed labor rights.³² The two post-coup administrations in Honduras have overseen a grave deterioration of human rights and the rule of law. These have made the country into one of the most dangerous places in the world for activists, environmental campaigners and trade unionists.³³ While some members of Congress have recently called for the suspension of U.S. aid to Honduran security forces in light of their abysmal rights record, the United States depends on the Honduran government to willingly accept the hundreds of deportees it sends back to the country each week—a fact that Honduran government officials regard as leverage,³⁴ and which renders any U.S. criticism of the country's rights record baldly hypocritical so long as it lasts.

Gangs

Despite the end of the civil wars and the signing of peace accords in the 1990s, the state power structures responsible for much of the violence in Central America were never truly dismantled or held accountable. This long-term failure to establish rule of law has allowed criminal networks to operate with virtual impunity in the Northern Triangle, so that today they have become quasi-states in parts of the region, exercising effective control over vast areas.³⁵ These gangs, or *maras*, employ systematic terror against civilians who resist their rule.³⁶ Recent estimates suggest there are approximately 25,000 gang members in Honduras,³⁷ 60,000 in El Salvador,³⁸ and 19,000 in Guatemala.³⁹

In the 1990s, mass deportation campaigns from the United States returned thousands of people to these countries, many of whom had preexisting gang ties in the U.S. and were met at home with no adequate resources to reintegrate them or provide them with economic opportunity. This was the origin of many of the criminal networks now terrorizing the region, the most powerful of which, the Mara Salvatrucha (MS-13) and Barrio-18 gangs, both trace their origins to Los Angeles, Calif.⁴⁰ The gangs are so powerful that in some areas they control politics, political candidates are required to get gangs' permission before campaigning in an area, and there is widespread infiltration of police forces by gang connections.⁴¹ CAM applicants routinely noted that it was not safe to go to the police and that gangs set the rules for their communities. As one applicant reported, "[the gang] tossed papers at the homes saying that after 6:00 p.m. no one can walk out of their homes. [The gang] put their orders and no one can go out. I lock myself up

with my child. I live alone and they know it and I'm afraid they will come into my house and hurt us." Another interviewee whose sister is a CAM applicant reported that a few years ago, gangs battled for control of the two-block radius where [she] lives and that soccer players from rival turfs have been killed. The local government has been powerless: "the board has tried to have programs [but] they fall short because of the same insecurity."

The pervasive threat of violence is used by gangs for extortion, which can be exacerbated for families who have U.S. relatives. Extortion has become a regular occurrence.⁴² *La Prensa* reported that Salvadorans pay over \$360 million a year, Hondurans pay over \$200 million a year, and Guatemalans pay over \$61 million a year in *renta* to gangs.⁴³ RAICES staff described a common scenario in which a mother leaves her children in the care of a grandparent while she migrates to the United States in order to provide for them financially. When local gangs catch wind that the children are receiving remittances from their mother in the United States, they begin to target the children and grandparents for extortion.⁴⁴ An El Salvadoran CAM applicant explained, "the risk is always there . . . it is more dangerous when they realize that you're here . . . because they begin to extort you." Gangs extract such payments from families with members in the United States, small business owners, and anyone else in the community who is perceived to have access to resources.⁴⁵ This so-called *renta* is a major source of revenue for the gangs, and the consequences to families for not paying it can range from beatings to torture to kidnapping and assassination, and tend to escalate over time.⁴⁶ Thus, as Amnesty International points out in a recent report, economic factors cannot be disentangled from protection needs as reasons why people migrate, despite rhetoric in the U.S. that often treats these as separate factors. Families who run out of money to pay the extortion rackets are threatened with violence. Likewise, prolonged extortion can deplete a family's resources to the point that they are forced to seek additional work elsewhere.⁴⁷

Poverty, Lack of Opportunity & Inequity

Persistent and high rates of poverty are realities for broad swaths of the population in each country. As of 2014, 69.8% of the Honduran population, 59.3% of the Guatemalan population and 31.8% of the Salvadoran population lived in poverty.⁴⁸ In El Salvador and Guatemala, the probability of segments of the population escaping poverty and upward mobility are extremely low, with approximately 3 percent of Salvadorans and 1 percent of Guatemalans escaping poverty around 2010.⁴⁹ Their families' poverty make children especially susceptible to recruitment from gangs and other organized crime. As one ten-year old CAM applicant explained, "I have a lot of fear that as my brother and I grow up, we will take a chance or think something or be forced to sell drugs . . . or do something wrong . . . more and more we only live inside the house . . . it's difficult because my mother lives in fear because we're in danger. It's scary to leave her alone—and my brother, too."

Mano Dura

Governments in the region are only adding fuel to the fire with harsh “*mano dura*” (iron fist) crime policies that have escalated the violence and led to the militarization of law enforcement. Throughout the Northern Triangle, police and military forces are known to have committed extrajudicial executions and torture,⁵⁰ and may be playing a role in death squad and “vigilante” activities.⁵¹ Funding and arms from the United States and U.S. clients in the region (e.g., Colombia), mostly under the mantle of counter-narcotics and border enforcement activities, have greatly accelerated this drive toward militarization—an all-too-familiar pattern in which the U.S. supplies resources to rights-abusing state actors, awakening traumatic memories of the 1980s. The U.S. government has continued to promote privatized and heavily militarized police and military units in these countries. 2017 budget requests include \$770 million for the Central America integrated strategy, about 30% of which, or \$232 million, would go toward military and security services in the region.⁵²

IV. The United States’ Partial Response to the Crisis

The inability or unwillingness of the state to protect its own citizens from violence, as well as the collusion of law enforcement in gang activities, fits the definition of persecution that gives rise to its victims’ refugee and asylum claims. The Obama administration has begun to recognize the severity of this crisis. It created the CAM program in 2014 and in 2016 initiated a PTA with UNHCR and Costa Rica to facilitate expedited refugee processing for a small number of El Salvadorans and Guatemalans. It appropriated a massive \$1 billion in 2016 to address “root causes” of migration and security in Central America.⁵³ At the same time, however, the administration has taken a hard line toward those who continue to migrate to seek asylum at the U.S. border. It has expanded family detention, outsourced its harsh border enforcement strategy to authorities in Mexico, and targeted asylum-seekers for fast-tracked deportation back into danger.

The U.S. asylum process for Central American migrants is now cast as a loophole in a broader immigration policy marked by exclusion and border enforcement. Immigration policy in the United States over the last decade can be summarized by failed legislative action at the federal level; limited protections through executive orders’ a patchwork of state legislation; and increased deportations and border security. At the national level, comprehensive immigration reform was stymied during both the Bush and Obama administrations despite considerable momentum during 2007, 2010, and 2013. In 2010 a shift toward extreme immigration restriction was reflected in the passage of state laws like Arizona’s SB 1070, a draconian anti-immigrant law, which allowed police to demand papers of suspected unauthorized immigrants without cause. On the national level, rhetoric moved from comprehensive immigration reform to a “piecemeal” approach where proposed legislation such as the Development, Relief, and Education for Alien Minors (DREAM)

Act was considered more effective legislation. Nonetheless, by the end of 2010 even the DREAM Act failed to pass. Failure on the federal level pushed increased state level immigration bills. A number of states continued the legacy of SB 1070, such as Alabama's HB 56, but since 2013 states have also seen a rise in pro-immigrant policies that increase worker protections and access to driver's licenses, health care, and higher education, and disentangle state and local officials from federal immigration enforcement programs.⁵⁴

The Obama administration has had a mixed record over the last eight years, providing both executive actions that aimed to provide relief to some immigrants without documentation while also continuing to increase targeting and deportations.⁵⁵ The administration has deported over 400,000 immigrants each year, a record number,⁵⁶ many fast-tracked without judicial review. These deportations occur alongside vast government investment in detention and border enforcement. Executive actions have aimed at offering some protection and relief for undocumented immigrants. On the other hand, in 2012, the Deferred Action for Childhood Arrivals (DACA), allowed some unauthorized immigrant youth who were brought to the country as young children to be granted relief from removal and become eligible for work authorization for two years.⁵⁷ In 2014, DACA was expanded and a new program created, Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA).⁵⁸ The DACA expansion and DAPA implementation have been blocked by an injunction.⁵⁹ Now, the Obama legacy is defined by high levels of deportation and the reestablishment of the controversial and inhumane practice of family detention.

The United States saw a so-called "surge" of arrivals of Central American families and unaccompanied children seeking asylum in the summer of 2014. That year saw a 50% increase in migration from Central America compared to the previous year, and a 142% increase from 2012. In 2012, U.S. Customs and Border Protection (CBP) apprehended 68,631 unaccompanied children and 68,445 family units at the U.S. border, the majority of whom qualify for humanitarian protections under U.S. immigration law. While total apprehensions dipped by nearly half in FY2015, due in large part to the vastly increased rates of detention and deportation in Mexico under the *Plan Frontera Sur*, the severity of the protection needs in the region ensured that the number of arrivals rose again the next year, so that the total number of unaccompanied children apprehended at the Southwest U.S. border in FY2016 approached that of FY2014, and the total number of family units, 77,674, exceeded it.⁶⁰

Family Detention

Soon after the 2014 "surge," the Obama administration revived and then expanded a defunct Bush-era program of family detention with the specific intention of warehousing Central American mothers and children—despite repeated studies showing that detention harms children and families. The federal courts have consistently found the practice of family detention to be in

violation of the 1997 *Flores* settlement, which disallows the detention of immigrant children for more than 20 days,⁶¹ and Obama himself halted the practice in 2009. Still, the administration chose to reintroduce family detention in 2014. As numerous statements from senior administration officials made clear, the intention of the new detention program was not expressly to process asylum claims, but to process and deport the growing number of arrivals as rapidly as possible.⁶²

While court rulings eventually forced the administration to end the practice of routinely detaining asylum-seeking families with children in excess of 20 days, the administration continues to circumvent these provisions in some cases by detaining some Central American mothers with children in Berks County, Penn. While the administration presses the factitious claim that Berks is a “family residential facility,” not a detention center, the assertion is belied by the state of Pennsylvania’s decision to revoke the license of the Berks facility as a child-care facility, and by the unconscionable treatment to which detainees there are subjected, including notorious “bed checks” every 15 minutes, in which guards flash bright lights into each room four times an hour, resulting in prolonged sleep deprivation that may amount to torture. Those Central American families who are released from detention are often compelled to wear humiliating ankle monitors while they await their removal proceedings—a further indicator of the effective criminalization of asylum seeking under the current administration.

