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Central American Minors (CAM) Program Stakeholder Engagement USCIS/RAIO/IRAD

Date of Engagement: March 9, 2022

ASISTA Notes

USCIS Presentation:

1. Who can submit an application?
 - a. Qualifying parents & legal guardians in the US can apply for access to USRAP on behalf of qualifying children who are currently located in El Salvador, Guatemala, or Honduras
 - b. Currently, Affidavits of Relationship (AORs) can only be submitted through a US-based resettlement agency or affiliate
 - i. Can't file themselves or have an attorney fill out for them. They must go to an agency/affiliate to start the process
2. CAM program timeline:
 - a. November 2014 – first announced by then-VP Biden (applications started December 2014)
 - b. July 2016 – program eligibility expanded to additional eligible family members when accompanied by a qualifying child
 - c. August 2017 – parole portion of program terminated
 - d. November 2017 – final AORs accepted before CAM refugee program termination
 - e. March 2021 – DOS/DHS announced reopening of CAM and began reopening cases closed without interview before 1/31/18

- i. Phase 1: cases with applications/AORs submitted before program's termination but no interview, reopened. If still eligible, scheduled for interview with USCIS and decision on case
 - ii. Phase 2: now allowing for new CAM applications, included expanded eligibility with updated AOR form
 - f. September 2021 – USRAP started accepting new AORs
 - i. DOS started accepting new applications on new AOR form
 - 3. Eligibility
 - a. US-based parent/legal guardian must be qualified to file a CAM AOR on behalf of child(ren) under their legal custody
 - b. Beneficiary must have qualifying relationship to US-based parent/legal guardian (usually a child)
 - c. Beneficiary must have qualified nationality
 - i. Parent/legal guardian does not need to be a national of El Salvador, Guatemala, or Honduras, only the beneficiary.
 - 4. How does a US-based parent/legal guardian qualify?
 - a. Must be at least 18 years old
 - b. Must be present in the US pursuant to one of following:
 - i. Legal Permanent Residency (LPR)
 - ii. Temporary Protected Status (TPS)
 - iii. Parolee
 - 1. Initial period needs to have been for at least 1 year but don't need to have 1 year left on it
 - iv. Deferred Action
 - 1. Period needs to have been for at least 1 year but don't need to have 1 year left on it
 - v. Deferred Enforced Departure (DED)
 - vi. Withholding of removal
 - vii. New Categories*
 - 1. *With pending asylum application filed before May 15, 2021**
 - 2. *With pending U Visa petition filed before May 15, 2021**
- ASISTA Note: In April 2023, these categories were expanded to include pending asylum applications and U Visa petitions filed on or before April 11, 2023. The expansion now also includes a new category for those with pending T Visa applications filed on or before April 11, 2023.*
- 5. How does a child qualify?
 - a. Must be unmarried, under 21 at time the application is submitted
 - i. If the child is over 21 at the time of the interview, that's fine. They just need to be under 21 when the AOR is submitted

- b. Must be a national of El Salvador, Guatemala, or Honduras AND living in one of those three countries
 - i. The child doesn't have to be living in country of nationality, but they need to be living in one of those three countries
- 6. Who can be considered a child?
 - a. Biological child – born to US-based parent
 - b. Stepchild – marriage must have occurred before child's 18th birthday
 - c. Legally adopted child – adoption must occur before the child's 16th birthday and be legal in the country where it occurred. Adopted child also must have resided with and be in the legal custody of adoptive parent(s) for at least 2 years
 - d. Child for whom the qualifying petitioner is legal guardian
 - e. Child must be unmarried at the time of filing of AOR AND remain unmarried until admission or parole at US POE

ASISTA Note: The child must also be a national of El Salvador, Guatemala, or Honduras and physically located in one of those countries.

- 7. CAM expanded categories of family members
 - a. July 26, 2016 – expansion of CAM program that included new categories of eligibility for members of the qualifying child's household
 - b. For all add-on categories to have access, they must ALWAYS be accompanying at least one qualifying child. They cannot be included/processed unless there's a qualifying child on the AOR form
 - c. Expanded categories of eligible family members:
 - i. In-country parent not married to parent in the US
 - 1. Already had category for in-country parent married to US-based parent
 - ii. Sons/daughters who are 21 or older and/or married (generally, siblings of qualifying child)
 - 1. Did not replace qualifying child category so still need a qualifying child

ASISTA Note: Siblings of the qualifying child can include their own spouses and children under age 21.

Children of the qualifying child or of the in-country parent can also be included, if they are under 21 and unmarried.

