

**Immigrant Children Despair: The Central American Minors
Program (CAM) as the U.S. Response to the Humanitarian Crisis
of Unaccompanied Immigrant Children**

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Abstract

As the daughter of a migrant, I no doubt know what it means to leave my home country behind. In this experience underlies my passion for a topic that sadly for many is better to be avoided.

The unprecedented surge of unaccompanied migrant minors at the U.S. border in 2014 finally put the spotlight on the brutal reality faced by children crossing the border. Consequently, a humanitarian crisis was declared urging the governments of the Northern Triangle countries as well as the U.S. to take immediate action.

This paper holds the result of a research project that aimed to analyse, evaluate and bring understanding to how the Obama Administration faced this crisis, its approach to the situation and the overall outcome through the execution of the Central American Minors Program (CAM).

The primary sources that I use are nationwide data from the agencies involved during the CAM program, as well as press coverage, which serve to analyse the performance and impact of the program. In addition, published academic material and documentary films on the issue of unaccompanied minors and youth migration comprise secondary sources.

Finally, the voices of local North Carolinian workers in governmental agencies, NGOs, churches, and schools, together with migration advocates and researchers were decisive to comprehend the reality of the situation. These invaluable interviews exposed the harsh measures taken to avert a crisis that morphed from being a human emergency to a national security issue that prompted the government to shut the borders to those in desperate need.

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List of Acronyms

ACLU	American Civil Liberties Union
AILA	American Immigration Lawyers Association
AO	Asylum Office
CAM	Central American Minors Program
CBP	U.S. Customs and Border Protection
CIPRODEH	Center for Research and Promotion of Human Rights <i>Centro de Investigación y Promoción de los Derechos Humanos</i>
CRC	Convention on the Rights of the Child
DACA	Deferred Action for Childhood Arrivals
DCS	Division of Children's Services
DHS	Department of Homeland Security
DOS	Department of State
DUCS	Department of Unaccompanied Children's Services
EOIR	Executive Office for Immigration Review
FEMA	Federal Emergency Management Agency
FY	Fiscal Year
GMIES	Independent Monitoring Group of El Salvador <i>Grupo de Monitoreo Independiente de El Salvador</i>
HHS	U.S. Health and Human Services
HSA	Homeland Security Act
ICE	Immigration Customs Enforcement
IDP	Internally Displaced Person
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Services
IOM	International Organization for Migration
NGO	Nongovernmental Organization

ORR	Office of Refugees Resettlement
PAPTN	Alliance Plan for the Prosperity of the Northern Triangle <i>Plan Alianza Para la Prosperidad del Triángulo Norte</i>
PRM	Population Refugees and Migration
PTSD	Post-Traumatic Stress Disorder
RA	Resettlement Agency
RPC	Refugee Processing Center
RSC	Resettlement Support Center
SIJS	Special Immigrant Juvenile Status
TCO	Transnational Criminal Organizations
TPS	Temporary Protected Status
UAC	Unaccompanied Alien Children
UC	Unaccompanied Children
UNHCR	United Nations High Commissioner for Refugees
UNODC	U.N. Office on Drugs and Crime
USBP	U.S. Border Patrol
USCIS	United States Citizenship and Immigration Services
USCRI	U.S. Committee for Refugees and Immigrants
USRAP	U.S. Refugee Admissions Program
WRAPS	Worldwide Refugee Admissions Processing System

Introduction

“Migration is an expression of the human aspiration for dignity, safety and a better future. It is a part of the social fabric, part of our very make-up as human family” Ban Ki-noon

As the daughter of a migrant, I know what it means to leave my home country and everything that is familiar behind. It is this experience that underlies my passion for a topic that sadly for many is better avoided. Even though I didn't endure the hardships that thousands of migrants withstand at the border, I can easily identify myself with the most vulnerable members of the population, the migrant children.

In pursuit of a better life, migrants from all over the world have turned to the United States of America ever since it was a British colony. Rising mass emigration from Europe to America became one of the most important features of an evolving global economy in the 19th century, and post 1960, the U.S. has been a top destination for migrants from across the world. According to Rosenblum and Ball in their article “Trends in Unaccompanied Child and Family Migration from Central America” for the Migration Policy Institute (MPI), one fifth of the world's migrants live in the U.S. as of 2017, a circumstance which causes the government to oscillate between regarding immigration as on the one hand a valuable resource and on the other a major challenge, while maintaining immigration to be inevitably bound to U.S. national security, economy and its self-appointed humanitarian role at a moment of record global diaspora (Rosenblum and Ball 2016).

By 2015, almost 3.4 million Central Americans were settled in the U.S., comprising 8% of the 43.3 million migrant population. Among the Central Americans immigrants, 85% were from

the Northern Triangle, an area formed by El Salvador, Guatemala and Honduras as defined by the Department of Homeland Security (DHS), Office of Immigration Statistics. For years, Central American migration to the U.S. has been not only public policy but also a human rights concern widely covered in the media. However, in the summer of 2014, amid an unprecedented influx of unaccompanied children, youths and families fleeing gang violence and poverty, President Obama declared it a “humanitarian crisis.”

This label did not arise from the number of human beings crossing the border. Indeed, according to Karen Musalo and Lee Eunice, in their article “Seeking a Rational Approach to a Regional Refugee Crisis: Lessons from the Summer 2014 ‘Surge’ of Central American Women and Children at the US-Mexico Border,” “On the scale of refugee crises worldwide, the numbers were not huge. For example, 24,481 and 38,833 unaccompanied children, respectively, were apprehended by US Border Patrol (USBP) in FY 2012 and FY 2013, while 68,631 children were apprehended in FY 2014 alone” (Musalo and Lee 2017). The urgency arose from the number of unaccompanied minors and the nature of the violence they fled.

A major way in which Obama’s administration dealt with this crisis was by creating the Central American Minors (CAM) Parole program in November 2014. After a July 25, 2014 meeting with presidents Pérez Molina of Guatemala, Hernández Alvarado of Honduras, and Sánchez Cerén of El Salvador in Washington, President Obama remarked that the palliation of the situation of violence in Central American countries and its impact on children was “a shared responsibility.” So the U.S. (Obama’s administration) conceived an immigration policy to provide a safe, legal, and orderly alternative to the dangerous journey that some children were

undertaking to the United States by granting them a parole status. That was the basis of the CAM program.