Deterrence and Border Security

The Obama administration further responded to this crisis with a series of efforts aimed at deterring asylum-seekers from ever leaving Central America—a policy that has been likened by Donald Kerwin of the Center for Migration Studies to “a fire department showing up at a burning building and locking the doors.”⁶³ The administration has funded a major public relations campaign in Central America to discourage migrants from crossing the border to Mexico. These efforts continue to the present under CBP’s so-called “Know the Facts” campaign.⁶⁴ CBP’s messaging, which has been widely distributed in the Northern Triangle, emphasizes that undocumented migrants from Central America will be targeted for deportation. The campaign’s purported “Know the Facts” posters make no reference to the asylum process, Special Immigrant Juvenile (SIJ) status, the CAM program, or any other avenues for relief or protection under U.S. law.⁶⁵

It is a vast understatement to say that the United States has invested heavily in border security. It employs 20,000 CBP agents, armed with the highest technology drones, boats, and weapons to secure the southern U.S. border. Local law enforcement is also tasked with securing the border and in some areas this over-investment of resources has left police officers with little to do but hand out traffic tickets to motorists—according to a recent study in Texas, disproportionately targeting Latino drivers.⁶⁶

The administration's deterrence strategy has not been limited, however, to the United States and Central America. In tandem with its family detention regime, the United States has also provided financial backing to Mexico to undertake an expansive crackdown on Central American migrants entering the country through its southern border, known as the *Plan Frontera Sur*. Dubbed by immigration advocates as a policy of "border externalization,"⁶⁷ U.S. support and diplomatic pressure have resulted in escalating detention and deportation of Central American migrants and refugees in Mexico, often with woefully inadequate asylum screening. In 2015, Mexican authorities deported some 165,000 people to the Northern Triangle and detained roughly the same number, including 35,000 children.⁶⁸ Some asylum-seekers have been interdicted near Mexico's southern border and summarily returned without being informed of their right to seek asylum; others encounter such insupportable conditions in detention that they despair of winning their asylum case and prefer to accept deportation and begin their dangerous journeys over again.⁶⁹ There are no special protections for children—unaccompanied or otherwise—in asylum hearings, and as a result, fewer than 1% of child migrants receive asylum protection in Mexico, according to Human Rights Watch (HRW).⁷⁰ Such policies outsource U.S. human rights violations to Mexico. They provide yet another means for the United States to bypass even the limited refugee protections that currently exist under U.S. law.

Notably, a February 2016 study by the American Immigration Council indicated that the deterrence strategies are wholly ineffective. A survey of over 1,000 Hondurans observed that would-be migrants are well aware of the risks, yet migration continued and even increased over the course of the study.⁷¹

Expedited Removal

Upon arrival, Central American asylum-seekers are placed into fast-track removal proceedings in which the odds are heavily stacked against them. They are compelled to navigate a complex and arcane bureaucratic process without access to an attorney, adequate language interpretation services, or any prior understanding of U.S. immigration law. Unfortunately, some of the problems with expedited removal are mirrored in the CAM program's structure and function, as discussed below.

The basic structure of the Expedited Removal regime was established in 1996, when Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).⁷² This legislation was enacted (however illogically) in a climate of widespread public fear over the threat of terrorism following the 1995 Oklahoma City Bombing.⁷³ Prior to the 1996 legislation, most arrivals at the border, were entitled to a hearing by an immigration judge before they could be excluded or removed from the country. After the passage of the IIRIRA and the creation of "expedited removal," all immigrants who were apprehended within certain parameters can now be summarily deported to their country of origin, without any court proceeding. The only

exception is for those who express fear of persecution to CBP, or who qualify for a handful of similar protections.⁷⁴ Unfortunately, CBP's failure to adequately screen apprehended individuals who legitimately fear persecution in their home countries is well documented. CBP officers are not trained in asylum law or in working with traumatized individuals, and their initial screenings are conducted in non-private settings with enforcement agents who are in uniforms and carrying sidearms.⁷⁵ Legal Orientation Programs (LOP), available in some detention centers, do not operate out of CBP holding facilities where migrants and asylum-seekers face the first, most critical test of whether they will be allowed to remain in the United States. CBP has a history of physically and verbally abusive treatment of migrants and asylum-seekers, including outright refusals to recognize fear claims when they are articulated.⁷⁶

Those whose fear claims are recognized by CBP enter the asylum system, where they are detained while they await the outcome of a credible fear interview (CFI) with an asylum officer. While this stage of the screening is non-adversarial, the asylum officer is granted unilateral authority to order the removal of the petitioner, subject only to a single immigration judge's (IJ) review upon request. Asylum-seekers are not granted the right of appeal, in violation of the writ of *habeus corpus*.⁷⁷ Applicants are not permitted to have an attorney present with them at a CFI. Asylum interviews are conducted in English, through an interpreter, and increasingly via telephonic rather than in-person interviews, both of which diminish the likelihood that asylum-seekers will feel safe when asked to describe some of the most traumatic experiences of their lives in support of their claim. In 2014, the administration also introduced new guidelines for asylum officers conducting CFIs that moved them from being simple determinations of the credibility of an individual's fear, to a process that increasingly resembles a judge's finding on the merits of an asylum petition. As a result, approval rates for CFIs have fallen in the two years since.⁷⁸ The removal proceedings, when they finally occur, are adversarial, meaning that a trained government attorney argues for an asylum-seeker's removal. Petitioners, by contrast, are not provided counsel even if they are unaccompanied minors as young as three years old in some cases.⁷⁹

As a part of its deterrence strategy, the Obama administration has singled out Central Americans for even harsher treatments. The government signaled its intention to carry out the near-summary removal of Central American arrivals in the summer of 2014 by placing Central American mothers and children onto priority dockets in removal proceedings. Termed "rocket dockets" by concerned advocates, these fast-track proceedings left asylum-seekers, especially unaccompanied children, without sufficient time to prepare their cases, process the traumatic experiences they were fleeing, or acquire pro bono counsel. In some cases, hearings were ordered so hastily that families did not receive notice of their court dates until after the date had passed.⁸⁰ While the administration extended the deadline for the first hearing in 2016 for unaccompanied children to within 30 to 90 days of receiving the Notice to Appear, and for family units to 10 to 28 days, Central American mothers and children are still placed ahead of other individuals on the hearing calendar.⁸¹

Instead of adequately addressing the humanitarian crisis in Central America, the U.S. government has responded to it with tools it has established to address what it views as “illegal immigration.” Outgoing DHS Deputy Assistant Secretary for Immigration Policy, Mary Giovagnoli, reflected at the 2016 Annual USCIS Ombudsman Conference that a primary reason for increased migration from Central America has been the violence in the region, and that trying to manage the crisis through the laws on the books had been like “trying to fit a square peg into a round hole.” In the course of researching this report, many of the asylum attorneys we spoke to likewise expressed their disillusionment with the conventional asylum process. “The immigration court system is not a refugee processing system,” said one RAICES staffer. “Currently, we’re trying to shoehorn a refugee crisis into what is essentially a policing system.”⁸² They questioned the wisdom and humanity of trying to make individualized asylum determinations when an entire region had become unsafe—and not just for those who fit traditional refugee definitions. This same RAICES staffer asked, “Why are we fighting about why the gangs are trying to kill you if they’re trying to kill you?”

The Dangers of Deportation

The International Crisis Group estimates that 75,000 people were deported from the U.S. to Northern Triangle countries in 2015.⁸³ This figure is based on reported removals by U.S. Immigration and Customs Enforcement (ICE) for FY2015.⁸⁴ A Honduran diplomat recently confirmed to reporters that his government receives at least one plane-load of deportees from the United States nearly every day, sometimes two.⁸⁵ An International Crisis Group report, *Easy Prey*, published in July 2016, estimates that 4,000 Guatemalans alone are flown back to their country of origin each month by ICE aircraft. For many, it is not their first deportation from the United States and will not be their last attempt to cross the border.⁸⁶

Deportations are a matter of life and death, revealing just how high the stakes are in the United States’ failure to fully recognize the refugee crisis. Recent deportees from family detention in the United States have reported being stalked, threatened and assaulted by their persecutors upon return.⁸⁷ Eighty-three or more Central American migrants have been assassinated after being returned to their countries of origin.⁸⁸ Univision reported a case earlier this April of a Honduran man, who would have qualified for deferred action if the programs were not under an injunction, who was murdered shortly after being deported from the United States, despite pleading with authorities that his life would be in danger upon his return.⁸⁹

Moreover, deportation from the United States can actually increase threats. As Dr. Jauricio Gaborit of the Central American University notes, “Adolescents in El Salvador are besieged by gangs . . . When the families in the United States see this is happening, they try to get them out. And then the threat directed at the child is directed at the family . . . Then the whole family has to

leave.”⁹⁰ Virtually every RAICES staff member confirmed that being returned from the United States exposes people to new risks, as gangs specifically target recent deportees. One RAICES staff member stated that children were so afraid of being sent back to their native countries that one was unwilling to return in order to file a family petition at the U.S. embassy, even after learning that they would be eligible. According to this staff person, there was a “universal aversion to going back for even a week” among the children they worked with, because it would be too dangerous.⁹¹ One RAICES staffer who stated that people told him “every day” that the gangs “think you’re rich if you’ve been to the United States,” and target you and your family for extortion, or else accuse you of “flouting the gang” by leaving. Frequently, after a child has left the country, gang members will come to their family’s home and make death threats against the child if they ever return, for having disobeyed the wishes of the gang. Oftentimes, a threat directed against one child will “migrate to their siblings in turn,” after the child leaves, and other members of the family will be forced to flee the country.⁹²

Because of this, one RAICES staffer stressed that any refugee processing for Central Americans must recognize that there is a “point of no return” for the applicant, since the act of seeking asylum itself increases the threat of persecution.⁹³

V. Assessment of the CAM Program

Thank God the opportunity arose for my children . . . I'm happy because now I feel calmer. My mom feels calmer because it is very difficult going to sleep, to rest, knowing that the children are in danger, not because they may be involved in something sketchy, but because they cannot study. And if they go to school, they do it with fear. But now that they are already here, I see them calmer.