- iii. Caregivers related to the qualifying child or related to the parent in the US
 - 1. Examples: could be grandparent or qualifying child's maternal aunt/uncle
- 8. Other parent in El Salvador, Guatemala, or Honduras
 - a. Must meet these three criteria to be added to child's case:
 - i. Must be part of the same household and economic unit as the qualifying child;

- ii. Must be legally married to the US-based parent at the time the application is filed; and
 - iii. Must remain legally married to the US-based parent
 - b. They will both be on the same AOR, but they will have separate cases for purposes of USCIS processing/interview
- 9. Biological parent of qualifying child that is not married to qualifying parent
 - a. Is not currently legally married to the qualifying parent
 - b. Is biological parent of the qualifying child
 - c. Lives in the same household and is part of the same economic unit as the qualifying child
 - d. If the biological parent has a legal spouse (not the qualifying parent) or unmarried child/ren under 21, they can be added to the case
 - i. Parent in the US has to add this person to the application and add their other spouse, child/ren
 - e. There would also be DNA testing between this biological parent and the qualifying child
- 10. Primary caregiver of qualifying child
 - a. Is not a stepparent or biological parent
 - b. Lives in the same household and is part of same economic unit of the qualifying child
 - c. Is at least 18 years of age
 - d. Is related to the qualifying child or the qualifying parent
 - e. If the primary caregiver has a legal spouse or unmarried child/ren under 21, they can be added to the case
- 11. Married son/daughter and/or son/daughter over 21
 - a. Sons or daughters of the qualifying parent
 - b. Do not have to be the biological children of qualifying parent
 - c. Do not need to be in the same household & economic unit as the qualifying child
 - d. If the other son/daughter has a legal spouse or unmarried child/ren under 21, they can be added to the case
 - i. Parent in the US has to add this person and their spouse/children to the AOR
- 12. DNA testing
 - a. DNA is required for all biological relationships between US-based parent and the qualifying child
 - b. DOS pays for the DNA testing
 - c. US-based parent will be notified and informed by Resettlement Agency of the required steps to complete the DNA testing
 - d. Additional categories might require DNA testing, as well. Parent would be notified of this by resettlement agency

13. Parole

- a. If USCIS determines that a child is not eligible for refugee status, USCIS will automatically consider whether the child should be authorized for parole for three years. This process is managed by USCIS and is not part of USRAP
- b. Significant differences between those that are approved as refugees or approved as parolees:
 - i. Refugee – additional assistance with travel. Loan for travel expenses. Once admitted as refugee, eventually able to AOS
 - ii. Parolees – also some processing for eligibility to come to the US as parolees. They and “anchor” parents are responsible for expenses of any medical testing & travel expenses. There is no built-in way in program to AOS

ASISTA Note: Parolees will need a sponsor for an I-134, Declaration of Financial Support.

- c. Those referred for additional CAM parole processing must undergo medical exam and travel authorizations via USCIS & International Org for Migration (IOM) managed process
- d. USCIS will consider CAM re-parole requests under the same criteria of the CAM program. Beneficiaries must submit re-parole requests at least 90 days before the parole expiration date

Q&A Portion

1. **Question:** Are expedited requests being accepted? If so, what basis?
 - a. **Response:** Expedited requests on a case-by-case basis can occur at any step of the process.
2. **Question:** Does a CAM re-parole applicant need to wait for approval before submitting an I-765 application? Or can applicants submit I-765 with re-parole submission? In the alternative, can re-parole applicants submit an I-765 application once a receipt notice has been received?
 - a. **Response:** Re-parole application (I-131) and EAD application cannot be concurrently filed. They must be approved for re-parole and receive an I-94 before they can file an I-765.
3. **Question:** Are there any nonprofit agencies in Orange County, CA that can assist applicants with CAM filing process?
 - a. **Response:** We defer to the DOS regarding agencies that can help with filing. Link to find agency closest to them: www.wrapsnet.org/rp-agency-contacts
4. **Question:** If applicants have any questions or need more support, is there any contact email/phone number?
 - a. **Response:** That depends on where they are in the process. If they are interested in applying, to find an appropriate agency to submit an application, go to this [link](#). If

they are currently in the process – AOR already submitted and maybe awaiting USCIS interview – if they already contacted by RSC Latin America, they should have that contact info to reach out to them (located in all 3 countries and staffed by IOM)

