



Testimony of

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*Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's  
Central American Minors Refugee/Parole Program*

Before

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National Interest

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Mr. Chairman and Members of the Subcommittee, thank you for inviting me to appear before you today for this examination of the new Central American Minors Refugee/Parole Program that began in December 2014.

My statement provides background about United States in-country refugee processing programs as the context for the Central American Minors program (CAM). It also outlines some of the policy questions surrounding in-country refugee processing. I am familiar with a number of the programs and the policy debates that surrounded them from my time in government as Executive Associate Commissioner of the Immigration and Naturalization Service (INS) in the 1980s when I had responsibility for the INS role in the first such in-country programs, and later as INS Commissioner in the 1990s for subsequent in-country processing programs.

## **The History of In-Country Refugee Processing Programs**

A refugee is defined by U.S. and international law as any person who is outside his or her country of nationality and is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion.<sup>1</sup> Under a lesser known-provision of the *Immigration and Nationality Act* (INA), the president in special circumstances may specify that any person *within* his or her country of nationality may also meet the refugee definition.<sup>2</sup>

Beginning in 1979 the United States has administered in-country processing through special programs for select countries during and in the aftermath of periods of war, political repression and other humanitarian crises: Vietnam from 1979-2009, Haiti from 1992-1995 and Cuba from 1987-present. A long-standing designation for certain groups of individuals in Eurasian and Baltic states still exists, in addition to a recent, narrowly focused program in operation in Iraq since 2008.

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<sup>1</sup> *Immigration and Nationality Act* (INA) § 101(a)(42); United Nations, *Convention and Protocol Relating to the Status of Refugees*, Article I (New York: United Nations, 1951), [www.unhcr.org/3b66c2aa10.html](http://www.unhcr.org/3b66c2aa10.html).

<sup>2</sup> INA § 101(a)(42)(B)); The president issues an annual presidential determination establishing refugee admissions ceilings and a list of countries authorized for in-country refugee processing for each fiscal year. The FY 2015 determination, for example, specifies that persons in Cuba, Eurasia and the Baltics, Iraq, Honduras, Guatemala and El Salvador, and, in exceptional circumstances, persons identified by a U.S. Embassy in any location, are eligible for in-country refugee status consideration and resettlement.<sup>2</sup> See the White House, “Presidential Memorandum, Refugee Admissions for FY 2014” (memorandum for the Secretary of State, October 2, 2013), [www.whitehouse.gov/the-press-office/2013/10/02/presidential-memorandum-refugee-admissions-fiscal-year-2014](http://www.whitehouse.gov/the-press-office/2013/10/02/presidential-memorandum-refugee-admissions-fiscal-year-2014).

Below are the countries and groups eligible to seek refugee status through in-country programs as designated in presidential determinations dating to FY 1994.

**Table 1. In-County Programs by Presidential Determination, FY 1994-2015\***

1994-1995	Vietnam Cuba Haiti Former Soviet Union
1996-2004	Vietnam Cuba Former Soviet Union
2005-2008	Vietnam Cuba Former Soviet Union In exceptional circumstances, persons identified by a U.S. Embassy in any location**
2009	Vietnam Cuba Former Soviet Union Iraq In exceptional circumstances, persons identified by a U.S. Embassy
2010-2011	Cuba Former Soviet Union Iraq In exceptional circumstances, persons identified by a U.S. Embassy
2012-2014	Cuba Eurasia and the Baltics Iraq In exceptional circumstances, persons identified by a U.S. Embassy
2015	Cuba Eurasia and the Baltics Iraq Honduras, Guatemala and El Salvador In exceptional circumstances, persons identified by a U.S. Embassy

\* Presidential determinations, which have been issued since 1980, are not included for fiscal years earlier than 1994 because they are not publicly available on a consistent basis.

\*\* The State Department in the FY 2005 *Proposed Refugee Admissions* document first proposed to extend in-country processing authority to any location in the world on a trial basis during FY 2005 “to meet the needs of extraordinary individual protection cases for whom resettlement is requested by a U.S. ambassador.” The language has been included each year since.

Source: The White House, Presidential determinations, FY 1994-2015.

The United States thus has operated several in-country refugee programs at any one time for more than 20 years. A brief overview of the programs — Vietnam, Cuba, Eurasia and the Baltics, Haiti and Iraq — follows:

- Vietnam:** The United States designated Vietnam for in-country processing from 1979 through 2009, with the program passing through several different phases. In-country processing in Vietnam began with the Orderly Departure Program (ODP), created in response to a massive exodus of boat people fleeing post-Vietnam War upheaval. Initially an “automatic presumption of refugee status” allowed almost all applicants to qualify for admission and resettlement in the United States.<sup>3</sup> Criteria were added in 1988 to restrict the program to people eligible for immigrant visas because of family members already in the United States, former U.S. government employees and others closely associated with the U.S. presence in Vietnam before 1975, including Amerasians and their family members.<sup>4</sup> Those found ineligible for refugee status were eligible to enter the United States as Public Interest Parolees, a humanitarian program implemented by the Attorney General in February 1989.<sup>5</sup> In total, the ODP processed more than 523,000 individuals for admission.<sup>6</sup> After the ODP ended in 1999 Vietnam remained designated for in-country processing and the criteria permitted applications from one-time “re-education center” detainees and adult children whose parents were Vietnamese re-education camp survivors.<sup>7</sup>
- Cuba:** Cuba’s in-country program began in 1987 and is still operational.<sup>8</sup> It was put in place to stem irregular boat migration, which has occurred in sizeable waves since the 1959 Cuban revolution. The refugee admissions program was originally designed for former political prisoners. Eligibility was expanded in 1994 and currently includes former political prisoners, members of persecuted religious minorities, human-rights activists, forced labor conscripts during 1965-1968, those deprived of their professional credentials or subjected to other harsh or discriminatory treatment because of their political or religious

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<sup>3</sup> See General Accounting Office (GAO), *The Orderly Departure Program from Vietnam: Report to the Chairman, Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary, House of Representatives* (Washington, DC: GAO, 1990) <http://archive.gao.gov/t2pbat10/141353.pdf>.

<sup>4</sup> Under the INA, Amerasians are individuals who were born in Korea, Vietnam, Laos, Kampuchea (Cambodia) or Thailand between January 1, 1951 and October 21, 1982 and fathered by a U.S. citizen. See U.S. Citizenship and Immigration Services (USCIS), “Green Card for an Amerasian Child of a U.S. Citizen,” last updated March 22, 2011, [www.uscis.gov/green-card/other-ways-get-green-card/green-card-amerasian-child-us-citizen](http://www.uscis.gov/green-card/other-ways-get-green-card/green-card-amerasian-child-us-citizen).

<sup>5</sup> Similar to parole elements of the Central American Minors (CAM) program, Vietnamese Public Interest Parole was available to those able to prepay their travel expenses and obtain affidavits of support from sponsors in the United States.

<sup>6</sup> U.S. Department of State, Bureau of Population, Refugees and Migration, “Refugee Admissions Program for East Asia” (fact sheet, January 2004), <http://2001-2009.state.gov/g/prm/rls/fs/2004/28212.htm>.

<sup>7</sup> In 1997, Sen. John McCain (R-AZ) sponsored a provision enacted in that year’s *Omnibus Consolidated Appropriations Act* that afforded eligibility to adult children whose parents were Vietnamese re-education camp survivors. The *McCain Amendment* was revised and extended several times until being repealed in 2009.

<sup>8</sup> The program had originally opened in 1984 but was suspended later that year and resumed in 1987.

beliefs and others who face persecution.<sup>9</sup> Since 1995, an average of approximately 3,300 Cubans have arrived each year through the in-country processing program.<sup>10</sup>

- ***Eurasia and the Baltics:*** Eurasia and the Baltics (previously the Soviet Union and then the Former Soviet Union) were originally designated for in-country processing through the Lautenberg Amendment, passed in 1989 to offer humanitarian protection to religious minorities. The in-country designation extends to those covered by the *Lautenberg Amendment*, including Jews, evangelical Christians and Ukrainian Catholic and Orthodox religious adherents who also have close family in the United States.<sup>11</sup> Also under the amendment, these individuals are considered for refugee status under a reduced evidentiary standard for establishing a well-founded fear of persecution.<sup>12</sup>
- ***Haiti:*** Haiti's in-country program operated from 1992 to 1995 and was created in response to a military coup in 1991 that led to deteriorating human-rights conditions and prompted thousands of Haitian nationals to flee the country, attempting to reach the United States by boat. Application centers were established in three locations around the country. The initial criteria included formal political prisoners, human-rights activists, those subjected to harsh or discriminatory treatment because of their political beliefs or activities, those fearing persecution because of their leadership roles in political or religious organizations, former government officials or those in fields that may be targeted (such as journalism), dissidents and other refugees of compelling concern to the United States. These criteria were periodically revised over the course of the program. Nearly 6,000 Haitians were settled through the in-

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<sup>9</sup> U.S. Department of State, Bureau of Population, Migration and Refugee Affairs, *Report to the Congress on Proposed Refugee Admissions for FY 1995* (Washington, DC: State Department, 1994), [http://dosfan.lib.uic.edu/ERC/population/1995\\_Refugee\\_report.html](http://dosfan.lib.uic.edu/ERC/population/1995_Refugee_report.html).

<sup>10</sup> Migration Policy Institute (MPI) analysis of data from Ruth Ellen Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, DC: Congressional Research Service, 2009), [www.fas.org/sgp/crs/row/R405666.pdf](http://www.fas.org/sgp/crs/row/R405666.pdf); U.S. Department of State, Bureau of Population, Refugees and Migration, "Refugee Arrivals by Processing Country," October 1, 2013 – September 30, 2014, [www.wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map\(10.6.2014\).pdf](http://www.wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map(10.6.2014).pdf).

<sup>11</sup> The *Lautenberg Amendment* was first passed in 1989 as a provision of the *FY 1990 Foreign Operations Appropriations Act* and was amended in 2004. It has been periodically extended, most recently in the *Consolidated and Further Continuing Appropriations Act of 2015*. Public Law No. 101-167, § 599D, 103 Stat. 1261 (1989) (codified at 8 U.S.C. § 1157) as amended ("Lautenberg Amendment").

<sup>12</sup> Andorra Bruno, *Refugee Admissions and Resettlement Policy* (Washington, DC: Congressional Research Service, 2015), [www.fas.org/sgp/crs/misc/RL31269.pdf](http://www.fas.org/sgp/crs/misc/RL31269.pdf).

country refugee program by 1994, out of 55,000 applications representing more than 106,000 people.<sup>13</sup>

- ***Iraq:*** Iraq's program began in 2008 and continues today. Its aim is to offer protection to a small number of Iraqis who worked with or were associated with the U.S. government during the Iraq War and U.S. military involvement in the country from 2003 to 2011. The eligibility criteria include U.S. government employees, U.S. government-funded contractors or grantees, those working in Iraq for U.S.-based media or NGOs, certain family members of such employees, those with certain close U.S. citizen or lawful permanent resident relatives living in the United States with approved immigrant visa petitions, members of religious or minority communities with a close relative in the United States or other persecuted groups designated by the Secretary of State.<sup>14</sup> In FY 2014, approximately 10,000 individuals arrived as refugees from Iraq through the in-country program.<sup>15</sup>

### ***Common Characteristics and Dilemmas about In-Country Processing Programs***

In general, in-country programs aim to improve access to humanitarian protection and regulate refugee and humanitarian admissions to the United States under conditions of extreme danger, loss of life and sizeable numbers. In my experience, in-country programs have come about largely when policymakers are under severe operational and public pressure to respond to unmanageably large, life-threatening flows or when refugee processing and admissions advance broader foreign policy commitments or goals. Several programs represent a blend of these circumstances.

Refugee-policy and human-rights professionals — including the UN High Commissioner for Refugees (UNHCR) and the responsible U.S. government agencies — are hesitant to establish and administer in-country programs because although

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<sup>13</sup> Statement by Peter Tarnoff, Acting Secretary, Department of State, and Phyllis Oakley, Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State, prepared for the annual refugee consultation hearing before the Senate Committee on the Judiciary, Subcommittee on Immigration<sup>104</sup>th Cong., 1st sess., on examining the President's fiscal year 1996 budget request for refugee admissions, August 1, 1995, <https://archive.org/stream/annualrefugeecon00unit#page/4/mode/2up/search/Haiti>.

<sup>14</sup> U.S. Department of State, Department of Homeland Security and Department of Health and Human Services, *Proposed Refugee Admissions FY 2014*, Report to the Congress (Washington, DC: Department of State, Department of Homeland Security and Department of Health and Human Services, n.d.), [www.state.gov/documents/organization/219137.pdf](http://www.state.gov/documents/organization/219137.pdf).

<sup>15</sup> Figure represents refugee arrivals to the United States processed in Iraq; it can be assumed that nearly all of these individuals were Iraqis processed through the in-country program. See Refugee Processing Center, "Map Arrivals by Processing Country and Nationality," accessed April 21, 2015, [www.wrapsnet.org/Reports/AdmissionsArrivals/tabid/211/Default.aspx](http://www.wrapsnet.org/Reports/AdmissionsArrivals/tabid/211/Default.aspx).

statutorily authorized in U.S. law, the premise for in-country processing is at odds with international convention principles that a refugee is someone *outside* his/her country escaping persecution or the threat of persecution. In addition, it is difficult to reach and protect people within their countries who may be at serious risk. Thus, programs have been established only under extreme circumstances in an attempt to provide an alternative to dangerous outflows.

In-country programs aimed at responding to large outflows typically have been implemented in combination with tough enforcement programs intended to curtail sizeable, dangerous flows, as in Cuba, Haiti and Vietnam. Similarly, in the Central American case, the United States and Mexico initially responded to the spring and summer migrant surge by quickly stepping up anti-smuggling measures, migrant interdictions and deportations beginning in June of 2014, while the in-country program has taken longer to stand up, and did not become operational until December 2014.

For these reasons, some argue that stanching outflows and restoring orderly processes outweigh the goals of rescue and protection. Others see the programs as a partial response to discourage mass outflows that also provides protection through safer, more orderly processes, albeit for limited numbers.

The programs share several additional characteristics:

- Widely different numbers of admissions, depending on the nature of the flows and program criteria
- Both broad and narrowly drawn criteria, reflecting distinct program and policy goals that are tailored to the countries and humanitarian circumstances of concern to the United States
- Long duration due to the intractability of the underlying conditions causing protection needs
- Adjustments to program criteria over time, based on experience and changes in humanitarian circumstances
- Congressional authorization either through explicit direction or the annual refugee consultation process
- Supplementary use of parole to admit persons with compelling humanitarian claims who are not eligible for refugee status.

In-country programs have been controversial throughout their history. Experience with the programs has led to a number of general critiques, discussed below.

Admissions criteria in some programs have been seen as catering to limited subsets of people while excluding others who are equally, if not more, in need of protection. The

human-rights community argues this was particularly true in Haiti, when admission criteria singled out groups such as journalists, activists and former government officials, all of whom were part of the Haitian elite, whereas thousands of lower-class Haitians also suffered from persecution. On the other hand, the guidelines for the Vietnam and former Soviet Union programs were broad. They included eligibility for relatives of prior arrivals, a presumption of refugee status, and a reduced evidentiary standard for establishing a fear of persecution.

The application process may also be an important determinant of how effectively in-country processing provides an alternative to desperate departures. Absent safeguards to protect applicants, applying for refugee resettlement from within one's country can expose already vulnerable people to more danger. For example, centers where applicants are required to appear in person to submit documents and attend interviews have sometimes been located in busy areas of major cities. For likely refugees in dangerous countries, traveling long distances to application centers and appearing at known processing locations can pose major risks.

Lengthy processing times and case adjudication can also undermine the goal of refugee protection. For many reasons, refugee processing has become an increasingly drawn-out procedure that involves multiple interviews, medical and extensive security clearances, and DNA testing to validate family relationships. For in-country programs, six months to process a case would be considered fast. Close to a year to adjudicate the case is more likely. This may be particularly so with child applicants. Thus, the very people for whom the programs are intended — because they are in imminent danger — may be at serious risk when trying to access such programs.

Many have therefore argued that if an in-country refugee processing program does not ensure the safety and confidentiality of applicants and takes unduly long to complete, people in danger are unlikely to come forward and those facing extremely dire situations will bypass the refugee processing option and flee their country. For these reasons, in-country processing has been criticized as “orderly departure programs for immigration rather than protection for persons fleeing persecution.”<sup>16</sup>

### **The Central American Minors (CAM) Refugee/Parole Program**

Against this backdrop, the newest in-country program — CAM — is for minors in El Salvador, Guatemala and Honduras. As with prior in-country programs, it was established in response to a humanitarian migration emergency: partly in response to endemic violence, thousands of children and families have fled Central America and

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<sup>16</sup> Norman L. Zucker and Naomi Flink Zucker, *Desperate Crossings: Seeking Refuge in America* (New York: Routledge, 1996), 139.



undertaken seeks to provide a legal, safe alternative to dangerous — sometimes deadly — unauthorized journeys to the United States in search of safety.<sup>17</sup> The CAM program represents an element of the U.S. government’s response to the 2014 surge in arrivals of unaccompanied minors that overwhelmed the capacities of immigration agencies to effectively respond.

CAM program criteria are specific and targeted — more similar to the Haitian and Iraqi programs than the expansive Vietnam and former Soviet Union programs. The criteria permit parents over the age of 21 who are lawfully present in the United States to request that their unmarried children under the age of 21 living in El Salvador, Honduras or Guatemala be admitted to the United States as refugees.

Qualifying children must meet the statutory definition of a refugee. If ineligible, they can be considered for humanitarian parole on a case-by-case basis.<sup>18</sup> To be eligible, the Department of Homeland Security (DHS) must find that the minor is at risk of harm. Certain family members of qualifying minors may also be eligible, including a second parent who lives with the minor in Central America and is married to the U.S.-based parent, and any children of the qualifying minor.

As part of the CAM application process, U.S.-based parents are screened by a refugee resettlement agency, and children are screened by the International Organization for Migration (IOM). Those passing through this initial screening must then pay for and submit DNA testing results that prove their relationship. Once the biological relationship is confirmed, DHS interviews the child to determine whether he or she meets the definition of a refugee and is admissible to the United States.<sup>19</sup> Applicants are required to undergo background checks and medical clearances. To be granted parole under the CAM program, the U.S.-based parent must also demonstrate that he or she can financially support their child.

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<sup>17</sup> A confluence of complex push and pull factors are responsible for the dramatic increases, including rising gang violence and crime in Central America, weak economic conditions in the region, U.S. policies toward child migrants, bi-national families’ desires to reunify and sophisticated smuggling operations. For a fuller discussion, see Muzaffar Chishti and Faye Hipsman, “The Child and Family Migration Surge of Summer 2014: A Short-lived Crisis with a Lasting Impact,” *Columbia Journal of International Affairs* 68 (2015), no. 2.; and Marc R. Rosenblum, *Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention* (Washington, DC: MPI, 2015), [www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention](http://www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention).

<sup>18</sup> In general, the Department of Homeland Security (DHS) has authority to parole otherwise inadmissible individuals into the United States for urgent humanitarian reasons; INA § 212(d)(5)(A).

<sup>19</sup> A qualifying minor may also be a step or legally adopted child. Adopted children must have been in the legal custody of and resided with the adopting parent or parents for at least two years and be legally adopted before their 16th birthday. Parents must include adoption papers with the form DS 7699 and are given an opportunity to describe any non-traditional relationships that may require an explanation, including adoption, half- and step-relatives.

### *What Numbers May Be Eligible?*

Refugees admitted through the CAM program count toward the U.S. Refugee Admissions Program's regional allocation for Latin America and the Caribbean, which is set at 4,000, out of a worldwide ceiling of 70,000 for FY 2015. These levels are set in annual presidential determinations and in consultation with Congress for the different world regions of Africa, East Asia, Europe and Central Asia, Latin America/Caribbean, Near East/South Asia and an unallocated reserve.

Regional allotments are not hard caps. There is flexibility for higher than anticipated numbers of refugees from Latin America this year.<sup>20</sup> Numbers from the unallocated reserve or other regions can be used to accommodate unforeseen refugee admissions needs. Admissions through parole are not subject to a cap.

Thus, estimating the numbers of Central American children who might be admitted depends on the number of eligible U.S.-based parents and qualifying minors in the region. Both are unknown. In total, an estimated 1.3 million Salvadoran, 902,000 Guatemalan and 534,000 Honduran immigrants reside in the United States.<sup>21</sup> A majority of these populations are unauthorized and therefore could not meet the program's lawful presence requirement for parents.

Of those who might qualify, lawful permanent residents (LPRs) and Temporary Protected Status (TPS) holders constitute the two largest groups. About 330,000 Salvadorans, 190,000 Guatemalans and a smaller population of Hondurans have LPR status.<sup>22</sup> An additional 204,000 Salvadorans and 61,000 Hondurans are residing in the United States under grants of TPS (Guatemala is not designated for TPS).<sup>23</sup> Estimates of potentially eligible parolees, holders of Deferred Enforced Departure (DED) status

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<sup>20</sup> U.S. Department of State, "In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala and Honduras With Parents Lawfully Present in the United States" (fact sheet, November 2014), [www.state.gov/j/prm/releases/factsheets/2014/234067.htm](http://www.state.gov/j/prm/releases/factsheets/2014/234067.htm).

<sup>21</sup> MPI tabulation of data from the U.S. Census Bureau's 2010 and 2013 American Community Surveys, and 2000 Decennial Census. MPI Data Hub, "U.S. Immigrant Population by Country of Birth, 1960-2013," [www.migrationpolicy.org/programs/data-hub/us-immigration-trends#source](http://www.migrationpolicy.org/programs/data-hub/us-immigration-trends#source).

<sup>22</sup> On average over the past decade, 22,000 El Salvadorans, 15,000 Guatemalans and 7,000 Hondurans become lawful permanent residents (LPRs) annually; DHS, *Yearbook of Immigration Statistics* FY 2012 and 2013 (Washington, DC: DHS, various years), [www.dhs.gov/yearbook-immigration-statistics](http://www.dhs.gov/yearbook-immigration-statistics).

<sup>23</sup> Temporary Protected Status (TPS) is a form of temporary humanitarian relief granted to individuals from certain countries that have experienced armed conflict or natural disasters. TPS beneficiaries are protected from deportation and permitted to work in the United States but are not permanent residents or green card holders and cannot sponsor their relatives to immigrate to the United States. See USCIS, "Extension of the Designation of El Salvador for Temporary Protected Status," 80 *Federal Register* 893, March 10, 2015), <https://federalregister.gov/a/2015-00031>; USCIS, "Extension of the Designation of Honduras for Temporary Protected Status," 79 *Federal Register* 62170, October 16, 2014, <https://federalregister.gov/a/2014-24559>.

and withholding of removal grantees are not known, but these groups account for small numbers.

The share with qualifying children within each of these groups is also unknown. However, the largest group — permanent residents (see Table 2) — are already eligible to sponsor their children for immigrant visas under U.S. law. This visa category has a backlog of about two years at present but most permanent residents wishing to bring their children to the United States will most likely have already done so (or are in process) under immigration criteria that are less rigorous than those for refugee eligibility.

**Table 2. Estimates of Qualifying Parents Potentially Eligible for CAM Program**

	<b>LPRs</b>	<b>TPS Holders</b>	<b>Unauthorized Immigrants</b>
El Salvador	330,000	204,000	436,000
Guatemala	190,000	Not applicable	704,000
Honduras	Not available	61,000	317,000

*Sources:* For estimates of unauthorized immigrants, Migration Policy Institute; for estimates of lawful permanent residents (LPRs), Nancy Rytina, *Estimates of the Legal Permanent Resident Population in 2012* (Washington, DC: DHS, Office of Immigration Statistics, 2013); for Temporary Protected Status (TPS) estimates, U.S. Citizenship and Immigration Services (USCIS), “Extension of the Designation of El Salvador for Temporary Protected Status,” 80 *Federal Register* 893, March 10, 2015, and USCIS, “Extension of the Designation of Honduras for Temporary Protected Status,” 79 *Federal Register* 62170, October 16, 2014.

Those who are eligible to apply must then meet the statutory definition of a refugee by demonstrating a “well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion.”<sup>24</sup> Although many Central American young people are threatened by gang violence and may have compelling humanitarian protection needs, experiencing gang recruitment or violence does not generally qualify as a basis for refugee status.<sup>25</sup> Thus, the availability of parole in especially serious cases may be an important element of the program. Its use will depend on the criteria DHS uses to determine when a minor is “in danger.”

<sup>24</sup> INA 101(a)(42).

<sup>25</sup> A UN High Commissioner for Refugees (UNHCR) survey found that 56 percent of unaccompanied children from Northern Triangle countries have potential international protection needs: 72 percent from El Salvador, 38 percent from Guatemala and 57 percent from Honduras. See UNHCR, *Children on the Run* (Washington, DC: 2014), [www.unhcrwashington.org/sites/default/files/1\\_UAC\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf); also see Rosenblum, *Unaccompanied Child Migration to the United States*.

## *Will CAM Solve the Child Migrant Phenomenon?*

Child migrant populations that have arrived at the border constitute a mixed flow. In addition to heightened gang violence and family separation, the classic drivers of migration — escaping poverty and seeking economic opportunity — continue to be primary causes of unauthorized migration from the region. In-country refugee processing has historically — and can in the future — be an important dimension of responses to compelling migration and humanitarian emergencies. The new CAM initiative is likely to write a further chapter in that story. However, its inherent limitations — modest numbers, strict eligibility criteria and lengthy processing times — make it but one element of the broad response required to significantly reduce child migrant flows from Central America at this time.

Improvements in economic and security conditions in Central America; timely, fair procedures for adjudicating humanitarian claims in the United States; effective cross-national cooperation on enforcement and anti-smuggling operations; and legal channels to better enable bi-national families to move across borders all are also critical to addressing the issue of unauthorized, dangerous flows within the region. Absent such reforms and structural changes in conditions that underlie migration dynamics, children and families will continue to arrive at the border seeking safety and secure futures.

Thank you for the opportunity to submit this statement. I am happy to answer any questions you may have.