- A Qualifying CAM mother from El Salvador

(I live) with my daughter, she is studying and I hope she continues her studies – and my son, who has many goals to achieve. I think everything is going to be fine because here we have the opportunity to achieve our goals. I think that they will be fine because they will have more opportunities and together we will do a lot more than one alone can achieve.

- A Qualifying CAM parent on her hopes for her family

The CAM program was created, in the short term, as a response to the surge of unaccompanied minors that garnered major media attention in 2014 and, in a broader sense, as a response to the growing refugee crisis in Central America. The program has strict eligibility guidelines, most notably that a parent who is lawfully present in the United States must initiate the application.

As of December 2016, there were over 10,700 CAM applications filed.⁹⁴ A total of 1,300 individuals have been approved for refugee status and 3,300 have been approved for

humanitarian parole. Fewer minors have actually arrived in the United States to date: 731 refugees and 887 parolees. While it has serious weaknesses that must be addressed, the CAM program has been a modest but meaningful intervention into this crisis and has offered a promise of safety and much-sought family reunification for youth who face terror in the Northern Triangle.⁹⁵ As one applicant’s aunt (guardian) put it, CAM is “an opportunity to protect my nephew’s life . . . and a form of freedom.”

Table 1: CAM Eligibility Guidelines

Eligible Minor	Qualifying Parent	Other Family Member
<p>The qualifying child in El Salvador, Guatemala or Honduras must be:</p> <ul style="list-style-type: none"> • The child (e.g. genetic, step or legally adopted) of the qualifying parent); • Unmarried; • Under the age of 21; • A national of El Salvador, Guatemala, or Honduras; and • Residing in his or her country of nationality. 	<p>The qualifying parent may be any individual who is at least 18 years old and lawfully present in the United States in one of the following categories:</p> <ul style="list-style-type: none"> • Permanent Resident Status, or • Temporary Protected Status, or • Parolee, or • Deferred Action • Deferred Enforced Departure, or • Withholding of Removal 	<p>In some cases, other eligible family members may have access, including:</p> <ul style="list-style-type: none"> • Unmarried children of the qualifying child or in-country parent who are under the age of 21 can be included as derivatives. <p>A parent of the qualifying child may be included if:</p> <ul style="list-style-type: none"> • He/she is part of the same household and economic unit as the qualifying child, • He/she is legally married to the qualifying parent at the time the qualifying parent files the CAM-Affidavit of Relationship (AOR), and • He/she continues to be legally married to the qualifying parent at the time of admission or parole to the U.S.

Source: U.S. Citizenship and Immigration Services

The Application

I was knocking on doors. I was desperate... [my son] told me, "Dad, I don't want to study, I want to leave." That is when I said to him, "Son, I don't have money but we'll see what we can do." That is when I became even more desperate and I began looking for help. I spoke to the notario who did my TPS paperwork . . . and yes, he gave me the address, gave me [all the information about CAM] . . . I said, "Father, I am in your hands, you will act, thanks be to God."

- A qualifying parent on learning about CAM

To apply for CAM, a qualifying parent must approach a designated resettlement agency (RA) in the United States and fill out form DS-7699, an affidavit of relationship, submit photos of the children and provide vital records like birth certificates—proof of their relationship. As the U.S. Department of State (DOS) points out in its initial media note on the CAM program, there are many RA offices in the U.S.—almost 350 in 180 different communities.⁹⁶ In practice, however, parents, especially during the early years of the program, struggled to learn about CAM and access services at a RA.

RAs, for their part, attempted to create programming for a time-consuming unfunded mandate. The agencies receive resettlement funds from DOS for CAM applicants who arrive as refugees but they receive no funding to administer the programs and no funding for minors who arrive with humanitarian parole. This was particularly challenging because RAs do not have longstanding experience serving Central Americans and only those who serve the large Cuban diaspora have much familiarity with Spanish-speaking clients. They identified Spanish-speaking staff when possible, some diverted funds from their programs to hire full or part-time staff, others recruited volunteer coordinators or staff.

Some agencies have gone to great lengths to try to overcome these challenges. The International Institute of Los Angeles (IILA) dedicated two full-time Spanish-speaking clerical staff in addition to a Spanish-speaking supervisor and volunteers, liaises weekly with the consulates in their city, created a webpage, flyers and posters in Spanish, and implemented an intensive program for guiding applicants through the application process via frequent agency-client contact. The International Rescue Committee (IRC) in the Washington, DC area partnered with a well-regarded immigrant advocacy group, CASA de Maryland, to carry out prescreening and initiate CAM applications.⁹⁷ Marjean Perhot of the USCCB office in Boston was not surprised by the lack of government funding. As she notes, the government always tells RAs, "you have to come to the table with some resources," so she viewed CAM programming as an opportunity to expand their services.⁹⁸ USCCB Boston initially employed an immigration lawyer to coordinate the CAM program, which was a great boon for the beneficiaries, as she could advise the children about how to approach a refugee determination interview. That staff member has since moved on and has been replaced, but not by a lawyer.

Other agencies have struggled to resource the program. Some do no outreach and simply field questions from potential applicants when they call. Some have seen delays due to the need to translate materials, relying on volunteer staff or staff members' who already carry full case files. This can create backlogs even at the beginning of the process, since staff members have little time to meet with clients and upload their applications to the database used by the national office (which then submits the applications to the IOM for processing).

Spotlight: Outreach to the Embassies in Los Angeles

In a July 2016 interview with UUSC, Pablo Ordonez, the Consul General for Honduras in Los Angeles, attempts to share information about the CAM program with the Hondurans who come to his consulate, but he wishes he could spread the word further. The consulate serves perhaps 150 people on a busy Monday, visiting to collect documentation like passports and to fill out renewals for TPS. Of those 150, perhaps forty could actually use CAM to reunite with their children. The others are either too old and do not have minor children in Honduras, or do not have documented status. When our team visited Los Angeles in August 2016, the consulate had seen an uptick in TPS early renewals. People were concerned about anti-immigrant rhetoric they heard from now president-elect Donald J. Trump. Many worried that a Trump presidency could put their documentation status at risk.

Table 2: Suite of RA Services for CAM Applicants

Minimal Programming	Modest Programming	Intensive Programming	Out-Side The Box
<ul style="list-style-type: none"> • Convey CAM requirements and required documents to CAM applicants who call or walk in • Help CAM applicants fill out CAM-AOR (Form DS 7699) • Coordinate travel to US for minors who achieve refugee status • Provide 3 months of refugee resettlement services (funded by PRM) for refugee minors 	<ul style="list-style-type: none"> • Do outreach to consulates • Translate CAM information and Form DS 7699 into Spanish • Use Spanish-speaking staff or volunteers to assist CAM applicants • Hold orientation (group or private) for CAM applicants • Do outreach to immigration lawyers • Liaise between anchor parent and minor in emergencies (e.g. to collect data/evidence if child is attacked) • Convey new evidence for CAM case file to IOM via national RA 	<ul style="list-style-type: none"> • Provide flyers/posters to consulates • Visit consulates frequently to recruit CAM applicants • Hire Spanish-speaking staff to administer CAM programming • Do media outreach • Use technology to expedite process (process text or email scan/digital photo of birth certificate) • Provide full translation services - translate application, documents, etc. • Provide 24-hour service/personal cell phone number • Provide training for minor about refugee interview process and requirements • Hire immigration lawyer to advise applicants about refugee status interviews • Provide referral services for parolees 	<ul style="list-style-type: none"> • Partner with consulates to do outreach to Central American communities in United States • Partner with immigrant rights or other organizations with experience and credibility in Central American communities • Partner with legal services to provide pro-bono counsel for CAM minors • Partner with Central American migrants' committees to promote CAM • Partner with Central American human rights agencies and ngos to promote CAM • Recruit successful CAM applicants to promote program in the United States

Source: UUSC interviews with RAs

Spotlight: International Institute of Los Angeles

A father from El Salvador who entered the room alone listens to a detailed introduction to the CAM program. In front of him on the table sits an envelope containing his children's vital records. Occasionally he looks down to check texts on his smartphone or glance at the photos of his sons that he carries in his wallet. He has come to the IILA to initiate a CAM application for his children. IILA's CAM coordinator, Erika, stands at the front of the room explaining the intricacies of the program to a group of about a dozen families—some parents have come alone, others have brought children who try their best to occupy themselves and not look bored during the ninety minute presentation. Erika explains that the applicants must take a DNA test to prove that they are the biological parent of their child in Central America. She explains that their children will have to describe their traumas and fear in two intensive interviews. She advises them about how their children should act at the interview with immigration officers. After the introduction, Erika and three of her colleagues sit with the families and fill out their CAM applications. They collect documentation, gather contact information for the children's guardians in Central America, and, in many cases, give out their personal cell phone numbers, urging applicants to call or text if they have questions or additional information.

From their offices in a repurposed hacienda in Los Angeles, IILA's two dedicated CAM staff members along with the support of volunteers and program staff, have processed an impressive 720 CAM applications that include 1,280 beneficiaries. As of this writing, over 130 of their CAM applicants have arrived in the United States, 75 with refugee status and at least 55 as parolees. IILA's CAM programming is extensive, intensive, and time consuming. One staff member, Roche, does outreach to the community, including weekly or biweekly visits to the El Salvadoran, Honduran, and Guatemalan consulates in the city. IILA's staff members accompany their clients from the beginning to the end of their CAM process. They fill out CAM applications, contact guardians in Central America by telephone to discuss arrangements to get the children to their interviews, sometimes helping to designate a separate guardian to accompany the child to the IOM offices. They advise the families on the nature of refugee screening and explain that children will have to share intimate details of their histories during the interviews. They contact IOM offices to try to reschedule interviews when needed. They collect additional evidence of threat from families and submit them (via their national office) to IOM for the CAM case files. Parents call IILA when they wonder why they have waited so long to hear about next steps. IILA staff help the US-based parent arrange to meet children who are arriving, and they go to meet the planes themselves, even when they land at 2:00 a.m. And then, after children arrive, IILA provides those who have received refugee status with three months of support services. They also provide school and workforce referral services to children who have arrived with humanitarian parole, even though those children are not, technically, afforded those services. As Erika put it, "They know us and they come in . . . we don't turn them away."

IILA has committed a great deal of time and resources to CAM. Unlike many agencies, they employ native Spanish speakers to administer the program. Yet, they receive precious little compensation from DOS to carry out its mandate. The agency receives no funding to help families fill out applications or to guide families through the process. They receive no compensation for the services they provide to children who arrive with humanitarian parole. IILA is compensated just \$900 for each child who arrives with refugee status, an amount calculated to support three months of support services after arrival.

In-country Processing

In-country processing programs can create new dangers for people seeking refuge, their families, and their loved ones by asking them to announce their intentions to flee and their reasons for doing so to government officers, while at the same time returning them to the very people who wish to prevent them from escaping.

Historical experience confirms the inherent dangers of in-country processing. Bill Frelick of HRW points to an incident from 1994 in which Haitian refugees were attacked, beaten, and arrested by the government forces they were trying to escape while they were waiting in line for in-country processing.⁹⁹ When in-country processing was piloted in Iraq in the aftermath of the 2003 U.S. invasion, Human Rights First noted that several Iraqi refugees were killed or threatened while awaiting the outcome.¹⁰⁰ In recent years, the United States has opened the Special Immigrant Visa (SIV) program to Afghan translators who previously worked with U.S. armed forces and are at particular risk of persecution in their home country. This limited relief program, which is now threatened by a nativist Congress, has left its beneficiaries stranded in-country for years at a time while their cases are processed. One applicant to the SIV program described to National Public Radio his experience of spending more than two years in hiding, traveling from one safe house to another, in order to avoid threats from the Taliban.¹⁰¹

Governments have to recognize that no in-country processing mechanism can be treated as a substitute for traditional asylum seeking. There will continue to be refugees who, because of the immediacy of their plight, cannot afford to wait in-country for any length of time, and the existence of in-country mechanisms must never be used as a pretext for restricting other avenues to humanitarian protection.

CAM Beneficiaries

We believed that if we were in El Salvador, they were always going to find us . . . They called me from prison; a maximum security prison . . . They knew well that we were there, but we could not say anything because our lives and our family's lives were in danger . . . I knew everything the gangs were doing, but I could not say anything because the police would tell their relatives. Among the policemen, some would tell the gangs.

- A mother who achieved refugee status along with her CAM children

I talked with my father about the possibility to emigrate . . . because the situation was very difficult over there. We were paralyzed with fear.

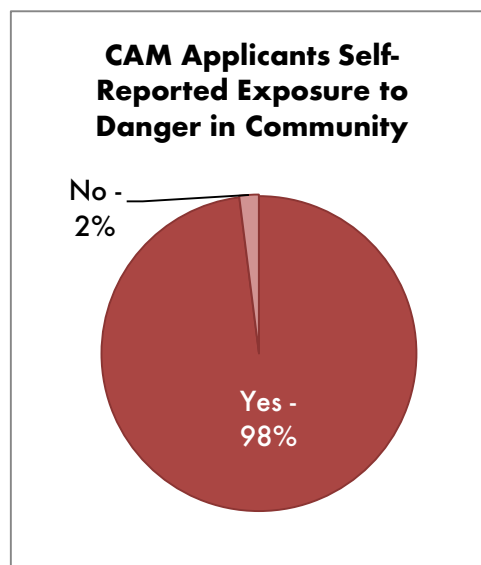
- A CAM beneficiary from El Salvador

CAM applicants face a range of dangers that warrant humanitarian protection. They have had their lives threatened, have been assaulted, stalked, and terrorized. One El Salvadoran woman

whose niece is a CAM applicant reported, “The *maras* of the community constantly harass me. They sent me threatening messages, they assaulted me and injured my stomach. . . . they asked me for money but I had none . . . they did not believe me because they insisted that my husband was in the United States. My children and I are in danger. We feel unprotected.” Another responded, “I received threats from a gang member. Before that, two friends of mine who played on the same soccer team in which I played appeared dead . . . he told me that if I did not want something to happen to me or be killed, I should leave the neighborhood.”

They have witnessed family members and neighbors murdered. One El Salvadoran CAM beneficiary reported that “My family is endangered and there is no police presence. A member of our family has been disappeared. This program has been a relief and an opportunity to protect the lives of young people.” Another reported that, “They recently killed my uncle. He lived in the same corner where I live . . . my fear is that, as his nephew, I will face revenge. This is not the first uncle who was killed . . . there is always fear that the family will pay for the acts done by their relatives.”

They have been housebound due to gang-related violence in the streets. One applicant lives in fear after the gangs tried to recruit her brother and he refused. He attempted to flee to the United States but did not make it. He lives in hiding. She is housebound at night for fear of her life. “My fear sometimes is that my baby will get sick at night . . . no one leaves and if they leave they have to be accountable for where they go to the gangs. . . [my baby] suffers from epilepsy and I have to go for treatments in San Salvador, when we go we try to do everything fast, to return early . . . it is very difficult to live constantly with fear.”

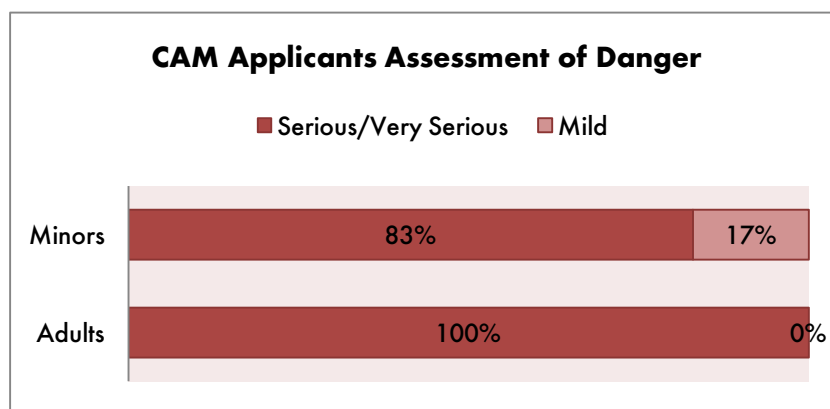


They have been extorted. One El Salvadoran mother, whose children have applied for CAM, reported that she has been extorted by gangs and expressed: “I am afraid to leave the house now because gang members meet outside my house; it is scary to talk because they may be listening. My family and I are in danger . . . if we do not give the [renta] they are going to kill one of us . . . you can not live in peace.”

Of the 55 CAM applicants interviewed for this research, all but one stated that they were surrounded by danger. It is notable that the one respondent who did not assess their situation as dangerous was a child. This is a statistically insignificant finding and could be explained in a variety of ways. But it does raise concerns about the CAM program’s organization and its requirement that children represent themselves in DHS interviews. Children may be unwilling to

reveal threats or risks they face to adults with whom they are unfamiliar, and may, as one of the mothers interviewed pointed out, be accustomed to assuring adults that they are “OK” when in fact they face threats.

When asked to assess the severity of the dangers they faced, the CAM applicants classified the threats as serious or very serious 94% of the time. Only four responded that the threats were mild. Again, these respondents were children. Adults uniformly identified the dangers their children faced as serious or very serious.



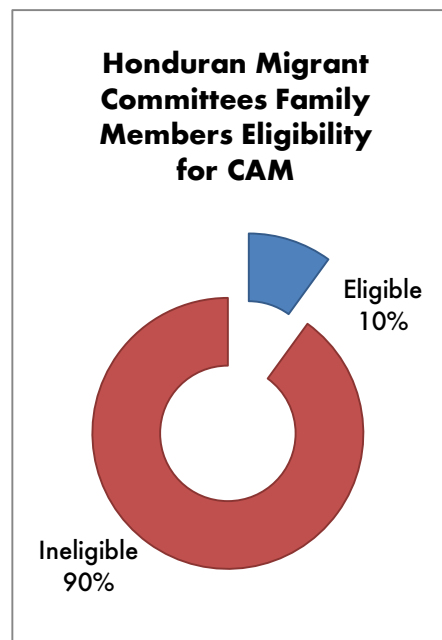
Restrictive CAM Eligibility

I think that only a few children have qualified, even though we are many parents here; but if we let those children grow up, they will pass the 21-year-old age limit and they will no longer qualify. I believe there are few children who have the status.