The program lasted from 2014 until 2017, and throughout this period it generated internal controversy because it conferred on the minors a “humanitarian parole,” that is, temporary admission to the U.S. due to a compelling emergency. Republicans and immigration opponents labeled the Obama Administration as too soft and accused President Obama of encouraging a flood of migrants to drown the border lands.

Due to this opposition, the Trump Administration shrank the scope of the program and abruptly ended the impact it had on minors and families. “On Jan. 25, 2017, President Trump signed an Executive Order entitled *Border Security and Immigration Enforcement Improvements*”¹ which halted the CAM program. More specifically, Section 11 of the order called on the Department of Homeland Security (DHS), under Acting Secretary of Homeland Security Elaine Duke, to terminate the Central American Minors (CAM) Parole program as of Aug. 16, 2017, leaving 2,700 previously accepted children of the Northern Triangle on hold at the border. In addition, 3,000 minors already approved in the program for family reunification and/or in need of protection were banned from coming to the U.S. (U.S. Citizenship and Immigration Services 2017).

This research project analyses, evaluates, and brings new understanding to how the Obama Administration faced this crisis and how the Trump administration extended or discontinued their predecessor's approach. Nationwide data from the agencies involved during

¹ Executive Order accessed by web: <https://www.whitehouse.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/>

the CAM program, as well as press coverage, serve as primary sources to the process of analyzing the performance and impact of CAM. In addition, published academic material and documentary films on the issue of unaccompanied minors and youth migration comprise secondary sources. Finally, the voices of local North Carolinian workers in governmental agencies, NGOs, churches, and schools, together with migration advocates and researchers responding to the crisis rise up to tell the story of this crisis.

I am deeply thankful for the time and commitment of the General Consul of Honduras and his staff for the thoughtful answers to my queries and for the many interactions I had with them, as well as with members of the Latino community, in particular Central American migrants that have informed this project.

CHAPTER I - Unaccompanied Immigrant Children

The unusual aspect of the migration from Central America to the U.S. which caused it to rise to the level of a humanitarian crisis was the fact that so many of the people at the border were unaccompanied minors. What disaster could drive parents to permit their young children to travel alone or cause children to lose the protection of their families? What was their journey like and what challenges did they meet once in the United States?

Unaccompanied Immigrant Children

Every day hundreds of immigrants from Central America, Mexico and beyond risk their lives by crossing national borders in their search for a better quality of life. Not immune to the dream of a “better future,” children also migrate to the United states, some sent illegally by their families while others make the decision on their own. According to the Office of Refugee Resettlement, in 2015 alone, 33,726 unaccompanied immigrant children captured while crossing the southern border of the United States were referred to the offices of refugee resettlement. During FY 2015, 45% of unaccompanied migrant children came from Guatemala, 29% from El Salvador, 17% from Honduras, and 6% from Mexico (Unaccompanied Alien Children Released to Sponsors By State 2017).

For vulnerable children, the journey to the United States is difficult, unpredictable, and traumatic. That being the case, why do such a huge number of minors leave their home countries and so many of them without the company of any family member? According to Chen and Gill, 2015:

The causes of migration of unaccompanied children are a combination of ‘push and pull’ factors (that) often contribute to the decision to make the journey despite its risks. The

factors include: societal, household, and gang violence and recruitment; abandonment or neglect by caregivers; human trafficking; flight from poverty and reuniting with loved ones already in the United States (Chen and Gill 2015).

Of these factors, the push of poverty and violence in the home country are the most motivating considerations to migrate, and the pull of family members living in the U.S is the third strongest reason.

Causes of Immigration of Unaccompanied Children – Poverty

Northern Triangle migrants are attracted to the U.S. for the same reasons as other migrants: economic opportunity. Nevertheless, according to a Pew Research Centre survey of U.S. Hispanic adults, Central American migrants – 83% of whom were born in Honduras, Guatemala, and El Salvador– were less likely than other Latino migrants (46% vs. 58%) to cite economic opportunities as the main reason for relocating to the U.S. More than a pull from the U.S., these migrants experience a push from their home countries (D’Vera, Passel and Gonzales-Barrera 2017).

Countries of the Northern Triangle share a history as well as economic and social characteristics. There is an extreme concentration of wealth in the hand of a few families and companies, which control the economy and political life, while the overwhelming majority is socially marginalized and forced to suffer the mutilating effects of poverty, racism, and discrimination. World Bank estimates for year 2013 show that “59% of the population in Honduras were under the poverty line, while in Guatemala the figure was 53%, and in Salvador 28.9%” (World Bank 2015). Countries with such high levels of poverty reflect a lack of opportunity for their citizens. Therefore, for some parents migrating to the United States represents the only

hope to overcome their desperate economic situation. Table 1 shows economic data with respect to growth, poverty, and development in the Northern Triangle.

Country	GDP 2013 (in Billion Dollars) ²	GDP Growth 2013 ³	Inflation	Percentage of the Population in Poverty ⁴	Human Development Index Ranking out of 187 countries
Honduras	\$19	2.6%	5.2%	59%	129 Medium Low
Guatemala	\$54	3.7%	4.3%	53.7%	125 Medium Low
El Salvador	\$24	1.7%	0.8%	28.9%	115 Medium Low

Table 1 Economic Growth, Poverty and Development Northern Triangle. World Bank (2013)

Causes of Immigration of Unaccompanied Children – Violence

Another push factor for these minors is violence. The nature of violence is different in each country, but common threats include the proliferation of state repression, domestic violence, gangs, drug trafficking, weak laws, and corruption. Organized crime is a legacy of decades of civil war in the region, notes Labrador and Renwick the Council of Foreign Relations in their Council of Foreign Relations (CFR) special report (2018). In El Salvador, fighting between the military-led government and leftist guerrilla groups (1979–92) left as many as 75,000 dead, and Guatemala’s civil war (1960–96) killed as many as 2000 civilians. Military rule, followed by a democracy with only weak institutional structures, took Honduras on a path of corruption and generalized violence. After Caracas (Venezuela) and Acapulco (Mexico), Tegucigalpa and San

² World Bank Country profiles

³ According to the World Bank the forecasts GDP Growth for 2014 is as following: El Salvador 2%; Guatemala 3.4%; and Honduras 2.8%

⁴ 2014

Pedro Sula are the most violent cities in the world with one hundred twelve and eighty-six murders per 100,000 inhabitants respectively (Las 50 Ciudades Mas Violentas del Mundo 2016).

At the end of the civil conflicts in El Salvador and Guatemala, a large pool of demobilized and unemployed men with easy access to weapons morphed into organized criminal groups. According to the United Nations Commissioner for Refugees, an undeniable factor influencing children and teenagers to immigrate to United States is their desire to escape the violence and protect their lives from gang activities (UNHCR 2014).

In Central American countries, especially in El Salvador and Honduras, gangs are extremely powerful and dangerous. These gangs are always seeking for new recruits, children being the easiest and most common target. These gangs, known as *Maras*, are well-organized criminal organizations which terrorize the population. Younger generations are threatened with recruitment and/or death; therefore, many of these children decide to flee their home countries. Gang violence contributes to a high murder rate in the Northern Triangle. The 2014 DHS report records that Honduras had the world's highest murder rate, 74.6 homicides per 100,000 inhabitants that year. El Salvador ranked second, with 64.2. Guatemala was ninth, at 31.2. In 2016 El Salvador had an even higher homicide rate than Honduras, 91.2 per 100,000 people. The Honduras rate was 59.1 and Guatemala's was 23.7 (Restrepo and Garcia 2014).

In the face of such violence, self-preservation pushes family members to consider migration as the only option for survival of themselves or their children. An example of the need to relocate is the testimony of Maritza, from El Salvador, presented by The United Nations High Commissioner for Refugees, in their article "Children on the Run,"

I am here because the gang threatened me. One of them 'liked' me. Another gang member told my uncle that he should get me out of there because the guy who liked me

was going to do me harm. In El Salvador they take young girls, rape them and throw them in plastic bags. My uncle told me it wasn't safe for me to stay there. They told him that on April 3, and I left on April 7. They said if I was still there on April 8, they would grab me, and I didn't know what would happen... My mother's plan was always for the four of us – her, my two sisters and me -- to be together. But I wasn't sure I wanted to come. I decided for sure only when the gang threatened me. Maritza, El Salvador, Age 15. (UNHCR 2014).

Recent research about the potential factors contributing to recent immigration shows that “nearly half of the children (48%) said they had experienced serious harm or had been threatened by organized criminal groups or state actors, and more than 20% had been subject to domestic abuse” (Kandel, Bruno and Myer 2014). This is a remarkable increase from data as recently as 2006, which showed only 13% of unaccompanied child migrants from Central America interviewed by UNHCR presented any indication they were fleeing societal violence or domestic abuse (2014). In most cases, these children do not have many other options than leaving their homes or becoming a murder statistic of their countries.

Causes of the Immigration of Unaccompanied Children - Family Reunification

Even though it ranks third in importance among migrants from the Northern Triangle, after violence and poverty, the pull of family plays a significant role in immigration to America. Many unaccompanied immigrant children start their journey with the dream of reuniting with loved ones already living in the United States. In most cases, parents immigrate first in search of economic opportunities, and then, often years later, children follow once the parents are settled. Long separations cause great distress in the nuclear family. However, violence in the country of emigration rather than stability in U.S. is often the trigger for migration as evidenced by the American Immigration Council: when asked why they wish to see their family members in the

U.S. at that moment instead of years earlier or later, immigrant children referred most often to fear of crime and violence as the underlying motive.

Family reunification is a crucial factor for immigration. In the HBO documentary *Which Way Home*, Rebecca Cammisa presents live footage of unaccompanied children traveling to the United States on top of the freight train known as *La Bestia* (the Beast). This documentary gives the viewer some good examples of family-related migration. In the film, Olga, a nine-year-old Honduran girl is taken to the U.S. by smugglers, traveling on Mexican freight trains. She is trying to get to her mother and sisters in Minnesota and has witnessed many accidents while riding the trains. In the same vein, Kevin, a street-wise fourteen-year-old boy is traveling alone to the U.S. to find his father who he believes is in Manhattan. His mother back in Honduras expects Kevin to send money home. These stories of Olga and Kevin are just two examples of the overwhelming reality for many immigrant children (Cammisa 2009).

The Journey

Bodies floating in the Rio Grande, children lost in the unforgiving desert, boys and girls raped, mugged, injured, kidnapped, or simply never heard of again; these are the perils all unaccompanied minors face from the moment they leave home to begin a journey suffused with hopes and dreams. Unfortunately, the passage swiftly turns into an ordeal, the repercussions of which their innocent minds could have never grasped.

There is an increasing interest in stories of unaccompanied minors crossing the border. Various media from print press to Hollywood productions have been using the struggles of the journey to convey the motivations, experiences, danger, and sometimes the conclusion of these children's epic journeys. Non-Governmental Organizations also document and share the stories

in order to create deep understanding of this humanitarian crisis. This is an excerpt from an interview done on November 27, 2017 in Cary, NC with José Angel, a twenty-nine-year-old immigrant from Guatemala who crossed the border at the age of fourteen:

The evening of the day we left that house... that is an experience I never wish to go through again. I was lucky, for nothing bad happened to me, but I know so many affected people... women who were raped. There is nothing you can do, for at this point we were being threatened with guns. It is a hard and difficult experience. Some travel with their families and if they can't keep up they are forced to abandon them on the way. I was exhausted, but I was told to hold on for I was going to live the American dream⁵ (Campos 2017).

For the unaccompanied migrant children, the fear of an unknown destiny is less significant than the certainty of a limited and impoverished future. Unaware of the time and distance of the trip before them, which in most cases is weeks or even months and thousands of kilometers, these children leave their homes and childhood behind in search of a better future. With little or no money, completely unprepared, and unaware of all the dangers ahead, they head north.

The fastest and cheapest way to get through Mexico and to the U.S. border is on top of freight trains nicknamed *La Bestia*. Hitch hiking on it is one of the most dangerous methods of transportation in the world; among the thousands of migrants using it, roughly 5% are unaccompanied minors (Dominguez Villegas 2014). Since the private companies operating the shipments do not allow passengers, migrants must climb the moving trains and travel hours on top of wagons designed for freight. Fatigued travelers commonly fall from the train and either die or suffer serious injuries. In addition, the routes are controlled by gangs and drug cartels, who extract pay fees or ransoms from riders, or force them to become victims of human trafficking,

⁵ Fragment of my interview with Jose Angel Campos. All translations from Spanish are my own.

kidnapping, and rape. These criminal organizations force children to blackmail family members either in the United States or in Central America. Figure 1 shows the many routes that freight trains take across Mexico.



Figure 1. Map of the freight train routes through Mexico, source CNDH / BBC.

Due to the heightened vulnerability of unaccompanied children, family members may pay *coyotes* or *polleros* (smugglers) to help them cross Mexico and the U.S. border. Coyote is the common name for men with expertise in smuggling people across the U.S. border with Mexico. Coyotes know the terrain and understand how to survive in the desert. Detailed accounts of the role of *coyotes* are part of the literature on migration (Aldama 2016) (Conover 1999) (Spencer 2009). Unfortunately, most *coyotes* are also gang and cartel members, or just criminals whose main income comes from trafficking people with dreams. Families pay thousands of U.S. dollars to protect their children and make their trip easier, but most of the times the expense buys only

false hope. Guatemalan migrant Jose Angel found travelling with a *coyote* to be dreadful. The *coyotes* herd people along the desert without any regard for their age or condition:

You walk without stopping and there anything can happen, people get into accidents and the guide (Coyote) tells you that he doesn't care about that. He says that one has to continue even if you get hurt or if you are in pain; he stops for no one. People get exhausted, in the desert you have to go up and down hills and everything is very dark. They even put a piece of cloth with crushed garlic tied to each of my legs to repel snakes. It was a terrible.⁶ (Campos 2017).

Coyotes are then a fixture in the transit from the U.S Southern border; in recent decades the business of human trafficking has become transnational. Every day hundreds of migrants of all ages travel through Mexico to cross the American border. They end up sleeping in the streets and begging for food and money to continue their journey. In response to this overwhelming number, Mexican Immigration has formed "Beta Groups," mobile humanitarian units whose purpose is not to enforce the law but to provide water, medical assistance and information for the migrants. Other organizations and religious groups also provide shelter and food for those traveling north. Because of their efforts, migrants can safely rest however briefly and regain strength to continue. These helpers can only intermittently stave off fear and loneliness which constantly dog the unaccompanied minors on their gauntlet. As mentioned during the documentary *Niños Migrantes Frontera Sur*, directed by Pineiro and Gilbert, the truth remains unavoidable, only two out of ten minors who start this odyssey will complete it⁷ (Pineiro and Gilbert 2014).

⁶ Fragment of my interview with a Jose Angel Campos. All translations from Spanish are my own, at least it is explicit in the reference.

⁷ *Niños Migrantes Frontera Sur*. Video accessed via <http://www.dailymotion.com/video/x5em78c>

As U.S. border security has tightened, more unauthorized Central American migrants have reportedly turned to smugglers (*coyotes*) to safeguard their passage. These smugglers in turn must pay transnational criminal organizations (TCOs) such as *Los Zetas*, to pass through areas controlled by the TCO and slip through the U.S.-Mexico border. The U.S State Department has estimated that 75-80% of unaccompanied child migrants are currently traveling with smugglers. Some smugglers have reportedly sold migrants into forced labor or prostitution (forms of human trafficking) in order to recover their costs; smugglers' failure to pay *Los Zetas* have reportedly resulted in massacres of groups of migrants. Mass grave sites where migrants have been executed by TCOs have been recovered in recent years (Kandel, Bruno and Myer 2014).

As minors and as unaccompanied migrants, children crossing borders to get to the U.S. will encounter experiences that most likely will change their lives forever. Post-traumatic stress (PTSD), anxiety, and depression on top of cultural shock, language and cultural adaptation become major obstacles for minors to integrate into the fabric of U.S. society (Perreira and Ornelas 2013).

Physical and Emotional Impact of Immigration on Children

The violent and impoverished conditions of their original homes together with the extremely hard and dangerous journey have a long-lasting negative impact on the children. Crossing the U.S. border is extremely dangerous; immigrants must walk for days under extreme temperatures and in many occasions swim through the Rio Grande. The events of these traumatic journeys stay in children's memories and affect their emotional and mental conditions. Sometimes they result in diagnosable post-traumatic stress disorder (PTSD). As the United States Conference of Catholic Bishop details in their 2012 study, such "children also have begun

presenting with more complex needs and higher incidences of trauma, mental health issues, and substance use histories. Therefore, it was not surprising to find that about 85% of children in the study sample reported having some type of traumatic experience prior to entering ORR custody” (The Changing Face of the Unaccompanied Alien Child: A Portrait of Foreign-Born Children in Federal Roster Care and How to Best Meet Their Needs 2012). First hand experiences of violence, being a witness of an accident during the journey, or being a victim of organized crime during childhood, are not easy events to overcome.

Children reported alarming stories about witnessing violence or being victims of crime while in their home country or during their journey to the United States. The common diagnoses of post- traumatic stress disorder, depression, and adjustment disorder demonstrate that the children had difficulty processing their trauma (The Changing Face of the Unaccompanied Alien Child: A Portrait of Foreign-Born Children in Federal Roster Care and How to Best Meet Their Needs 2012).

Detention and Immigration Process

Migrants who make it to the U.S. border may be detained there. Other migrants may cross successfully but be later taken into custody by immigration authorities. This marks the beginning of a confusing bureaucratic process.

The immigration process is a set of well-determined bureaucratic steps designed to remove the illegal immigrants and unaccompanied minors with an almost non-existent chance of being granted asylum. From step one, the purpose of this process is made perfectly clear though the stages to achieve this purpose are not.

The DHS published an information leaflet with five simple steps depicting the interagency process to address the humanitarian situation, U.S. Immigration and Customs Enforcement (ICE) and Health and Human Services (HHS) oversee the steps, though the process itself is much more complicated and packed with emotionally and physically traumatic experiences for the immigrant minors who have successfully go through the perils of the journey. Figure 2 shows DHS five step process that an unaccompanied minor takes after being detained at the border.

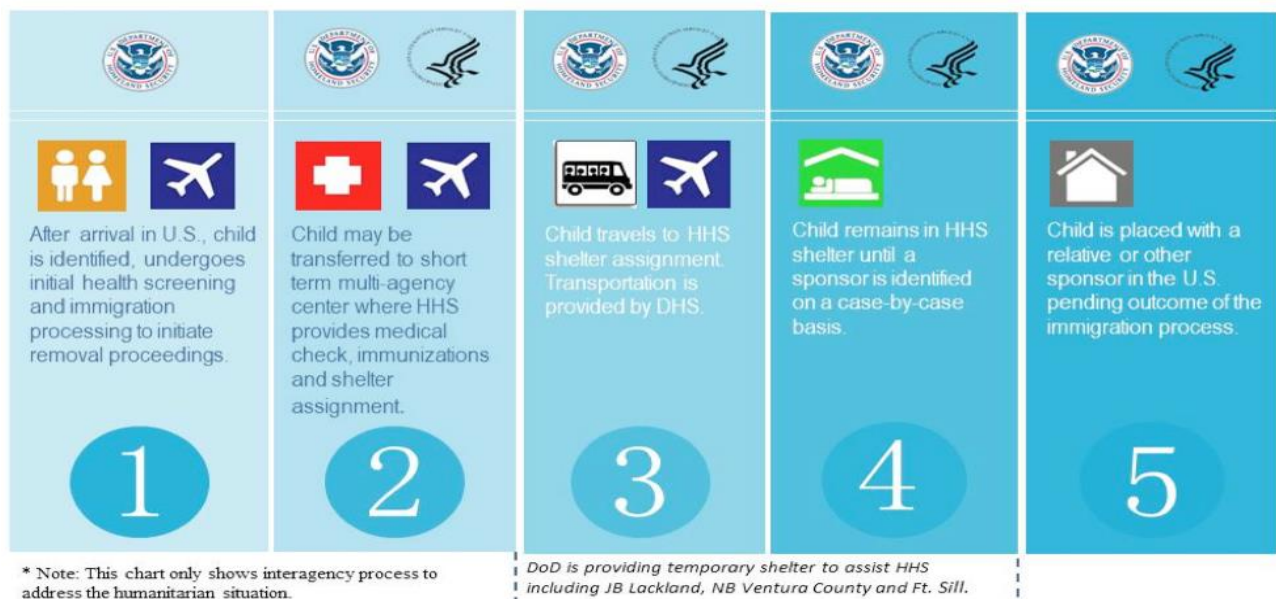


Figure 2 Interagency process to address the humanitarian situation. Department of Homeland Security 2015

According to HBO’s documentary *Which Way Home*, “[e]ach year, the Border Patrol apprehends 100,000 children trying to enter the U.S.”⁸ In many cases, these children are detained by the Immigration Custom Enforcement agency (ICE). Once apprehended they receive initial health screenings and the migratory process begins. At this point, the status of *Unaccompanied* is given– and, based on the results of the health screen, the next step in the process begins. If

⁸ Cammisa, Rebecca. “Which Way Home”, 2010, <http://whichwayhome.net/about.html>

the children being processed are Mexican, most likely within a couple of days or hours they will be deported back to their country. In the case of children from Central America, the agency starts a different process which often includes a stay at an HHS shelter whether or not a relative or sponsor is known (Cammisa 2009).

From the very moment of their apprehension, unaccompanied migrant children undergo multiple layers of violence; many children describe the Customs Border and Protection (CBP) cells as *la hielera* – the freezer – due to the terrible cold they endure. During the 2014 “surge,” the children described being so overcrowded that they had to stand and take turns to sleep. Although they should be transferred within seventy-two hours, there have been many cases – notably regarding children from Central America – in which detainees were held for several days, even weeks beyond this limit (Swanson and Torres 2016).

This already desperate situation is aggravated by the fact that those in a position to give assistance are denied access to information and even the children themselves. Appalled by the terrible situation, General Consul of Guatemala Jorge Archila explained during our interview:

At the border we have the obligation to visit the ‘casa hogar’ where the children are kept. There, they will give us the specific number of children for each center, but we weren't able to find out about the cases and their status, only numbers of children. Once interviewed they would confirm the information but not to the [Office of Refugee Resettlement] ORR. In the same way if they were relocated we wouldn't receive notification of this much less their location, nor when and with whom. Let's suppose that one week we are told that there are 60 children and the next week 66, but 6 already left and 12 just arrived no information is shared about who they are or what happened to the ones that left, it is impossible to know who left and who remained there. That is at the border, here in North Carolina is even worse, no information is shared, no numbers are offered⁹ (Archila 2018).

⁹ Fragment of my interview with Jorge Archila. All translations from Spanish are my own, at least it is explicit in the reference.

To recap the process in which children are placed: The CBP hands the minors to the Office of Refugee Resettlement (ORR), an agency of the Department of Health and Human Services (HHS) and simultaneously they are placed in removal proceedings with the Executive Office for Immigration Review (EOIR); the former is responsible for lodging and feeding the children, but the reality is that there is insufficient space to house the migrants, and the courts are overwhelmed with the sheer amount of removal proceedings, all of which delays the wait before a hearing. During this time a sponsor is identified, other family members contacted, or a foster family assigned. At the point when the children are assigned to a responsible party, they start their acclimation to a new culture, re-establish emotional bonds; and attend school in hope that they can remain in the United States. To date in FY 2014, 3,300 children have been discharged to relatives or foster care in New York State alone (Unaccompanied Alien Children Released to Sponsors By State 2017).

Demographics

According to the Office of Refugee Resettlement (ORR) an average of 7,000 children were served annually in this program before 2012. After 2012 there was a dramatic increase in the number of unaccompanied minors crossing the border partly due to the misunderstanding that President Obama's administration would grant legal status to illegal aliens living in the United States. The end of FY 2012 saw a total of 13,625 children referred to ORR. The program has received 24,668 Unaccompanied Children (UC) referrals from DHS in FY2013, 57,496 referrals in FY 2014, and 33,726 referrals in FY2015¹⁰ (Unaccompanied Alien Children Released to Sponsors

¹⁰ Fact Sheet, 2016, imbedded within "Unaccompanied Alien Children Released to Sponsors By State 2017". Accessed via web https://www.acf.hhs.gov/sites/default/files/orr/orr_uc_updated_fact_sheet_1416.pdf

By State 2017). By August 2014, the U.S. Customs and Border Protection Agency (CBP) apprehended a total of 68,541 unaccompanied children between zero and seventeen years old (Krogstad, Gonzales-Barrera and Lopez 2014).

North Carolina

North Carolina is one of the states with the highest number of unaccompanied children released to sponsors, following only California, Texas, and New York. With a 25% increase in immigrant population between 1990 and 2000, North Carolina has become an increasingly common destination for Latino migration and, by extension, for unaccompanied immigrant minors. A report from the Office of Refugee Resettlement stated that the Latino population in North Carolina grew from 1.2% in 1990 to 4.7% in 2000 to 8.8% (around 800,000 people) in 2013. In FY2014, the number of Unaccompanied Children (UC) released to sponsors in North Carolina was 2,064. However, in FY2015 that number decreased to 844 due to stronger immigration restrictions. Nonetheless, the number increased again for the FY 2016 with a reported 1,493 and by June (FY2017) 1,282 UC have been reported (Unaccompanied Alien Children Released to Sponsors By State 2017). Table 2 shows the distribution of UC by county in North Carolina (2017).

STATE	COUNTY	TOTAL NUMBER OF UCS RELEASED TO SPONSORS IN FY14 YTD ¹¹ (OCT 13 - SEP 14)	TOTAL NUMBER OF UCS RELEASED TO SPONSORS IN FY15 YTD ¹² (OCT 14 - SEP 15)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY16 ¹³ (OCT 15 - SEP 16)	TOTAL NUMBER OF UAC RELEASED TO SPONSORS IN FY17 ¹⁴ (THROUGH SEP 17)
NC	Durham	215	88	135	142
NC	Mecklenburg	683	208	426	415
NC	Wake	250	96	193	155

Table 2 Distribution of UC by county in North Carolina.

Within North Carolina, Durham and Wake County are ranked among the highest counties impacted by unaccompanied migrant children. According with the Office of Refugee Resettlement three-quarters of all children were over fourteen years of age, and two-thirds were boys. Most recent data reveal that from December 2016 to January 2017 Durham County received a total of sixty-five unaccompanied children, and since January 2018 less than fifty children were released to sponsors in Durham or Wake County according to the Office of Refugees and Resettlement page (Unaccompanied Alien Children Released to Sponsors By State 2017).

Neither the dangerous and inhumane reality encountered by millions in the Northern Triangle nor the brutal conditions of their exodus to the U.S. are new or unknown to the

¹¹ Data by county accessed via (Unaccompanied Alien Children Released to Sponsors By State 2017) <https://www.acf.hhs.gov/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy14>

¹² Data by county accessed via (Unaccompanied Alien Children Released to Sponsors By State 2017) <https://www.acf.hhs.gov/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy15>

¹³ Data by county accessed via (Unaccompanied Alien Children Released to Sponsors By State 2017) <https://www.acf.hhs.gov/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy16>

¹⁴ Data by county accessed via (Unaccompanied Alien Children Released to Sponsors By State 2017) <https://www.acf.hhs.gov/orr/resource/unaccompanied-children-released-to-sponsors-by-county-fy17>

international community. Contrary to expectations, the U.S., which for a brief moment seemed to have newly opened a safe window of opportunity for the migrant minors, has not turned out to be a safe haven for these already wearied children despite the sudden exacerbation of the violence in their Central American homelands.

CHAPTER II International Obligation to Refugees

Since World War II the United Nations has worked with its member nations to ratify treaties governing treatment of refugees. In 1951 the *Convention Relating to the Status of Refugees* was drawn up to address the problem of persons displaced in World War II. In 1967, the *Protocol Relating to the Status of Refugees* extended the 1951 convention in reaction to the global spread of population displacements. Some 146 countries, including the United States, are currently party to the 1967 Protocol (Smith-Pastrana 2016).

In 1995, The United States became a signatory to the *Convention on the Rights of the Child* (CRC), by which action it recognized obligations to unaccompanied children under international law. However, the U.S. is one of only two nations NOT to ratify the CRC.

Within the U.S., the Immigration and Nationality Act of 1965 (INA), as amended by the Refugee Act of 1980 has been the country's authority for the admission of refugees to the United States of America, including minors, and their resettlement (Smith-Pastrana 2016).

International Obligations to Refugees

Since 1951, the principle instrument that defines refugees and that governs their treatment is the United Nations multilateral treaty called *The Convention Relating to the Status of Refugees* (aka the 1951 Refugee Convention referred to here as The Convention.) This treaty defines the rights of individuals as well as the responsibilities of nations where asylum is claimed. The Convention also specifically excludes certain categories of individuals from claiming refugee status, such as war criminals. Although the Convention initially focused on the protection of European refugees after World War II, the 1967 Protocol Relating to the Status of Refugees (the

Protocol) expanded the scope of the Convention in reaction to the spread of population displacements around the world. Some 146 countries, including the United States, are currently party to the 1967 Protocol (Smith-Pastrana 2016).

While there is an official definition contained with the original Convention (as amended by the Protocol) the United States of America generally accepts the following definition in relation to the United Nations Refugee Agency:

A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries (USA for UNHCR 2017).

Extent of External Displacement

In 2016, the number of internally and externally displaced people around the world was estimated by the United Nations High Commissioner for Refugees (UNHCR) to exceed 65 million, a number equivalent to the population of the United Kingdom. Close to one in every hundred people on the planet has been displaced from their home by violence, persecution, or violations of human rights. The UNHCR estimates that this means that every minute of every day, twenty-four people flee their home because of violence or persecution (USA for UNHCR).

The reasons for this include continuing conflict in northern Nigeria and other African countries, an escalation in the humanitarian crisis in Yemen, and civil war in Syria. Just three countries - Somalia, Afghanistan and Syria - account for more than 50% of the world's displaced people as defined by the UNHCR. In addition, the overwhelming majority of those refugees - 86% - are hosted by developing nations. Lebanon is the host to 183 refugees for every 1,000

inhabitants, the highest ratio in the world, while Turkey hosts the highest total number of refugees - over 2.5 million people. More than half of the world's refugees in 2015 were children (Andorra 2015).

Emerging International Obligations

In 1995, the United States became a signatory to the Convention on the Rights of the Child (CRC), by which action it recognized obligations to unaccompanied children under international law. Although the United States played a prominent role in drafting the CRC, it remains one of only two nations in the world yet to give ratification, the other being Somalia. These two countries are therefore not bound by the terms of the CRC. One of the reasons that The United States has so far refrained from ratifying the CRC is the potential of encroachment on parental rights. A further significance of the United States' failure to move from CRC signatory to ratified lies in the fact that, upon ratifying a treaty, a state "is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty" (Smith-Pastrana 2016). Since one of the underlying principles of the CRC is that ratifying states must act in "the best interest of the child", U.S. immigration law would need to be altered to incorporate this principle. The application of this principle to all children within the U.S. immigration system would safeguard the humane treatment of all children.

In order to receive international protection, it is essential that a person fit the definition of a refugee. The unaccompanied children escaping from The Northern Triangle are most likely considered to be refugees under international law because there is either an inability or unwillingness to provide fundamental protection of their human rights by the governments in their home countries (Smith-Pastrana 2016).

International Obligations to Refugees - 2 and Obama's Extension

Until recently, the admission of refugees to the United States of America, including minors, and their resettlement there, was authorized by the Immigration and Nationality Act of 1965 (INA), as amended by the Refugee Act of 1980. The 1980 Act had two basic purposes:

- (1) to provide a uniform procedure for refugee admissions; and
- (2) to authorize federal assistance to resettle refugees and promote their self-sufficiency

The purpose of the Act was to standardize refugee admissions and resettlement policy that had characterized U.S. refugee policy since the end of the Second World War (Andorra 2015).

Under the INA, a *refugee* is defined as

A person who is outside his or her country and who 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. In special circumstances, a refugee also may be a person who is within his or her country and who is persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion (Refugee Processing Center 2016).

Specifically excluded from the INA definition of a refugee is any person who participated in the persecution of another.

Under the Act, the U.S. Department of State (DOS) handles overseas processing of refugees who are processed and admitted to the United States from abroad. U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) then makes the final determination about eligibility for admission under the INA. The granting of asylum on a case-by-case basis is also made in the INA under a separate provision (Andorra 2015).

Deferred Action for Childhood Arrivals (DACA)

One well known example is the Deferred Action for Childhood Arrivals (DACA) program enacted by President Obama in 2012 as an interim arrangement that protected from deportation individuals who were taken to the United States as children. This status did not provide a pathway to citizenship but was renewable for two years at a time. However, participation in the scheme did come with a range of benefits. Along with work permits, IDs, and permission to remain in the country, recipients could also obtain health insurance from their employers (Ehrenfreund 2014).

This ability to gain meaningful employment allowed recipients to pursue higher education and to drive legally in some states. The scheme also enabled access to qualify for state-subsidized health care.

We managed to interview a young woman from Mexico called Bibi Damian. She is a nineteen-year-old student and a beneficiary of the DACA, she crossed the border when she was only three. When we asked about her perception of the program she said:

I feel I get the basic idea of how it helps us. It is basically for the people that came here to work hard, to study, to go to school, to try to make a better life. And since we are the younger generation it is like they want to give us a better opportunity because they want us to have a future, and a better life¹⁵ (Damian 2018).

Bibi's reality is something she has in common with hundreds of young immigrants who were aided by Obama's administration but now remain expectant of their future in this country.

About her prospects, Bibi shared with me:

Probably get the papers here. Been able work here, go to school, buy a house, own my car. That will give me the security to know that I don't have to be scare that the cops will

¹⁵ Fragment of my interview with a Bibi Damian. All translations from Spanish are my own.

come to the house, like at 2 in the morning to deport you, or your family. Or just deport you and you have to go back alone. Being alone over there¹⁶ (Damian 2018).

In 2014, an unexpected rise in the number of unaccompanied child migrants at the border between Texas and Mexico quickly became a humanitarian crisis and a political hot potato. While arrivals from Mexico had remained more or less level in the preceding six years, there was a dramatic upsurge in arrivals from the Northern Triangle of Guatemala, El Salvador and Honduras (Park 2014).

Unaccompanied Minor Surge

In 2009, border officials found 968 unaccompanied minors from Honduras, but by 2014, this figure rocketed to 15,027. The Rio Grande Valley in south Texas had become the preferred entry point with arrivals up nearly one hundred eighty per cent per year. This was part of a broad trend that had seen migrants attempting to cross into the United States from Mexico at the border with Texas rather than with Arizona, where authorities had tightened security in recent years (French and Manzanares 2015).

A number of media organizations focused on the issue, both nationally and internationally, with specific reference to the number of unaccompanied minors who were caught up in the mass exodus.

In addition, refugee advocacy organizations pressed the U.S. State Department to recognize the unaccompanied child migrants presenting themselves at the U.S. border as refugees. They suggested a system whereby claims would be processed in the children's country of origin, and where the application was successful, the children would transfer to the United

¹⁶ Fragment of my interview with a Bibi Damian. All translations from Spanish are my own.

States or other nations that agreed to accept them, as was the case with countries like Haiti and Iraq (Robles 2014).

Furthermore, President Obama asked Congress to pass a budget request of \$3.7 billion that, along with strengthening border security, would quicken the deportation process and additionally assist the Northern Triangle countries to deal with internal security problems.

Bishop Eusebio Elizondo of Seattle, chairman of the migration committee of the United States Conference of Catholic Bishops, threw his weight behind the proposal, designating it a humanitarian crisis that was born out of the growing violence in Central America. He said that the children deserved the protection of the United States as refugees and must not be viewed as criminals (Robles 2014).

Asylum claims should not be rejected on the grounds that people can be relocated inside their own country because it is against national and international protocols, according to the director of UNHCR in Tapachula, Perrine Leclerc, who said:

Internal relocation as a safe alternative to asylum should only be used in very specific circumstances and not in small countries like those in Central America where violence is generalized (Lakhani 2016).

The reason people were migrating from the Northern Triangle was to save lives – their children's and their own. Despite this, Mexico's main policy, taking its lead from Washington D.C. was to deport any child migrants detained in order to prevent them from reaching the United States, instead of offering them protection under the CRC. Leclerc went on to say that the American dream still exists, but it took the modest form of a safe place to live a normal life with their families (Lakhani 2016).

Lawmakers in Texas and Washington D.C. were quick to try to score political points out of the crisis, with many laying accusations against the Obama administration of a failure to protect the border, of lax immigration policies, and of doing too little to address the problem.

Government officials stressed that the overwhelming majority of the migrants were fleeing violence in Northern Triangle countries, where murder rates are amongst the highest in the world as a result of the proliferation of gang culture, systemic corruption, drug trade, and organized crime (Lakhani 2018). Furthermore, NGO's reinforced President Obama's portrayal of the situation as a humanitarian crisis, leading the President to say in a speech at the time that it emphasized the need for wide-ranging immigration reform, and that he was thinking about the prospect of using executive powers to deal with the crisis. In response, the leaders of the Northern Triangle countries met President Obama to suggest that the large expenditures aimed at stopping migrant children from crossing the Mexican border into the United States would be better used in addressing the causes of the crises in their countries, thereby stopping the journey before it started (Woolley and Peters 2014).

At the time, the leaders of Guatemala, El Salvador and Honduras pressed the U.S. government to increase aid against the gangs and drug cartels responsible for the violence driving migration. The three presidents - Salvador Sánchez Cerén of El Salvador, Juan Orlando Hernández of Honduras, Otto Pérez Molina of Guatemala – tried to persuade President Obama to focus on the damage caused by drug cartels transporting illegal narcotics to the U.S. market, and to invest in the economic development required to relieve extensive poverty (McGreal 2014). Let's remember that an earlier successful policy called *Plan Colombia* had had beneficial consequences

in that country while displacing the problem of violence and drug trade to the Northern Triangle and Mexico (Shifter 2012).

But after the meeting, President Obama refused to substitute the campaign to discourage what the U.S. administration called "irregular migration" with Central American based advertising campaigns and human smuggler hunting. "I emphasized to my friends that we have to deter a continuing influx of children putting themselves at risk," the U.S. President said¹⁷ (Woolley and Peters 2014) The White House regarded the most important part of the meeting to be the discussion of how the Central American governments (without direct U.S. assistance) were working together to stop the smuggling organizations and encourage safe, orderly migration.

Vice President Joseph R. Biden's personal diplomacy was an integral part of the Obama administration's approach to Latin America during the second term of the administration. His regular engagement with the leaders of the Northern Triangle countries was essential in sustaining the commitment that was needed in order to deal with the challenge of solving the child migration crisis. President Obama (2014) noted that,

All of us recognize that we have a shared responsibility to address this problem. President Molina [of Guatemala] hosted Vice President Biden in an earlier meeting to look at specific steps that could be taken to alleviate this challenge. And today what I did was share with my counterparts here the efforts that the United States has made in our continuing response, including unprecedented numbers of Border Patrol agents and resources at the border, more facilities to properly care for these children that have already arrived, and more resources for our immigration courts to process the claims of these children in a way that's orderly and timely that protects their due process, but also expedites the length of time that it takes to assure that they've gotten a fair hearing (Woolley and Peters 2014).

¹⁷ <https://obamawhitehouse.archives.gov/the-press-office/2014/06/30/letter-president-efforts-address-humanitarian-situation-rio-grande-valle>

The circumstances of the child migrants became even more critical because of the environment in which the migration took place, the method of migrant detainment, and the procedures applied. The United States Department of Homeland Security declared an emergency in May 2014 because of the sheer number of unaccompanied children on the Mexican border with Texas, which had completely overwhelmed the capabilities of the South Texas Border Patrol and other agencies such as child protection services. President Obama declared the situation an “urgent humanitarian crisis” and asked Congress to grant an additional \$1.4 billion to help federal agencies. Craig Fugate, the head of the Federal Emergency Management Agency (FEMA), was appointed to oversee the situation (Isacson, Meyer and Morales 2014).

The crisis brought chaos with it; the whole immigration system at the border collapsed and the agencies were not able to handle the situation, so they skipped the whole process. Mrs. Consuelo Kwée, Director of Immigration Catholic Charities of the Diocese of Raleigh, NC, describes the situation:

When all those minors came along in masse, the ORR lacked the capacity to receive them all so they contacted the Children’s families in the U.S. These people went directly to the shelters and without any kind of assessment the kids were handed to them and many were not even evaluated. Family members confide to us that they received a call telling them that they had their kid under custody in Texas and so they went there and picked them up. This happened with thousands of children¹⁸ (Kwée 2018).

On November 20, 2014, President Obama addressed the nation to explain his decision to enact more reforms to immigration that would shield nearly five million people who had entered

¹⁸ Fragment of my interview with Consuelo Kwée. All translations from Spanish are my own, at least it is explicit in the reference

the United States illegally from deportation. The President enacted executive action that would give the undocumented migrants eligibility to live and work in what the President described as “a nation of immigrants.” He urged the people of the United States to show compassion to people who, despite entering the country illegally, had worked hard to put down roots but still saw “little option but to remain in the shadows or risk their families being torn apart” (Obama 2014).

The address was an attempt by the President to give an explanation of one of the boldest and most contentious decisions of his presidency to date. The President’s actions infuriated Republicans who argued that he was going beyond his executive powers in order to enact what amounted to an ‘amnesty’ on illegal immigration.

Republicans were opposed to the executive action of the President, but they were undecided on how to deal with the millions of undocumented migrants in the country. Conservative leaders said that inaction on immigration risked the long-term future of the Republican Party, but its conservative base fiercely opposed any immigration reform that involved a path to citizenship for those who enter the country illegally.

Nevertheless, it was becoming increasingly clear that inaction on this issue was no longer an option on either side of the political divide, and in December 2014, the Central American Minors program came into effect.

CHAPTER III Central American Minors (CAM) Refugee Program

Need for the CAM Program

2014 saw a 50% increase in migration from Central America compared to the previous year, which itself was a more than double that from 2012 when the Customs and Border Protection Agency (CBP) apprehended 68,631 unaccompanied children and 68,445 family units at the U.S. border, the majority of whom qualified for humanitarian protection under U.S. immigration law (Moulton, Leach and Ferreira 2016). