Mixed Blessing: Guatemalan Experiences under the New Central American Minors Program

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Cover Photo Caption: A daughter watches her mother help a housemate into a traditional Guatemalan outfit. The mother had been among the first migrant parents separated from their children by the Trump administration in July 2017. The mother and daughter were reunited in June 2021. (Photo by Sarah L. Voisin/The Washington Post via Getty Images)
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Executive Summary

The Central American Minors (CAM) program is designed to reunite children at risk in El Salvador, Honduras, and Guatemala with their parents in the United States. Expanded eligibility under the Biden administration’s Phase 2 of the program has given more Guatemalan parents the ability to apply for CAM since September 2021. The absence of public reporting on CAM arrivals makes accountability difficult, but Refugees International’s research makes clear that few, if any, Guatemalan children have arrived in the United States as either refugees or parolees through Phase 2 of the CAM program. This is troubling, given that children in Guatemala face high rates of violence and lack of access to social services and that more unaccompanied Guatemalan children have arrived at the U.S. southern border than children of any other nationality. The shortcomings of CAM as a refugee and parole pathway for Guatemalan children is also striking given the Biden administration’s commitment to resettle 15,000 refugees from Latin America and the Caribbean and its parole of tens of thousands of Cubans, Haitians, Nicaraguans, and Venezuelans since the fall of 2022.

On the second anniversary of the Biden administration’s CAM program, as thousands of Guatemalan children cross the border to unite with their parents and few use the CAM pathway, it is important to analyze why CAM has fallen short. Refugees International found that there is too little outreach to and support for Guatemalan parents eligible to apply for CAM. It is difficult for their children in Guatemala to get to their CAM program interviews, where they lack support presenting their claims so that too few are granted refugee status. Children also have difficulty getting passports to leave Guatemala and, if granted parole, are ineligible for services they need after arrival in the United States. Thousands of children who leave Guatemala on their own to unite with their parents in the United States are repatriated by Mexican authorities and have no knowledge of the program.

Despite these challenges, the CAM program offers Guatemalan parents and children the ability to plan for a brighter future and forego the alternative of precarious legal status and potentially abusive work conditions in the United States, as is sadly the case for many Guatemalan children who migrate today. This report outlines how the Biden administration should reform and invest in the program so that it is a more meaningful pathway for Guatemalans. Doing so could make CAM more like the “bendición” or “blessing” Guatemalan CAM applicants interviewed by Refugees International hoped it could be.

Beyond suggesting ways to improve and expand CAM, this case study addresses policy issues relevant to several other initiatives of the Biden administration. These include the viability of protection programs that rely on applications filed by sponsors in the United States; the difficulties that arise with in-country refugee processing; and the challenges faced by those who enter on temporary parole status. Its recommendations for reform also have broad application for policy relating to child protection, asylum and refugee adjudication, family reunification, and migration management. Refugees International’s research made clear that reforms to CAM can make it a viable pathway for more Guatemalans, but also that CAM, even at its best, can only meet a fraction of the protection needs of Guatemalan children and families.

Lack of Data on CAM Arrivals and Eligibility

Precise statistics for Phase 2 of the CAM program are not publicly available and certainly not broken down by nationality. Between the start of the CAM program during the Obama administration and August 2017, 1,627 children had come to the United States as refugees.
and 1,465 as parolees. Very few of these children were Guatemalans; in 2016, 11 Guatemalan children arrived in the United States through the CAM program. As a result of a court settlement, 1,613 parolees whose travel was conditionally approved by 2017 came to the United States through CAM between October 2019 and December 2022. According to the U.S. State Department, 130 CAM applicants were resettled as refugees and approximately 60 were paroled into the United States between April 2021 and June 2022. United States Citizenship and Immigration Services told IRAP that, as of September 1, 2022, more than 310 individuals were paroled into the United States through CAM in Fiscal Year 2022. There may be some overlap in the different reported parole figures, and there have been some additional CAM applicants who arrived as refugees and parolees over the last few months. The vast majority of these cases were part of “Phase 1” of the Biden administration’s CAM program for those who had submitted applications that had never been adjudicated before the Trump administration ended the program in 2017. Of these, only 2 percent were Guatemalans. According to USCIS, as of March 2023, five children in Phase 2 of the CAM program had arrived in the United States as refugees and one on parole. All of Refugees International’s research indicates that, as of this writing end of February 2023, few, if any, Guatemalan Phase 2 CAM cases have arrived in the United States.

There is also a lack of precise statistics on how many parents and legal guardians in the United States were newly made eligible to apply for CAM in Phase 2. A Biden administration official indicated at the time of the announced expansion that 100,000 more parents were made eligible to apply for CAM. This figure seems to be based on the number of people from El Salvador, Honduras, and Guatemala with pending asylum applications and U visa petitions (to whom the CAM program was newly accessible). But it is unknown how many of these people have minor children in El Salvador, Honduras, or Guatemala. We do know that almost 129,000 unaccompanied children mostly from these three countries were referred by the Department of Homeland Security to the Office of Refugee Resettlement (ORR) after crossing the U.S.-Mexico border in 2022 and that about 45,000 of them were released by ORR to their parents or legal guardians. 47 percent of the children who went through ORR in 2022 were Guatemalan. If we assume that children of all nationalities are equally likely to be released to parents or guardians, almost 21,000 Guatemalan children came to the U.S.-Mexico border and were released to parents or legal guardians in 2022. We do not know how many of these parents or legal guardians would be eligible to apply for CAM. But, as of February 2023, Refugee International’s research indicated that only about 1,000 applications for Phase 2 of CAM have been submitted and only about one fourth of them from Guatemalans. This is a tiny number of Guatemalan applications for CAM Phase 2.

**Recommendations**

To address current shortcomings, the Biden administration would need to invest in additional resources for the CAM program and change the way it is administered. It must collaborate purposefully with officials and organizations in Guatemala and Mexico, and increase outreach to and engagement with Guatemalan families, especially from indigenous communities. Much more transparency is needed regarding the handling of applications and interviews in Guatemala. And much more security and support must be provided for parents—including asylum seeking parents—and children, including those admitted on parole, in the United States.
Recommendations to the government of the United States:

TO U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

- **Increase availability of information and data about CAM.** USCIS should institute an online “Check Case Status” feature for CAM Program cases so that families have a better understanding of where their case is in the process. USCIS should also provide families with at least two weeks of notice of an interview appointment. USCIS and the State Department should jointly publish regular data about the number of CAM applications filed, processing times, outcomes, and arrivals disaggregated by nationality and by Phase 1 and 2.

- **Hire and train more refugee officers.** To ensure that more CAM applicants can gain refugee status and that their cases are processed within six months, USCIS must hire more refugee officers. These officers must be trained in child friendly interviewing techniques and to better understand the country conditions, and evaluate persecution claims prevalent, in Guatemala, including by adopting UN Refugee Agency (UNHCR) guidelines until a U.S. regulation is promulgated on adjudicating claims involving gang and domestic violence and persecution based upon membership in a particular social group. Interpretation in indigenous languages must be available at all steps in the process.

- **Create a legal services program for children in the CAM program.** U.S. legal service providers should work with Guatemalan counterparts, including indigenous language speakers, to help CAM applicants prepare for refugee interviews and accompany them to these interviews. These Guatemalan attorneys should also help CAM applicants with legal proceedings needed to get passports.

- **Minimize travel requirements for CAM applicants inside Guatemala.** USCIS should minimize the travel required to Guatemala City for processing and adjudication of CAM applications. This could be done by sending officers to different parts of the country, through the use of video technology, and through ensuring DNA appointments are done at the same time as interviews.

- **Improve the process for expediting urgent cases.** Though resettlement agencies can request that cases be expedited, there is no clear standard for which cases merit expeditious processing or how expeditious this processing can be. In cases where the child has no caregiver or place to live, has a serious medical condition, or is in verifiable imminent danger, USCIS should authorize case-by-case parole without waiting for a refugee interview.

- **Streamline the process for all CAM re-parole applications.** The re-parole application process should be easily navigable and available online and not require a fee or the submission of a I-134 declaration of financial support. USCIS should re-parole (and backdate expired parole for) all who have entered through CAM absent extraordinary circumstances, given that the humanitarian basis for the underlying parole has already been vetted by the agency. Re-parole should be for two years, and USCIS should also automatically extend associated work authorization.

TO THE U.S. STATE DEPARTMENT:

- **Retool funding to reach and support eligible parents in the United States.** The State Department should provide funding to indigenous-led and community organizations in the United States that work with the Guatemalan community to do outreach on CAM and help parents apply for the program, including Indigenous language speakers. The State
Department should fund resettlement agencies through upfront grants for their work on all CAM Affidavit of Relationship (AOR)s rather than fund them only after children and caregivers arrive as refugees (and not for those who enter on parole).

- **Increase shelter capacity for at-risk children.** The State Department should sign an agreement with the Refugio de la Niñez, a civil society organization who is a trusted U.S. government partner in Guatemala, to provide shelter to children (including those who are pregnant) and their caregiver. Information about the shelter should be available to all CAM families in the country.

- **Provide trainings in Guatemala on the CAM program.** State Department officials should provide training and information regarding the CAM program to Migrant Resource Center (MRC) staff in the fixed and mobile units. MRC staff include the IOM, UNICEF, UNHCR and the Refugio de la Niñez.

- **Refer children in Guatemala for refugee interviews.** The State Department should work with Guatemalan authorities, UN agencies, international organizations, and local NGOs and community organizations to identify children at risk (regardless of their ties to the United States) and refer them to refugee interviews.

**TO THE U.S. CONGRESS**

- **Appropriate funds for CAM,** including for all CAM-related DNA testing; for safe transport, housing, and legal support for children going through in-country CAM processing; and for post-arrival services for all children who come through the CAM program to ensure that they have access to case management and the mental health and legal services they need.

**Recommendations to the government of Guatemala:**

- **Inform agencies that work with returned children about CAM.** The Guatemalan Institute for Migration should provide information on the CAM program following protection screenings in at Casa Nuestras Raíces (the returned children center). Casa Nuestras Raíces can work to identify children with protection concerns who may have qualifying parents in the United States.

- **Change passport requirements for children.** The Guatemalan government should update its passport requirement to allow for a judge to sign off on best interest determinations of the child, which would eliminate the need for Guatemalans to undergo an arduous court process to waive or terminate the parental rights of absent or abusive partners.

**Recommendations to the government of Mexico:**

- **Expand family reunification pilot program in northern Mexico.** The government of Mexico, with support from the U.S. State Department, should expand to other parts of Mexico their pilot program providing best interest screenings and family reunification with parents in the United States.
Methodology

Building on previous reporting on the unmet protection needs of Guatemalans and the importance of equity and sufficient support in the administration’s parole programs, Refugees International has spent several months researching Guatemalan experiences with Phase 2 of the Biden Administration’s CAM program. The Refugees International team conducted 25 interviews with resettlement agency staff, U.S. and Guatemalan officials, representatives of international and non-governmental organizations in the United States and Guatemala that work on child protection and Guatemalan migration, and attorneys representing parents in the CAM program. Refugees International interviewed members of a dozen Guatemalan families participating in Phase 2 of the program, including several interviews with beneficiaries during a trip to Guatemala in October 2022. The U.S. parents interviewed live mostly in California, Pennsylvania, and North Carolina. Their children live in many different regions of Guatemala: Quetzaltenango, Chiquimula, San Marcos, Alta Vera Paz, Izabal, Chimaltenango, Huehuetenango, and Totonicapán. The Refugees International team also spoke to a Guatemalan parent and to representatives of Guatemalans eligible for CAM who have not applied, as well as to lawyers for Honduran and Salvadoran asylum seekers who have applied for Phase 2 of the CAM program.

Three of the U.S.-based parents the team spoke to were fathers and the rest were mothers. Some members of five families spoke languages other than Spanish. All but four families involved qualifying children aged 15 or younger, which indicates that the Phase 2 of this version of CAM may involve a higher percentage of younger children than the program did in the past. The Guatemalan parents that Refugees International interviewed submitted their CAM applications between the fall of 2021 and early 2022. Several of their children had been interviewed by United States Citizenship and Immigration Services (USCIS) in Guatemala in late 2022. As of the end of February 2023, it was still unclear when and under what terms these children would arrive in the United States.

CAM in the Context of Available U.S. Protections

The History of CAM

Asylum seekers, including families and children, from Central America have been coming to the United States border for decades, though in much greater numbers since the first decade of the twenty-first century. It was then that Congress also made distinct protections available to unaccompanied children. When a Central American adult seeks protection at the border, the U.S. Department of Homeland Security puts them in deportation proceedings during which they can, defensively, seek asylum or other forms of relief. By contrast, an unaccompanied Central American child who arrives at the U.S. border is sent to the Office of Refugee Resettlement (ORR), which provides services and places the child with a sponsor. About 42 percent of sponsors are parents and most of the rest close relatives such as aunts, uncles, grandparents, older siblings—many of whom lack authorized or permanent status in the United States.

In the early 2010s, increasing violence in Central America led many more children to migrate. The failure of U.S. immigration reform and backlogs in the immigration courts left many Central American parents who had been living in the United States for years in limbo and unable to sponsor their children. In 2014, in response to a rise in child arrivals, the Obama administration announced the creation of the Central American Minors program in its late 2014 Report to Congress on 2015
refugee admissions. The program was designed to combat smuggling and stop children from taking “irregular” and “dangerous” journeys through Mexico.

How CAM Works

The CAM program set up is unique. CAM involves in-country processing, meaning that Central American children are interviewed about their eligibility while in Central America (and are not processed for CAM if they have already fled their home country and are in Mexico). It is an open access Priority 2 refugee program, meaning that Guatemalan children do not need to be referred to the U.S. Refugee Admissions Program (USRAP) by the UN Refugee Agency (UNHCR) or the U.S. embassy. However, Guatemalan children or their caregivers in Guatemala cannot simply apply for CAM. Only a qualifying parent in the United States can initiate the process by filling out an Affidavit of Relationship (AOR) and applying for the program through an affiliate of a refugee resettlement agency in the United States.

The U.S. government contracts with the International Organization for Migration (IOM) to screen and coordinate with beneficiaries in Central America. DNA tests and vetting are required to verify relationships and ensure eligibility. USCIS refugee officers are sent to the region to do in-country refugee interviews. Children and accompanying caregivers found by USCIS to be ineligible for refugee status are considered for parole. Unlike refugee status, parole is temporary and comes with no benefits and services or path to permanent status in the United States. If children and relatives come in on parole, they must attest to available financial support in the United States.

CAM under the Obama and Trump Administrations

The CAM program under the Obama administration was meant to be small. Annual State Department reports to Congress on proposed refugee admissions in 2015, 2016, and 2017 suggest not more than about 2,000 children (and their caregivers, who were in-country biological parents or related to the U.S. parent) would receive refugee status each year. The small size of the program in part reflected the fact that, historically, the Americas as a region has received very few resettlement slots—a few thousand at most—in the U.S. Refugee Admissions Program.

However, within a year of announcing the program, nearly 3,000 applications were filed. Two years later, more than 9,500 applications had been filed. Most of these applications were from parents from El Salvador with Temporary Protected Status (for which Guatemala had never been designated). Their children were mostly at risk of gang or domestic violence but did not have help explaining how they met the refugee definition. USCIS refugee officers had little prior exposure to the region or sensitivity to these kind of claims.

The processing of applications started slowly, and CAM proved more of a parole than a refugee program. At the end of July 2016, 563 individuals had arrived in the United States via the CAM program: 385 from El Salvador, 167 from Honduras, and 11 from Guatemala. 191 children had arrived as refugees and 372 arrived as parolees. Processing did speed up at the end of 2016: almost 2,000 cases were interviewed quarterly. Of the 6,300 cases that received a final decision through March 2017, 29 percent of the children or qualifying relatives were granted refugee status, 70 percent were granted parole, and 1 percent were denied.

In January 2017, the Trump administration secretly shut down operations of the program and in August 2017 rescinded conditional approval for parole status for about 2,700 children. Many of
these children subsequently suffered harm at the hands of violent gangs. Their parents remained separated from them, despite having spent several thousand dollars associated with applications (especially financing medical and travel costs). Immigrant-led organizations like CASA were disillusioned and left at a loss as to what to tell members they had helped apply for CAM. As a result of a lawsuit, those who had been conditionally approved for parole began slowly to arrive in the United States in late 2019. However, the COVID-19 pandemic further slowed and complicated the process in numerous ways.

It is important to point out that, since 2019, policies limiting access of Central American families to asylum at the southern border, such as the Remain in Mexico policy and Title 42 (a pandemic related border expulsion policy), have led to both the return of thousands of children to danger in Mexico and Central America and to thousands of children crossing the U.S. border alone. Any additional restrictions on asylum at the border by the Biden administration will lead to family separations, to children migrating without their parents, and to the prospect of children being placed with sponsors who are not their trusted caregivers. Restrictions on asylum for Guatemalan families will only increase reliance on smugglers and dangerous journeys by children.

CAM in the Context of the Biden Administration’s Commitments

Soon after coming to office, President Biden issued executive orders indicating an intention to resettle more Central American children as refugees through CAM. An Executive Order on expanding resettlement through the U.S. Refugee Admissions Program called for ensuring that applicants had information about, and access to counsel during, assessment and processing of their refugee claims. It also called for ensuring that “adjudicators are trained in the standards governing refugee claims of women, children, and other individuals who are more vulnerable to persecution.” In another Executive Order, President Biden called for a focus “on programs and infrastructure that facilitate access to protection and other lawful immigration avenues...as close to migrants’ homes as possible.” This executive order called for more efficient processing of individuals for refugee resettlement from northern Central America and for improvements to the CAM parole program. It also called for a joint regulation that would clarify for refugee officers “the circumstances in which a person should be considered a member of a “particular social group.” However, the latter regulation has not yet been issued, and children in the CAM program do not have access to needed counsel.

The Biden administration restarted CAM in March 2021. Phase 1 of the restarted program was designed to address the several thousand cases pending from four years before. Refugees International reached out to a resettlement agency in June 2021 about their handling of Phase 1 cases. Of the 610 mostly Salvadoran families the agency had so far contacted, 490 wanted and were eligible to re-open their cases. In many of the 120 remaining cases, the children were already in the United States or Mexico or had gotten married so were ineligible for CAM.

The second phase of the Biden administration’s CAM program began in September 2021. This phase expanded the pool of eligible parents and legal guardians in the United States to include those who had applied for asylum or a U visa (for victim of crimes in the United States) before May 15, 2021. This expansion made CAM accessible to significant numbers of Guatemalans for the first time. Newly eligible parents and legal guardians could begin submitting applications for
CAM using a new Affidavit of Relationship Form, which allowed for the sponsorship of an expanded group of beneficiaries. Under the Obama administration, a qualifying parent could apply to sponsor an unmarried child (including stepchild) under 21 years old as well as an accompanying adult who was parent to the child or a primary caregiver that was related to the child or qualifying parent (and their spouses and children under 21). Now, qualifying parents could also include on the application form the siblings of the qualifying child that are married and over 21, along with their legal spouse and unmarried under 21 children. This made CAM became a program that potentially offered a pathway to the United States for extended families.

**Conditions in Guatemala Lend Urgency to CAM Reform**

Country conditions in Guatemala highlight the imperative of making CAM accessible to Guatemalan families. The deteriorating human rights and rule of law situation under the current Giamei administration has increased impunity for both violent crime and extortion in Guatemala, leading many people to leave the country when they or their family members are targeted. This applies to many of the families with whom Refugees International spoke, including a qualifying parent in the United States who fled after men severed his hand and killed his brother. His wife refuses to allow his teenage qualifying daughter to go to school out of fear she will be targeted. The Refugees International team spoke to another qualifying parent applying for CAM for her 16-year-old son who had previously been kidnapped by a gang in Chimaltenango. These families could not access any kind of justice for these crimes.

Guatemala ranks among the countries with the highest rate of violent deaths among women. Guatemalan police and courts fail most women who seek protection from male partners or who suffer harassment and rape. These issues surfaced in half the interviews Refugees International conducted with Guatemalan families. Two qualifying mothers mentioned not just their partner’s threats and attacks against themselves but also against their children. According to UNICEF, in the last few years, violence against children increased, and services to assist child victims of violence are non-existent in many areas. A draft law to create a national child protection system is awaiting final congressional deliberation and approval, although no progress on this has been made according to interviews with Guatemalan government officials.

Guatemala is the most populous country in Central America with a stark rural/urban divide and nearly half of the population identifying as indigenous. Those who live in rural and indigenous areas receive fewer services, face high rates of discrimination, and face barriers to participating in the political arena. Adolescent pregnancies are also high in Guatemala. Studies have found that indigenous adolescents who gave birth in the public hospital had fewer years of schooling than nonindigenous adolescents, were more likely to have an unplanned pregnancy and be single mothers, and had less access to natal healthcare. Children in rural and indigenous areas lack access to education; in some departments, rates of attendance for basic education were as low as 25 percent. All female CAM qualifying children and sibling beneficiaries from indigenous families with whom Refugees International spoke mentioned an inability to attend school or to access healthcare. All qualifying parents from indigenous families with whom Refugees International spoke expressed concern that their teenage qualifying daughters were at risk of men taking advantage of them and leaving them pregnant.
CAM Phase 2 for Guatemalan Parents in the United States

These drivers of forced migration from Guatemala and the large number of Guatemalan children eager to unite with their U.S. parents would suggest high demand for the CAM program. But Refugees International’s research suggests that very few Guatemalans have applied. A State Department official told Refugees International that approximately 1,000 Phase 2 applications had been received as of February 2023. Three resettlement agencies that shared data with Refugees International in mid-February 2023 reported submitting a combined 448 applications in Phase 2, of which a combined 115 were from qualifying Guatemalan parents. While Guatemalan parents make up a higher percentage of CAM applicants (approximately 25 percent) now than they did during the Obama administration, it is also clear that thousands of eligible Guatemalan parents are not applying.

The Biden administration has recognized the importance of raising awareness about Phase 2 of the reopened CAM program. USCIS posted a fact sheet on CAM in asylum offices in the fall of 2021. But most Central Americans apply for asylum in immigration court. The Biden administration was also aware of the need to increase the capacity of resettlement agencies (RAs)—who were already overstretched by Afghan cases—to submit applications from parents newly eligible for CAM. Under CAM, resettlement agencies are refunded only upon arrival of the child and accompanying relatives in the United States, and only when they arrive as refugees, not on parole. Given that RAs are not funded up front for their work helping parents fill out affidavit of relationship forms, the State Department issued a Notice of Funding for this in January 2022. But Department of State funding awards were delayed, perhaps out of concern that a lawsuit filed in late January 2022 by former Trump advisor Stephen Miller’s America First Legal on behalf of several Republican states would end the CAM program. It was not until late summer 2022 that the International Rescue Committee (IRC), a resettlement agency, and Kids in Need of Defense (KIND), an organization that provides legal services to unaccompanied children, received funds to help parents who called a hotline or reached out about CAM to one of the backlogged resettlement agencies. As of February 2023, KIND had screened about 100 cases, 24 percent of them from Guatemalans. The applications KIND helps parents to fill out still need to be submitted to the State Department by RAs.

Further Outreach Needed, Especially to non-Spanish Speaking Parents

Little outreach has yet been done to Guatemalans who have not “raised their hands” and sought out help applying for the program. The head of an organization in New Bedford, Massachusetts that helps K’iche’ speaking families to register their children in school, go to doctors’ appointments, and translate documents for lawyers, had never heard of the CAM program. State Department funding for outreach should be sub-granted to U.S. based Guatemalan or Central American focused organizations that can reach workers and indigenous language speakers in large Guatemalan communities in places like Florida. Some of these organizations have already worked on CAM and family reunification efforts. Communidad Maya Pixam Ixim has accredited representatives who could help with requests for reconsideration in cases of indigenous Guatemalans in the CAM program denied refugee status. Since many qualifying parents have children in the United States (in addition to children in Guatemala), it is important to do outreach at schools in places where there are large Guatemalan communities.
Outreach to potentially eligible Guatemalans and follow up work with Guatemalan parents after the filing of the Affidavit of Relationship forms have so far been left to individual resettlement agency paralegals and case workers who go the extra mile by seeking out translators and much more. As one such paralegal told Refugees International, “I’m getting in touch with restaurants, soccer leagues, grocery stores patronized by Guatemalans in the area. I’m helping parents find a company that will accept reimbursement from the government to do their DNA tests.”

**Legal Complications and Lack of Support**

In conversations with Refugees International, resettlement caseworkers emphasized the challenges CAM families have with the application process, partly because of the trauma they have experienced. CAM applications require a significant amount of communication and documents, many attesting to traumatic experiences and family relations that are strained. Beyond being hard to get, identity- and travel-related documents need to be translated and certified and sent between countries – all of which is costly. This is out of reach for many families without significant social and legal support both in the United States and Guatemala.

**Complications for Families with Insecure Status**

Phase 2 cases are complicated by the insecure status of parent applicants and diverse histories of potential beneficiaries. Refugees International spoke to the “Sanchez” family of Quetzaltenango and Pennsylvania. Neither Jorge* nor Mona* Sanchez, parents of the family, can read or write, though Mona also speaks K’iche.’ The qualifying parent, Jorge, has been living in the United States for 18 years; he and Mona have two U.S. born children, one with a serious chronic illness. Jorge has had difficulty coping and supporting the family since he was the victim of a violent attack several years ago, after which he applied for a U visa.

In late 2021, Jorge received the help of a caseworker to fill out an application for CAM for his youngest son, 20-year-old Juan, who had just been threatened and held up in Quetzaltenango. Also on the AOR were Juan’s older siblings and several of their young children. The family was unsure if some of the Sanchez brothers would be eligible for CAM since they had been ordered removed and expelled under Title 42 from the United States (One brother had also been deported from Mexico at age 16). If they were denied refugee status and considered for parole, USCIS might not consider Jorge financially strong enough to support them all. Further, Juan’s siblings were unsure whether they should marry and include their spouses (parents to their young children) on the AOR. If they married, they would not be able to adjust to permanent status through Jorge’s U visa.

Half of the Guatemalan parents with whom the Refugees International team spoke learned of the CAM program through lawyers handling their asylum cases. But most of these lawyers lacked access to information as to when their client’s child in Guatemala would be interviewed and were concerned that the child would lack sufficient preparation and legal support during their interview. USCIS gives only a few days’ notice to beneficiaries about the date of their upcoming refugee interview. Young children who have witnessed or experienced sexual violence or domestic abuse are not likely to speak about this in an interview without preparation. Children threatened by gangs, or by the same people their parents fled, might not be able to articulate how this is persecution on a protected ground or a product of lack of protection by the state. Refugees International interviewed one CAM parent applicant who fled to the United States two days after his father was killed in Chiquimula in 2019. His five-year-old son will not be able to explain the danger he and his mother still face in Guatemala.
Some lawyers representing asylum seekers applying for CAM must decide what to do when an attorney for Immigration and Customs Enforcement offers, as a matter of prosecutorial discretion, to end proceedings in immigration court so that the parent can apply for asylum affirmatively with USCIS. Cases dismissed in this way lead the child in the CAM program to be eligible only for refugee but not parole status.

CAM Phase 2 Cases in the Guatemala Context

Once the qualifying parent in the United States applies for the CAM program, the qualifying child in Guatemala and their eligible family members undergo their own process in country. Children typically have a series of interviews (typically two) done in Guatemala City, along with a DNA test. The International Organization for Migration (IOM) conducts a prescreening, and USCIS officials conduct an interview to determine if the children qualify for refugee status. If the child is denied refugee status, USCIS then will consider their application for parole, which can take several weeks or months. Before leaving the country, children must obtain a passport and arrange and pay for a medical examination and travel to the United States. At a stakeholder engagement at the end of 2022, USCIS said that those interviewed in the CAM program had a relatively low approval rate as refugees and that the majority were receiving parole.

All the families Refugees International interviewed described the CAM program as a positive alternative pathway to the United States for their children. Most families described dreams of their children receiving education, accessing mental health services, and having a better future. Particularly when the alternative is making a dangerous trip to the border and precarious status and conditions after arrival in the United States. While each family in the CAM program in Guatemala has a unique experience, Refugees International documented the following common challenges.

Transportation and Stays in the Capital City

Transportation to the capital for DNA tests and the IOM appointment and USCIS interviews was a major challenge for children during the CAM process in Guatemala. All the families the Refugees International team interviewed lived in departments far from the capital. Families in more rural areas and/or families without cars had difficulty accessing transport to Guatemala City. None of the families the Refugees International team spoke with had connections in Guatemala City with whom to stay and were unaware of any shelters that would take them, so they often left early in the morning and returned home well after dark. In some cases, families lived too far from Guatemala City to make the trip in one day. Three of the families with whom Refugees International spoke lived more than seven hours away from the capital and so stayed in a hotel the night of their interview. For many families, paying for hotels and transportation, as well as food and other incidentals during the trip, is an undue burden. Further, giving children and their caregivers only a few days’ notice about an interview that requires a day of travel leaves little time to prepare for the interview.

The lack of shelters in which to stay during the processing stage puts families in difficult financial and security situations. Although particularly vulnerable children can be referred to shelters in the country, according to reports, this option is underutilized because of a lack of shelter capacity and because children decline to stay. In February 2023 interviews with Refugees International, shelter workers in Guatemala City stated that, while they have a shelter available for children in
at-risk situations, that shelter is underutilized. Furthermore, these shelter workers were not coordinating with U.S. officials to host any CAM children at that time.

Lack of Information on Process

All the families interviewed in Guatemala lacked basic information about the CAM process. Most were unaware of the purpose of the screening and interview, the length of time between them, and generally how long the process would take. When asked, the majority of respondents did not know when their next interview would take place, nor what the purpose of it would be. Others had difficulty contacting U.S. officials about their case and relied heavily on the families in the United States to provide information, which was not always sufficient. Bianca,* a thirteen-year-old in the CAM program, lives with her aunt, Lisa,* in a peri-urban area near Quetzaltenango. They were especially concerned with the forms of contact USCIS employed because phone numbers were not recognizable. They had several calls from a Honduran number they were unsure was USCIS. The risks of answering unknown numbers are particularly salient in countries like Guatemala, where incidents of phone extortion are extremely high.

Equitable access to the CAM process is a concern for non-Spanish speakers. Refugees International interviewed Gisele,* a Mam-speaking woman from Huehuetenango. Gisele speaks limited Spanish, and her young daughter in Guatemala is a predominantly Mam speaker as well. Gisele was unsure if her daughter would be provided an interpreter at her interview or if she needed to contact someone in advance to arrange this.

The U.S. government must ensure that there is more transparency and information about the CAM process for the families in Guatemala. While families in the United States have greater access to information, families who are in Guatemala often feel left in the dark. Making more information available about CAM for families in Guatemala will go a long way in assuaging doubts or misgivings these families may have about the program.

Consequences of Passport Requirement

The U.S. government can issue a travel document so that refugees children can travel internationally without a passport. However, according to State Department officials, Guatemalan authorities prevent children without passports from leaving the country. This position by the Guatemalan authorities may stem from a complicated history of Guatemalan children, especially from indigenous families, being fraudulently adopted by U.S. families.

Getting a Guatemalan passport for children under 18 requires the consent of both parents or accredited documentation for why only one parent is approving (such as a death certificate, a ruling from a Guatemalan court waiving parental rights, or a consular verification that a parent lives abroad). The requirement of both parents giving consent or providing documentation for one parent presents complications that disproportionately affect children under 18 and women who have fled domestic violence (which is the case for many Guatemalan women applying for asylum and as qualifying parents in the CAM program). Two-thirds of the interviews Refugees International conducted mentioned that getting documents authorizing their child to exit Guatemala was a major barrier for them. In most cases, to get them would require hiring an attorney in Guatemala to handle the judicial process there.

Lily,* a 42-year-old woman from Izabal, Guatemala, suffered years of domestic violence from her intimate partner. Lily has a nursing degree and, prior to traveling to the United States, worked as
a nurse in a hospital. Her husband repeatedly came to the hospital and threatened her, causing her to quit her job. This happened at every subsequent place she tried to work. She filed for a restraining order and reported her husband’s attacks on herself and her children to the police, but they did not help. She was compelled to flee to the United States after moving her children to her parents’ home.

When a friend told Lily about the CAM program, she saw an opportunity to get her children out of an insecure situation and to give them an opportunity to access education. Her younger son, who is 20, does not leave his grandparents’ home for fear of his father. Since both of Lily’s children—her younger son and his accompanying 22-year-old brother—are older than 18, they do not need parental consent to obtain passports. Up until they came of age, Lily’s partner would not sign off on the paperwork to allow them to get passports.

Lily’s children were not able to obtain a passport prior to turning age 18 due to their father not giving permission. It was only after they came of age that they were able to access a passport on their own. In this case, the age of the children in the CAM program allowed for circumvention of the issue of parental consent. For families with younger children, this is not possible and could favor older children over tender-age children, who are the target population for the CAM program. This is a major barrier to the CAM program serving as an alternative to the travel through Mexico.

Ana,* a 36-year-old woman from Quiche, has a seven-year-old daughter she left behind in Guatemala. Ana was brutally raped and subsequently became pregnant with her daughter. Ana wants to enroll in the CAM program to bring her daughter to the United States. However, she cannot get her daughter’s father to sign the documents needed to get her daughter a passport. Ana has hired a Guatemalan lawyer to ask a judge to agree to terminate the father’s parental rights given his abuse and that he has not been present in the child’s life. The lawyer is expensive and said it could take up to two years to resolve. Desperate to see her daughter, Ana has considered asking a friend to bring her daughter to the U.S.-Mexico border.

Two Generations in Search of Protection

Lia,* a Mam speaker, was born in 1993 in Huehuetenango. After her mother died, she lived with her father and his new partner, who starved and beat her. At 15, she gave birth to a daughter who was taken away from her and raised by her paternal grandparents. The grandmother recently passed away. A man harassed Lia’s daughter and abandoned her pregnant. She is unsafe living with her father, who does not want her in his house. He wants to force her to marry and to work in the coffee fields. “I believe my daughter is going through the same suffering that I went through. I don’t know if my daughter ever had a happy moment,” Lia told Refugees International.

Lia is applying for asylum and for her daughter to come to the United States through CAM. Resettlement agency workers have tried, to no avail, to expedite the case or to find secure shelter for Lia’s daughter to stay in Guatemala during the CAM process, since her father would not take her to the city for interviews. Because resettlement agency affiliates are only allowed to handle CAM cases of parents that live 100 miles from their offices, different agencies are handling Lia’s asylum case and her daughter’s CAM case. This is particularly problematic given the connection between the two cases and the challenge of securing good Mam interpretation.
Connecting Vulnerable Minors in Guatemala to CAM

The CAM program is part of the Biden administration’s efforts to manage migration with regional partners through the Collaborative Migration Management Strategy (CMMS) and the Los Angeles Declaration for Migration and Protection (LA Declaration). However, expanding protection pathways to the United States, including through CAM, have not received as much attention and support as have efforts to stabilize at risk and displaced populations in the region and deterrence of their migration towards the United States.

For example, through the CMMS, UNICEF is supporting the Guatemalan Migration Institute to establish a new Child Protection Unit (UAPNA), which deployed Child Protection Officers to the southern and northern borders of Guatemala. Also, at an October 2022 LA Declaration Ministerial meeting, Guatemala agreed “to work with USAID and the International Organization for Migration (IOM) to pursue funding and support for expanded resources to reintegrate returned unaccompanied children.” It is just as important for USAID and IOM to disseminate information about CAM and work to identify families eligible for the program.

Despite parents in the United States needing to initiate CAM applications, more outreach about CAM and screening for CAM eligibility could be done in Guatemala. Migrant Resource Centers (MRCs), a joint initiative under the CMMS between the U.S. government, Guatemalan government, and several UN organizations, should be used to spread the word about CAM in Guatemala. The MRCs are located to benefit communities at risk of displacement, with high levels of emigration, and along transit routes. These MRCs provide information on services promoting alternatives to migration and offer access to national and international protection mechanisms. They are designed to evaluate individuals’ protection, humanitarian, and economic needs to provide appropriate services and referrals. Guatemalan children can access protection screenings done by Refugio de la Niñez and UNHCR at the fixed MRC unit in Quetzaltenango and through UNICEF in the mobile units dispersed throughout the country. However, when Refugees International interviewed staff members of the MRC in Quetzaltenango, they did not know of the CAM program nor how to refer potentially eligible children and parents to apply.

Coordination between the United States, Mexico, and Guatemala on the repatriation of migrant children does not facilitate uniting Guatemalan children with their parents in the United States, even if that is what the child wants, and it would be in the child’s best interest. Each year, Guatemalan children who migrate to unite with parents in the United States are returned by the United States or by Mexico back to Guatemala. According to Article 175 of Guatemalan Migration Code, children returned to Guatemala must be united with a family member, once it is determined the family situation is safe and free of violence or risk. However, it does not stipulate that the child must reunite with a parent, despite it perhaps being in the best interest of the child. According to the Guatemalan Migration Institute, from January to September of 2022, 41,626 unaccompanied children were returned to Guatemala from Mexico. Another 32,374 were returned from the United States.\(^1\)

The Directorate for Special Protection and Non-Residential Care in the Department of Unaccompanied Migrant Children and Adolescents (which is part of the SBS), is responsible for coordinat-

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\(^1\) Delegaciones Migratorias. Elaborado por Departamento de Estadística y Archivos. IGM.
ing services and care for returned children and adolescents. These services include shelters for children returned from Mexico and the United States and support programs for returned children and their families. They also manage a database of returned unaccompanied children that tracks whether children are returned to parents or other caregivers. Staff members who manage this database are aware of which children have parents in the United States. They also have a community outreach program done in partnership with local NGOs that is designed to meet with returned children in their communities to help with reintegration. SBS staff noted that many returned children had already remigrated by the time staff were able to visit the community. When asked if they knew of the CAM program, SBS staff stated they had never heard of it, but knew of several children who had parents in the United States who could potentially qualify for the program. However, there was no referral mechanism in place to connect the children and qualifying parents to the program.

There are two ways to change this. First, working with SBS at the reception center in Tecún Umán and in Guatemala City, the U.S. government should set up pilot programs to refer children with parents in the United States for refugee interviews. The U.S. government could also work with the SBS and the new Child Protection units set up under the CMMS to disseminate information regarding the CAM program to potentially eligible families. The U.S. government must take necessary caution around the protection of children's information and caution when working with the government of Guatemala given the low levels of trust Guatemalans have in their government. However, some government entities like the SBS have reputable and extensive experience working with unaccompanied children and coordinating with U.S. and Mexican entities to provide support to these children. They also have developed promising community outreach models that bring in local knowledge and networks that could prove useful in outreach.

The U.S. government can also look beyond government entities for outreach about CAM and support for CAM applicants. Faith based organizations, such as Catholic and evangelical churches, could be important partners in some areas of the country where there are strong social links between the church and local community.

Other civil society partners can also help indigenous CAM families. It is crucial that the U.S. government conduct outreach with indigenous leaders to circulate information about CAM. Given the mistrust that many indigenous people have towards state authorities, enrolling in a U.S. government program may feel intimidating or untrustworthy. Indigenous groups in the United States suggested that providing information about the CAM program to community elders could expand outreach to indigenous children who have parents in the United States.

### Lack of Pathways to U.S. from Mexico and Lack of Services for CAM Parolees

Guatemalan children with parents in the United States can also be identified before they are repatriated from Mexico. Several U.S.-based Guatemalan parents in the CAM program told Refugees International of how their children (or children of their relatives and acquaintances) previously tried to migrate to the United States but were detained in Mexico and deported back to

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2 This program would be akin to a program the United States set up in the 1990s in Vietnam called Resettlement Opportunities for Vietnamese Returnees.
Guatemala (though their parents were in the United States). Mexico’s detention and deportation of Guatemalan children, and the lack of sufficient protections and services for unaccompanied migrant children in Mexico, especially in the south, is well documented.

A small pilot program funded by the U.S. Department of State with support from UNICEF and UNCHR helps Mexican child welfare authorities in Tijuana and Ciudad Juarez to eliminate long-standing backlogs of hundreds of best interest determinations for migrant children, which are required by Mexican law for all children encountered by the national migration authority. These best interest determinations help locate and reunite children with parents in the United States. Especially given the recent announcement of an agreement between Mexico and the United States to work together to increase protection for unaccompanied children, this pilot program should be expanded. Another possibility is allowing parents in the United States to apply for their children through CAM if their children are living in Mexico.

Though few Guatemalan children and accompanying relatives have yet come to the United States through CAM, the mostly Salvadoran children who have been paroled into the United States through CAM lack sufficient support, especially legal and social services. A Salvadoran young man who came to the United States on parole through CAM in late 2016 told Refugees International of his desire to go to college and struggle to learn English. Having come on parole, he was ineligible for any support to do this; he had been working full time since receiving authorization to work soon after arriving. He was in the process of applying for asylum, in the hopes that, with the help of a lawyer in the United States, he can gain permanent refugee status.

One resettlement agency case worker told Refugees International that he worries about what will happen if a large number of Guatemalan children and relatives arrive through CAM on parole rather than refugee status, since re-parole and work authorization applications take a long time for USCIS to adjudicate and have high price tags. USCIS is also demanding additional proof of financial support to approve CAM re-parole applications. Work authorization cannot be renewed until re-parole is granted and then work authorization takes more than one year to be issued, by which point much of the new parole period has lapsed.

**Conclusion**

CAM is administered in a way that is limiting: it is not for all children needing protection but only for those who have not left Central America and who have qualifying parents in the United States. Given these limitations, it is crucial that the United States do everything it can to facilitate identifying and processing those children eligible for CAM. It must also increase pathways for Guatemalan children and their families to gain security and support in the United States.

*Refugees International used pseudonyms to protect the identity and security of people interviewed for this report.

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About Refugees International

Refugees International advocates for lifesaving assistance, human rights, and protection for displaced people and promotes solutions to displacement crises around the world. We do not accept any government or UN funding, ensuring the independence and credibility of our work.