- An eligible CAM parent

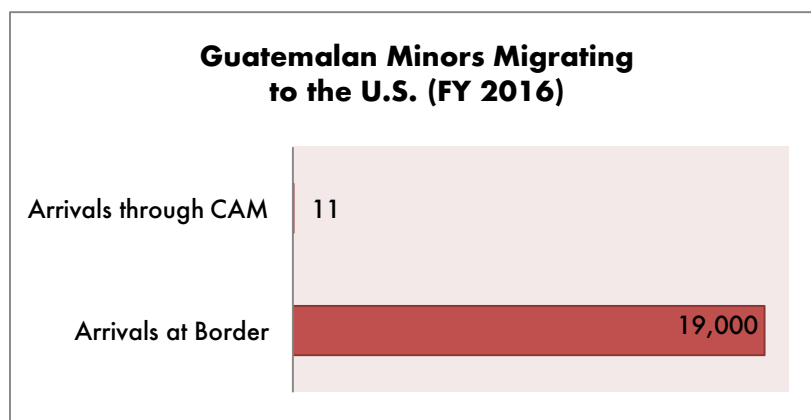
Under current rules, only documented adults in the United States can apply to have their children reunited with them through the Affidavit of Relationship. Children with a parent who is a U.S. citizen, are more likely to seek status in the United States by petitioning USCIS directly for a green card. By 2015, over 60,000 Central Americans were approved for the Obama administration’s DACA program.¹⁰² But with the DAPA and expanded DACA programs on hold due to the Supreme Court ruling in *U.S. v. Texas*, there remain few other groups of documented Central American parents in the United States. The largest remaining group is beneficiaries of Temporary Protected Status (TPS) from Honduras and El Salvador, who make up approximately 8% of the Central American diaspora in the United States.¹⁰³ As of 2015, 204,000 El Salvadorans and 61,000 Hondurans held TPS.¹⁰⁴

In order to qualify for TPS, however, Salvadorans are required to demonstrate continual presence in the United States since 2001, and Hondurans since 1999¹⁰⁵—the most recent date of TPS renewal for the two countries. (Guatemalans, meanwhile, have never received TPS, despite the escalating protection needs in the country.) If these parents still have children living in El Salvador or Honduras, it is likely that they were born prior to these dates, placing them at the older end of the CAM age range. This has been borne out by the observations of resettlement agencies who are implementing CAM. Under the original eligibility criteria (capped at age 21), many children of TPS holders would likely have aged out of the program. While this will be partially rectified by the expanded criteria, young children will continue to be excluded from the program, for these reasons, by being even less likely than most to have a qualifying parent in the United States.



In consequence, very few minors in need of protection in Central America are eligible for the program, in spite of DHS Secretary Johnson’s oft-repeated advice that those who are crossing the border should instead avail themselves of CAM. Of the 90 individuals interviewed by CIPRODEH across four different regions of Honduras, only one in 10 was eligible for the program.

The CAM program is open to parents from El Salvador, Honduras, and Guatemala. But one of the most glaring weaknesses of the CAM program’s eligibility rules is the almost total exclusion of Guatemalans in practice. There are over 900,000 Guatemalans in the United States.¹⁰⁶ In FY2016, 32% of all unaccompanied minors arriving at the U.S. border were Guatemalan.¹⁰⁷ That is nearly 19,000 minors—more than any other single nationality.¹⁰⁸ Yet, very few Guatemalans have come through CAM. As of December, 2016, DOS acknowledged that less than 1% of arrivals so far had come from Guatemala, which they attributed to the lack of TPS for that country.¹⁰⁹

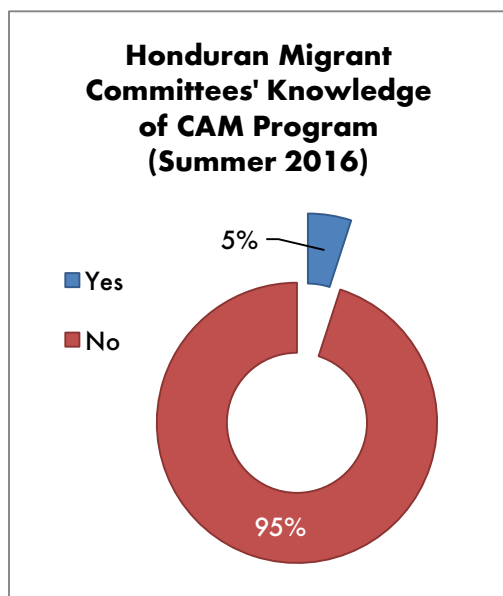


GMIES notes that a humanitarian program should be open to all who require it, observing that the CAM program “excludes cases of children and adolescents who are in imminent danger but whose parents are in the United States irregularly . . . a humanitarian program should be oriented toward all people who need it.” As KIND has noted, tying CAM eligibility to the documentation of the qualifying parent essentially “prioritizes parents’ legal status over children’s protection needs.”¹¹⁰ CIPRODEH in Honduras likewise characterizes CAM as offering “opportunity that is centered on the notion of a regular immigration process, not focused on protection that is appropriate for those who face emergency and risk.” Eligibility guidelines for the CAM program mean that most Hondurans are denied access. Of the total 500,000 Hondurans in the United States, only about 61,000 hold TPS, the status most frequently used to apply for CAM.¹¹¹

A more generous reading of this restriction is that it is an attempt to target children who might flee the Northern Triangle to try to seek reunification with a parent in the United States, thus ostensibly acting as an alternative to a dangerous migration to the U.S. southern border.¹¹² But in practice, it punishes innocent children for their parents’ undocumented residence in the United States. Our research shows that it also misses the mark in identifying those children who might seek refuge with a family member in the United States. A 2014 study carried out by RAICES at the Texas border showed that 90% of arriving children would reunite with a family member currently residing in the United States but that is not always a biological parent. Resettlement agencies have heard from aunts, grandmothers, and siblings legally residing in the United States who want to apply to the program to bring their young relatives out of danger but who can’t because they are not legal or biological parents. In some cases, the parent is deceased, so the child has no way to use CAM as an alternative to migrating and seeking asylum. Indeed, the vast majority of children who seek asylum in the United States plan to unite with an extended family member.

Lack of Information

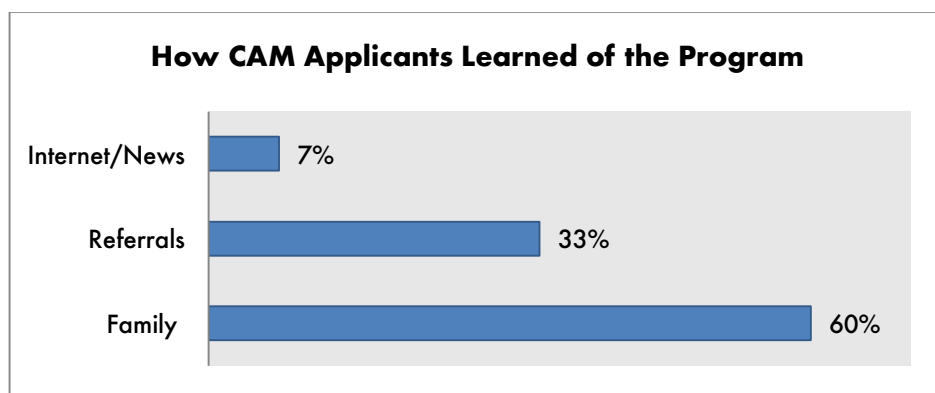
Most CAM applicants heard about CAM via word of mouth. Another substantial portion learned about CAM through a referral, often from a consulate or notario during TPS renewal, or a human rights or social services agency. While increasingly, Central Americans in the United States are learning about CAM through the internet and news media. There is very little circulation of such information in Central America itself. Most news reportage, particularly about the arrival of CAM children in the United States, is done by Spanish-language television and newspapers. In the United States, respondents reported that friends and neighbors who had learned about CAM in news reports or through other promotion expressed deep disbelief about the program. One mother whose children have arrived in the United States now carries pamphlets about CAM to church to convince wary friends and neighbors to apply. Successful CAM families now act as volunteers in IILA’s program, to share their stories and lend the program credibility among potential applicants.



Sharing of information about CAM is deeply influenced by fear and distrust, both in the Central American and U.S. context. In the United States, CAM applicant parents told us about how they shared the news with friends and neighbors who refused to approach the RAs because of their deep distrust of the U.S. immigration system. As one applicant told us, "I have told many people and they say, 'No, I'm afraid' to be deported or something is going to happen to them here, and I tell them, 'you have TPS, if they want to deport you, they would do it, but not because you bring your children.'"

In Central America, there is very little publicity about the CAM program, even among organizations that are deeply involved in emigrant issues. In El Salvador, GMIES found that there was little disclosure or no information about the program in the institutions of government interviewed for the study. CIPRODEH also interviewed over 80 people in seven different *departamentos* (regions) in Honduras—representatives of migrant family committees who are intimately familiar with the needs of families with relatives who have migrated to the United States. A full 95% of the respondents were unaware of the CAM in-country processing program. The 5% who had heard of it got their information from family members in the United States, not media or advocacy outreach in Honduras.

Civil society groups fill some of this void. For instance GMIES itself carries out information sessions with vulnerable children about CAM. The Human Rights Ombudsman in El Salvador disseminates some information about the program. In Honduras, CIPRODEH found that the migrant unit in the Cancilleria of Honduras shared a promotional video created by Ian Zaron on YouTube that has garnered over 100,000 views. Yet, there is no indication that there is a coordinated campaign.



Because the program lacks safeguards for the children as they wait for their applications to process, and because gangs often specifically target children who are known to be attempting to flee, CAM beneficiaries themselves are unable to share information about the program with their peers. This generates a cone of silence around the program that forestalls many potential applicants from learning about CAM. As one father explained, “over there no one knew about that. It was one of the first things I ask them to do, to keep it as much of a secret as possible because there could be the possibility that they extort us if they found out we were trying to leave the country... that’s why they kept it secret.” It is critical that any new immigration or humanitarian program work with well-regarded immigrants’ services organizations to build trust and disseminate information.