- i. Older cases processed pursuant to a settlement agreement challenging the 2017 decision to terminate program: USCIS reopened and is continuing to process certain cases under previous policies/procedures. Beneficiaries that are part of that settlement, for those being processed under that settlement, or for those who think they may be eligible under that settlement and have questions about eligibility can send email to cam@uscis.dhs.gov
 - ii. More information about eligibility to have a case opened under the CAM parole settlement and additional information can be found [here](#).
5. **Question:** What happens with applicants whose parole status expired while CAM was suspended and were not able to renew? Are they able to file a renewal? Or do they have to file a brand new application?
 - a. **Response:** If a former CAM parolee did not apply for re-parole due to the previous termination of the program, they can reapply for CAM re-parole now that it's restarted. They should include an explanation as to why they did not submit an application for re-parole earlier. More info on that process can be found on USCIS' [CAM website](#).
6. **Question:** We understand that the Biden administration expanded categories of who can submit CAM petitions to include legal guardians. What evidence do we need to show legal guardianship for youth in those countries?
 - a. **Response:** A qualifying legal guardian relationship means the assumption of responsibility for that minor by an adult under the laws of the state, under order/approval of a court or legal entity. It requires a process in court or other legal/formal process that has taken place, in accordance with laws where it was obtained and must authorize the legal guardian to take the child out of their country of nationality and permit the child to reside with the legal guardian in the US. Informal custodial/guardianship documents will not serve as sufficient evidence of a qualifying legal guardian relationship.
7. **Question:** Can you clarify exactly who is eligible based on a pending I-589 application? We understand that biological children are eligible. What about the biological child's Central American-based parent, if that parent is not married to/in relationship with the US-based I-589 applicant?
 - a. **Response:** They may file for the qualifying child and any other eligible family members discussed in the presentation. Look at other eligible qualifying family members at USCIS' [CAM website](#). Qualifying parent/legal guardian's form of lawful presence does not affect who they can include on an AOR, as long as it is

an accepted form of lawful presence. If the in-country parent of the qualifying child is not legally married to the US-based parent, they can be included if they are the biological parent of the qualifying child and are part of the same household/economic unit as the qualifying child.

8. **Question:** Regarding Phase 1 of CAM, is there a way for children who aged out and had their case closed to reapply?
 - a. **Response:** As part of Phase 1 of the reopening, USCIS and DOS are reopening and processing previously closed cases not previously interviewed by USCIS. The qualifying child must be under 21 at the time the AOR was filed. For purposes of the program reopening of previously-filed applications, if the qualifying parent submitted the AOR before 11/9/2017 and the qualifying child later reached age of 21 or older, the qualifying child is still eligible for purposes of current adjudication.
9. **Question:** Regarding Phase 2 of CAM, will people with pending asylum applications after the cutoff date have a chance in the near or far future?
 - a. **Response:** Right now, it is only open to those who filed before the specified timelines.
ASISTA Note: In April 2023, the cut-off dates were extended to include pending asylum applications filed on or before April 11, 2023.
10. **Question:** What documents do you consider sufficient for someone to become a legal tutor? Does a judge need to oversee the adoption process?
 - a. **Response:** We believe that the information provided earlier relating to legal guardians applies. It's unclear what's meant by "legal tutor" – perhaps it's a translation of a Spanish legal term. Earlier, we discussed qualifications for legal guardians. For legal adoption, see the information from the presentation about the requirements.
11. **Question:** What is the cutoff date for parolees?
 - a. **Response:** For qualifying parents or legal guardians in the US interested in submitting an AOR, there is no cutoff date for them being granted parole. For those with parole, parole needs to have been originally authorized for at least 1 year.
12. **Question:** Can CAM re-parole applicants be over 21?
 - a. **Response:** If someone was under 21 when the CAM AOR was submitted for them, that's the important age and cutoff. Once being interviewed by USCIS for refugee determination / recommendation for additional parole processing, they can be older. For entering the US as a CAM parolee and their initial parole period is expiring and they want to apply for re-parole, they can be over 21, as long as they were under 21 when the AOR was originally submitted.
13. **Question:** Is there any way for CAM holders to receive residency status in the US?

- a. **Response:** Refugees, under INA § 209(a), can apply for LPR status 1 year after being admitted as a refugee. CAM parole is temporary and doesn't confer status.
- 14. **Question:** Are you employing video technology for interviews, vs. in-person interviews?
 - a. **Response:** Yes, USCIS is employing video teleconferencing for CAM interviews. CAM cases are completed that way for a variety of reasons.
- 15. **Question:** What are the parole versus refugee determination factors?
 - a. **Response:** If someone is ineligible for CAM refugee status but at risk of harm, USCIS can consider parole for urgent humanitarian reasons (they may need to submit additional documentation).
- 16. **Question:** Will the 90-day deadline for CAM appeals be waivable for good cause?
 - a. **Response:** If the Request For Review is not submitted within 90 days, they must provide an explanation for why it is being submitted late.
- 17. **Question:** Can caregivers include non-biological guardians?
 - a. **Response:** They must be related to the qualifying parent (via biological/marriage relationship) or to the qualifying child (via biological/step/adopted relationship).