The lack of information about the program leads to confusion and even danger for applicants. Over 70% of children interviewed, whose family members had already informed them that they had applied through CAM (“a program”), did not know the name of the program or its requirements. GMIES found that most of the children and families in El Salvador wish they had a contact person through USCIS or some other form of accompaniment. While IOM is supposed to share contact information with beneficiaries, applicants reported to GMIES that there was no phone number or any communication for consultation through the process. Critically, without a clear sense of process, emergency contact, and timeline, applicants can be put at risk or be tempted to flee.¹¹³ As GMIES notes, this lack of clarity makes it extremely unlikely that children would understand the process well enough to know how best to advocate for refugee status for themselves.

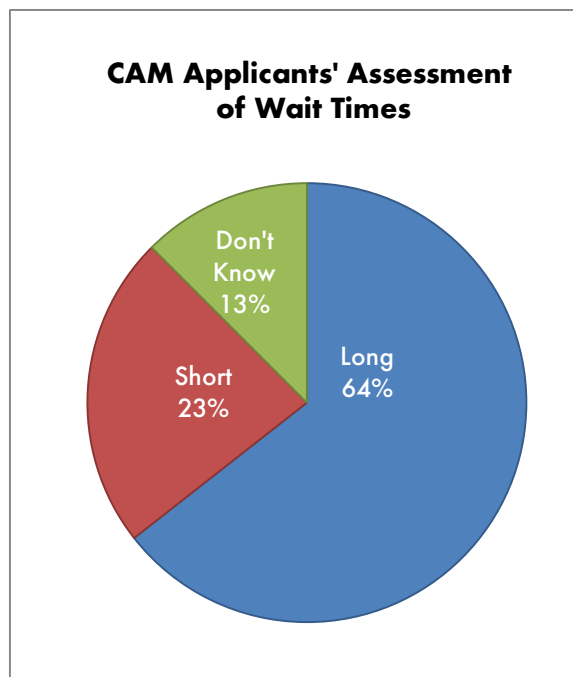
Long Waits

I think the waiting time is what makes one more nervous because when you are waiting for something to happen the next month and the next . . . what might happen?

- An eligible CAM parent now reunited with her children

The creators of the CAM process undoubtedly intend for it to be an effective way to assess and meet the needs of potential refugees. But the program’s wait times are on average a year. Even in theory, Honduran migrant family committee members noted that a six to 12 month process is untenable for families who are exposed to the types of risk and violence that are commonly seen in Honduras. Their assessment is that the program “is not a program for emergency protection,” according to CIPRODEH. Advocates have identified this as a weakness of the program from the start.¹¹⁴

CAM families interviewed in the United States, after being reunited, reported wait times between 11 and 15 months. In El Salvador, GMIES found that the average processing time of the completed cases they examined was close to eight months, though many of the cases they analyzed had not yet been resolved as of the time of writing and several of these were already approaching or had exceeded this length of time. In the cases for which data were available, applicants had to wait an average of three and a half months from the date of filing their application before they even had their first interview, with several applicants waiting six months before the first interview. Some applicants had to wait as long as five to eight months between their first and second interviews.



For an asylum seeking population that is often forced to make life or death decisions within a matter of weeks, days, or even hours, such lengthy waiting periods can be exceedingly perilous. The CAM applicants interviewed generally viewed the application process as long, even as many expressed understanding that immigration processes take time. Sixty-seven percent of the applicants judged the duration to be long while 24% replied that it seemed short. Notably, only one of those who replied "short" had completed the process yet. Due to backlogs and the complexity of the process, the wait time can lag after the first screening interview with IOM, though it is not clear what excuse there could be for the long waiting periods GMIES observed between the initial filing and the date of the first interview.

Perhaps the most interesting responses were from families who had completed their CAM processes. These responses were inflected with deep gratitude for being reunited and some could not choose one simple answer to this question. One mother who said that she lived with "desperation" during the application period observed that when one is waiting for a determination on the safety of one's children, "one just wants it to be tomorrow. Then I felt it was very long, but looking back, time was short."

Dangers Mid-Application

Notably, advocacy organizations have uniformly judged the wait time for CAM applications to be too long for a humanitarian relief program.¹¹⁵ Analysis of the sorts of dangers' that CAM applicants face corroborates this assessment. Likewise, petitioners to the Inter-American Human Rights Commission (IACHR) point out that "any delays in in-country processing mean that those

who seek protection remain at risk while they wait."¹¹⁶ CAM beneficiaries face a range of threats while they wait for applications to process and even while traveling to their interviews. There is no provision for the security of applicants in the CAM program. In fact, when asked about what security they used to protect themselves, applicants routinely explained that there was no protection. They relied on their immediate family members (trusted relatives) and maintained a veil of total secrecy about their CAM application or immigration plans. Secrecy was their only protection against violence and extortion.

Many live in constant fear and rarely or never leave the house due to proximate violence. Applicants have been beaten by gang members. One RA reported that a client was struck by a bus while fleeing gang members. Another RA reported that a young woman applicant was mugged on her way to her interviews and was denied entry because her documentation was stolen. At least two applicants have been killed in the midst of their CAM applications, waiting for the "safe and legal" alternative to asylum seeking.¹¹⁷

Some minors find they can no longer wait and must flee in the midst of their applications. RAs interviewed for this study served more than two-dozen such cases. RAs report that some of their clients despair of waiting and ultimately choose to pay coyotes to bring their children to the U.S. border to seek asylum.¹¹⁸ These children, fleeing for their lives, find their CAM applications canceled. They are punished by a draconian immigration system for facing the very urgent protection needs that led them to apply for refugee status in the first place.

Dangerous Travel to Interviews

My son's uncle paid someone to go and pick him up because at that time it was already dangerous. . . I spoke to people and they asked for the children to come prepared because they could be leaving at 8:00 p.m., and I said, "could they not leave a little earlier?" They said, "No, that is the time." Perhaps, they could take into consideration the situation in the country and that that is not an appropriate time to be out.

- An eligible CAM parent from El Salvador

Yes, and there were many people who came from far away. A woman came from far away and they didn't let her in; she had to wait outside; family outside and children inside. . . Perhaps since it is something new, it was not well organized . . . because an adult, you know, can wait and be patient, but children begin to cry and don't stop.

- A CAM family member in El Salvador

None of the applicants interviewed for this study benefited from circuit rides that would have brought their CAM interviews closer to home. All interviews and other in-person appointments took place in the capital cities of San Salvador and Tegucigalpa. CAM applicants must travel into the cities up to five times to complete their CAM application. Travel times are therefore often

lengthy and costly. GMIES reports that in El Salvador, interviewees estimated that paying for a single trip could cost approximately \$80. One RA staff member noted that she had clients who had expended some \$5,000 on the CAM application, covering program requirements, travel costs and accommodation for his children.

Travel at night into cities controlled by rival gangs is particularly dangerous. MPI notes that, “For potential refugees in dangerous countries, traveling long distances and appearing at known application centers can pose major risks.”¹¹⁹ As multiple interviewees noted, requirements that children travel at night to interviews reveal callousness or ignorance about common-sense safety measures in the region.

Simply stated, one does not go out after dark in these regions. Yet, to reach interviews at 8:00 a.m., families report having to leave their homes in the dead of night and travel to the city secretly in a hired car or truck. The IOM officials who schedule the interviews recommend booking accommodations to avoid night-time travel but that is most often too costly.¹²⁰ Some respondents report being called to after-dark interviews. One applicant asked the staff at International Institute to contact IOM to request a safer interview time. The request was summarily denied, placing the child in a situation that any rational person could see might be dangerous.¹²¹ Some reported leaving as early as 2:00 a.m. to get to 8:00 a.m. interviews, which put them in peril. One El Salvadoran family reported that they traveled to a relative’s home closer to the IOM offices the day before the interview but a local gang was alerted to their presence. To avoid attack, the relative hid the applicants in the trunk of their car on the way to the IOM interview.

A cursory glance at a recent map of gang control and presence in San Salvador illustrates why: the city faces near total saturation by local and international gangs.¹²² Minors traveling to the city therefore often find themselves crossing, inadvertently, through gang-controlled neighborhoods. Most asylum-seekers who have been threatened do not leave the house, do not go to school, and are certainly not in a position to travel to a public application center.¹²³ One RAICES staff member reports that many gangs prohibit such travel and respond violently when they become aware of it. Rival gangs in contested neighborhoods treat children in transit as potential “spies” for their opponents.¹²⁴

A Complex and Nontransparent Process

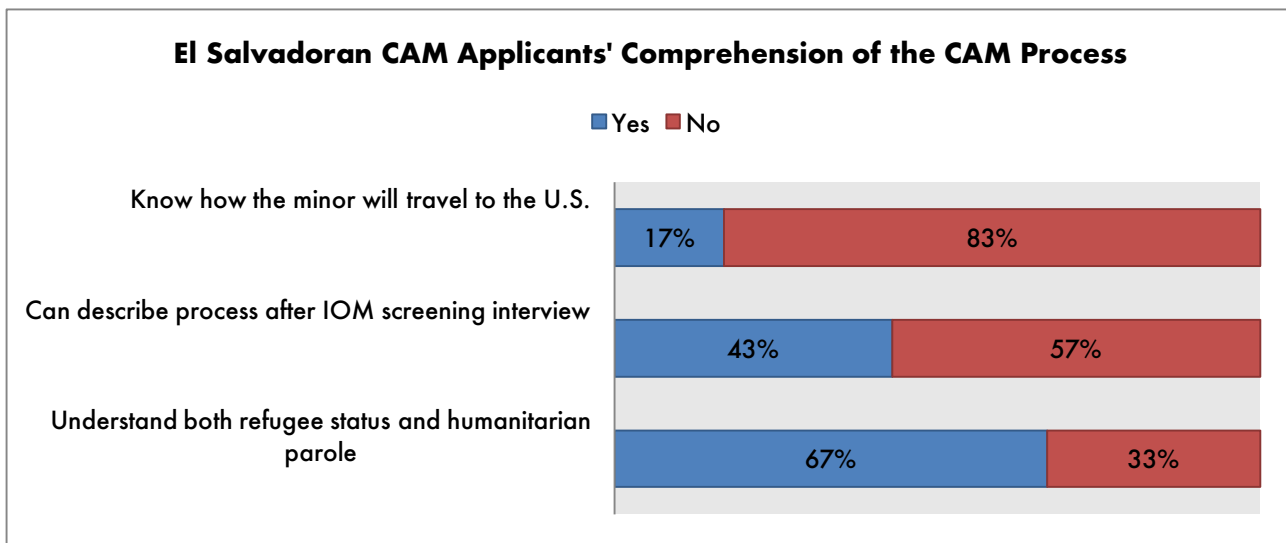
This is such a demanding program.

- Lilian Alba of IILA

They just told us that if we were in (more) danger, we let them know . . . if we received any death threats. . . we let them know and, depending on the result of the case, they would [expedite it].

- A CAM minor from El Salvador

As GMIES notes, parents will apply for CAM, even if it is confusing or convoluted, because they will do anything to protect their children. Their children are in danger, facing high rates of violence and crime. They want to reunite their families and provide protection and care as any good mother and father would. Unfortunately, many families are not entirely aware of CAM’s provisions or process.¹²⁵ GMIES notes that the program requires constant contact between the U.S. parent and beneficiary. Migrant family committees in Honduras expressed surprise and anxiety that the CAM program is so complex. They characterized the complexity and wait times as closer to an ordinary visa process—a process that is likely inappropriate for minors who face immediate threats.



Because the CAM program is so complex, clear communication about each component along with programming that educates participants is crucial. IOM provides brief orientation for families and the “flow chart” of CAM processes is widely available, but our interviews suggest more education and transparency are needed. The comprehension of CAM among current applicants illustrates some problems. For instance, while the vast majority (85%) of El Salvadoran applicants in this study understood what refugee status was and that it was achievable through CAM, only 67%

were aware of humanitarian parole and what it might mean. Comprehension of the program devolves further when it comes to process: only 43% of current applicants interviewed could describe the steps they were to take after their initial IOM interview. And only 17% could describe how they would actually get to the United States after the process was completed. As RA staff explained to us, a lack of clarity about the process can leave applicants with a sense of hopelessness and it could even compel them to flee mid-application.

Parole vs. Refugee Status

What happens is that in our countries police cannot protect people or children because the truth is that even they are afraid of gangsters. The truth is that gang members are already positioned in the country—they are the bosses in the country.

- A CAM eligible parent

No, you cannot trust police because there are many policemen who are with gang members. You cannot trust them . . . they are allies. If you [complain], you have to hide . . . If you stay there and submit a complaint, they will kill you.

- A CAM eligible parent

To date, a majority of CAM children have been approved for humanitarian parole, not refugee status. As of December 2016, approximately 33% of applicants had been granted or conditionally approved for refugee status. Without access to individual case files, it is not entirely clear why this is the case, but it seems clear that access to legal counsel and revised guidelines on refugee definitions for children in this regional context could ensure that more children who desperately need the permanency of refugee protection actually get it.

Throughout the course of our interviews, most respondents reacted favorably to either refugee status or humanitarian parole. Whether because of optimism that such status will be extended, as TPS is routinely extended, or out of gratitude for a program that reunites families, most do not express serious concerns about the preponderance of children receiving parole instead of refugee status. Notably, advisors chosen to lead the Trump administration have proposed ending TPS for El Salvador and severely restricting the benefit.

However, some interviewees, particularly the children who were mid-application and still in El Salvador under threat, indicated that their goal was to achieve refugee status, not parole. And this is not simply because of the obvious benefits of such status, including loans for travel and a path to permanent residency. These families expressed real concern that temporary status might in fact mean that they would be forced to return to El Salvador. Being sent back from the United States could actually put them in an even more acutely dangerous situation because they would become a visible target for criminal groups seeking to extort El Salvadorans with U.S. ties.

Notably, the qualifying parents GMIES interviewed all knew that their child could receive refugee status through the CAM application. Unfortunately, only 30% of them expressed understanding that the result could actually be temporary parole. Whether because they were not provided with sufficient information about the program or for some other reason, it is clear that these parents are focused on the promise of refugee status to bring safety, stability, and permanence for their children.

Access to Counsel

This research reveals weaknesses in the ways USCIS is applying refugee or parole status. The first set of concerns is structural. The CAM process requires children to explain their circumstances in specific, intimate, and graphic terms, alone, without a legal advocate who can help them understand the nature of a refugee status interview. Furthermore, while IOM interviews are in Spanish, some USCIS interviews are conducted in English with Spanish interpretation. It seems very likely that legal and language barriers are so high that children who need and deserve refugee status are being given parole instead.

Access to legal counsel has repeatedly been shown to be critical for asylum-seekers' ability to fully and successfully advocate for themselves in asylum hearings. This is particularly the case for children, who have no right to legal counsel in immigration court. In the U.S. asylum process, only one in ten children who do not have an attorney are granted asylum protections, and children with a lawyer are five times more likely to get protections than those without counsel.¹²⁶ In 2014, a full 73% of children who had a lawyer were allowed to stay in the United States; only 15% of unrepresented children were allowed to remain.¹²⁷ Access to an attorney has repeatedly been shown to be a determining factor in the success of immigration court cases.¹²⁸ Recent data compiled by the Syracuse Transactional Records Access Clearinghouse (TRAC) reports a startling disparity in asylum case outcomes for mothers with children: access to counsel appears to be almost essential to achieving asylum protections. Less than four percent of mothers without a lawyer won their asylum case, while 40% of those with representation were granted asylum.¹²⁹ In contrast, 43% of unrepresented mothers and children were ordered deported after their initial master calendar hearing and had cases that lasted on average only 60 days. Families with lawyers' had on average 286 days to fight their case.¹³⁰ Yet, children applying through the CAM program are not afforded legal counsel. Without intervention from families, non-governmental organizations, or other advocates, children must go into intimate, intimidating interviews alone to make their case. Unfortunately, in U.S. immigration courts, 70% of both mothers with children and unaccompanied minors also have no legal representation.¹³¹

Our interviews indicate that the final refugee screening carried out by USCIS officers is often done in English. It is worth noting that most applicants and their parents speak favorably of their interview process. The gratitude families have for this program cannot be overstated. But

interviews that are done in translation are not in the best interest of these children. Interpretation creates distraction and detracts from the trust relationship between interviewer and interviewee. Notably, CAM applicants in El Salvador described how, in their Spanish-language IOM interviews, the trust the interviewer developed ultimately allowed them to open up and reveal the severity of their situation in a way they initially did not feel comfortable doing. Conversely, respondents felt less comfortable in their USCIS interviews and did not all feel able to share intimate details. As applicants reported, "I felt very uncomfortable because there were two people, there in the interviews and they looked very serious, one spoke English and the other told us in Spanish what the other person said. [I did not explain the threats I faced in full] because I felt that everything was fast and we did not take our time to answer and it was very confusing . . . and not knowing to whom I was answering." Another noted that "the air conditioning is very strong [in the IOM office]. When I was being interviewed I started shaking from the cold, and the immigration agent thought I was lying about what I was saying, but I did not explain to the interpreter." At the very least, a gender-appropriate adult should carry out both interviews in Spanish.

A better solution yet would be to provide children access to a lawyer who could advocate for them during their refugee status determination. As one RAICES staff member commented, even children with very strong asylum cases do not know which parts of their story need to be emphasized in order to qualify under the very limited refugee definition that still governs U.S. asylum law. Furthermore, while asylum-seekers in the U.S. may have access to pro bono legal counsel that can help them prepare for the CFI and gain a rough understanding of the legal matters at issue, CAM applicants' children are extremely likely to be able to avail themselves of anything of the sort.¹³²

Refugee Determinations

A lack of consistency in the ways asylum and refugee protection needs are interpreted leads to unfairness and inequities for those seeking protections. Recent data on the outcomes of U.S. immigration court proceedings, during which a judge makes the final determination about an asylum-seekers' claim for protection, reveal horrifying disparities from one judge and one jurisdiction to another. In Atlanta, Ga, only 2% of asylum claims are successful, while asylum-seekers in New York City, N.Y. are approved 84% of the time.¹³³ There is no inherent difference in the claims of people in Atlanta and New York; the disparity is the result of capricious application of asylum law by individual judges.

REFUGEE STATUS

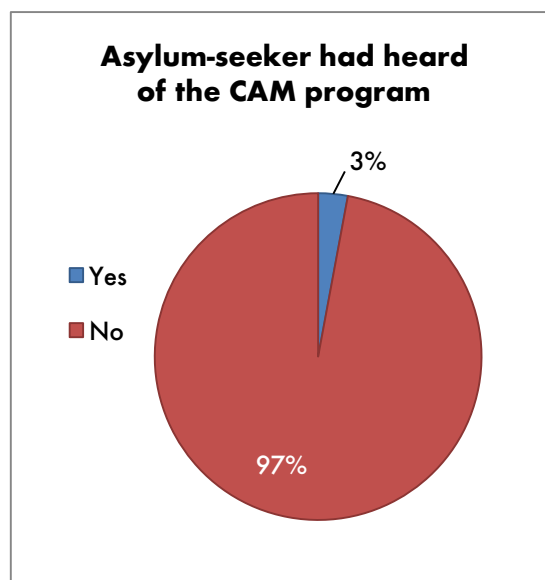
Persecution or fear of persecution due to:

- Race
- Religion
- Nationality
- Membership in social group
- Political opinion

USCIS officers are certainly trained in applying U.S. refugee admissions standards and receive training in interviewing children for refugee status determinations. Yet, international and domestic legal interpretations of protected classes, particularly those who are persecuted by organized gangs, are evolving. Greater clarity and transparency about precisely how these officers are interpreting CAM applicants' status would be in the best interest of child applicants, not to mention government officials and advocacy organizations who might seek legal reform to uphold refugees' human rights. In particular, we would recommend that status determinations be informed by the most recent UNHCR eligibility guidelines for asylum-seekers from El Salvador (March 2016) and Honduras (July 2016).¹³⁴

Not an Alternative—The View from the Asylum Seeking Population at the Border

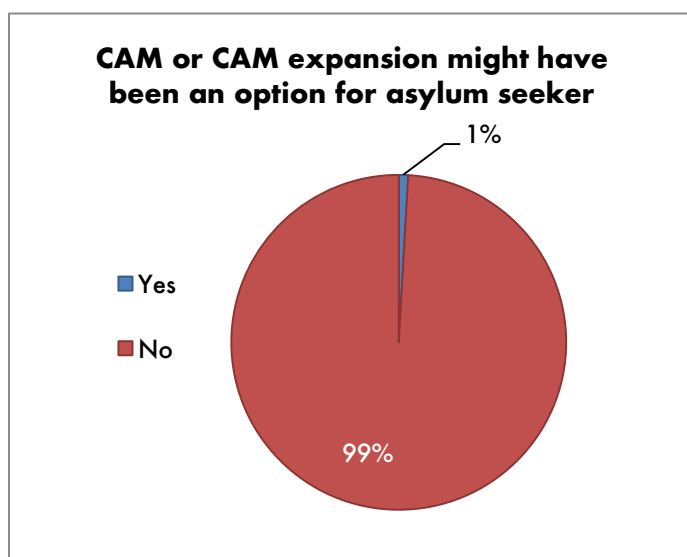
Our surveys, deployed by staff at RAICES, a legal service provider to asylum-seekers in family detention and Office of Refugee Resettlement (ORR) custody in South Texas, confirm the larger findings of this report. CAM is not an alternative to traditional asylum seeking, and cannot serve as a replacement for the dangerous journey across Mexico for most children who seek protection. Of over 500 recent arrivals surveyed by RAICES, only 15 had ever heard of CAM. Those who had heard of CAM were almost uniformly ineligible (under 1%) under the program criteria, even under the expanded criteria announced in July 2016, as most did not have a parent with documented status in the United States or did not know the status of their



parents. Most unaccompanied children encountered by RAICES did have relatives or family friends in the United States, a fair proportion of whom had documented status. However, staff observed that the closer the relation, the less likely they were to be documented. Children in most cases were either hoping to reunite with an undocumented parent or with a more distant relation with documentation—neither category would qualify under CAM.¹³⁵

Moreover, if waiting for long periods is not an option for children stalked or threatened by gangs, it is even less an option for children whose protection needs arise precisely from their home situations. Many of the children with whom RAICES works are pursuing asylum, SIJ status, or other forms of relief due to abuse or neglect they suffered in their homes. CAM as currently designed would be inaccessible to such children, because parents may be unlikely to support a refugee claim if another parent or a trusted caregiver is the reason for the child's protection needs.¹³⁶ A

program based around the initiative of parents is not likely to reach children who have been made refugees by the adult family members in their lives.¹³⁷



Most asylum-seekers at the border note that they could not wait a year for the CAM application to process. In light of the immediate threats to their safety, most children simply cannot afford to remain in-country. One RAICES staff member who has worked with many asylum-seekers in family detention estimated that the maximum amount of time that a child could remain at home after a direct threat would be two weeks. Many would no doubt leave faster if possible, but this is generally the length of time it takes for a family to scrape together enough money

to hire a smuggler, whose fees now stretch into the thousands of dollars.¹³⁸ Other children simply flee immediately on their own, without alerting family members.¹³⁹ The U.S. government must recognize that there will always be refugees and asylum-seekers who need immediate protection. In-country mechanisms can never be a “safe and legal alternative” for asylum-seekers. They are, rather, one of several possible paths to safety.

VI. Conclusion

But the history of U.S. involvement in Central America over the past half century suggests that it is incumbent upon the United States to commit more thoroughly to providing refuge for Central American refugees and asylum-seekers. The focus on push factors, crime, and economic development in Central America is an important aspect of this. But that must not come at the expense of an expansive and appropriately generous program for providing refugee and asylum protections to Central Americans who need them so urgently now. It is not only morally right to do so, it is the U.S. government’s historical responsibility to act.

A comprehensive response to the Central American refugee crisis, which includes safe and expeditious forms of in-country processing, third country resettlement, and robust protections for asylum-seekers at the U.S. border, will require an investment of resources and a shift in perspective. However, in many respects a humane and rights-respecting approach to the crisis will be less costly to the U.S. government, as it means redirecting resources away from deterrence strategies that are enormously expensive and which fail to dissuade desperate people from fleeing for their lives. Enforcement is expensive. The United States appropriated \$750 million in its

Central America Strategy in 2016, and the administration requested \$772 million for FY2017. Thirty percent of the total, or \$232 million, goes toward military and civilian security forces that, while certainly hypothetically valuable to bring order and counter human and narco-trafficking, can be ineffectual or corrupt and have been shown to escalate violence and rights abuses.¹⁴⁰ The U.S. spends \$13 billion on CBP and \$2 billion for immigration detention, and more for surveillance and deportation.¹⁴¹

Notably, more humane treatment of refugees and asylum-seekers is less expensive (and thus far under-resourced). For instance, the DHS budget for alternatives to detention was only \$114 million and the CAM program is financed primarily through redirected DOS refugee admissions funds and the fees that finance the USCIS. On average, RAs receive only \$900 per refugee admitted through CAM. Even factoring in funds that PRM provides for UNHCR appeals for the region, the totals for humanitarian assistance pale in comparison to expenditures on enforcement and militarization. Meanwhile, all evidence points to the fact that the humanitarian crisis in this region will continue for some years and that harsh enforcement and deterrence has failed to protect children or stem the tide of asylum-seekers. Congress and the White House should consider humanitarian approaches to this crisis not only a moral imperative but a fiscally responsible intervention.

While many of these recommendations are long-term, there is much the Obama administration can and should do in the next months to protect the rights of asylum-seekers and refugees as we face an uncertain future. The Obama administration's insistence on pursuing harsh immigration policies has been interpreted at times as a political maneuver to secure comprehensive reform.¹⁴² The failure of comprehensive immigration reform in Congress, the Supreme Court's standing injunction against the deferred action programs, and the ascent to power in the 2016 election of a president-elect who has expressed a desire to deport millions of people all point to the failure of this approach. The president and his administration must act now to ensure that he leaves behind a more rights-respecting, humane immigration legacy. For the people whose cases are described in this report, the stakes may very well be their family's survival.

VII. Recommendations

Immediate Recommendations

- The Obama administration should expedite existing CAM cases for those minors with the most dire protection needs and especially for individuals who have been granted conditional refugee status but who have not yet been brought to the United States.
- Most recent (2016) United Nations guidelines on refugee protection for the Northern Triangle must be incorporated into refugee and asylum hearing processes and training for CPB and USCIS officers and immigration judges.
- The administration should stop detaining asylum-seekers who are fleeing for their lives and place asylum-seekers directly into immigration court proceedings.

Addressing the Central American Refugee Crisis - Long-Term

- The CAM program and third-country processing programs should be expanded and amply funded.
 - IOM and USCIS should fully implement circuit rides to lessen the burden of long-distance travel for minors.
 - IOM should be directed to provide accommodation and safe interview times.
 - PRM and USCIS should work to expand funding for RAs, staffing, and resources, as they expand CAM eligibility to avoid backlogs.
 - RAs and immigrant services organizations should be funded to provide follow-up services to both refugees and parolees.
 - All minors should be afforded access to counsel for refugee determination interviews.
 - Children's refugee determination interviews should be carried out in their language whenever possible.
- U.S. agencies and RAs should partner with trusted civil society groups, human rights organizations of governments in Central America, and immigrants' rights and advocacy organizations in the United States to build trust and better share information about humanitarian programs.
- The United States should work with UNHCR to further expand programs like the PTA with Costa Rica, providing expedited processing and safe haven for those with the most grave and immediate protection needs.

Glossary of Terms

CAM	Central American Minors In-Country Refugee/Parole Processing Program. Also CAM-AOR
CBP	U.S. Customs and Border Protection
CFI	credible fear interview (for asylum-seekers)
CIPRODEH	The Center for Investigation and Promotion of Human Rights, Honduras
DACA	Deferred Action for Child Arrivals
DAPA	Deferred Action for Parents of Americans and Lawful Permanent Residents
DHS	U.S. Department of Homeland Security
DOS	U.S. Department of State
DREAM Act	Development, Relief, and Education for Alien Minors Act
GMIES	The Independent Monitoring Group of El Salvador
ICE	U.S. Immigration and Customs Enforcement
IILA	International Institute of Los Angeles (an RA)
IJ	Immigration Judge
IOM	International Organization for Migration (inter-governmental organization coordinating CAM cases)
KIND	Kids in Need of Defense
LAWG	Latin American Working Group
Mano dura	"iron fist" or harsh criminal justice tactics employed by Central American governments to combat gangs
Maras	gangs
NGO	non-governmental organization
Northern Triangle	Guatemala, Honduras, and El Salvador
Plan Frontera Sur	Mexico's southern border enforcement plan, as implemented since 2014
PRM	Bureau of Population, Refugees, and Migrations in U.S. Department of State
RA	U.S. Department of States-contracted refugee resettlement agency. Also VOLAG
RAICES	Refugee and Immigrant Center for Education and Legal Services
Renta	"rent" or extortion fees paid to gangs
SIJ Status	Special Immigrant Juvenile Status for abused and neglected children – with a path to permanent residency.
TPS	Temporary Protected Status
UNHCR	United National High Commissioner for Refugees (The U.N. Refugee Agency)
USCIS	U.S. Citizenship and Immigration Services

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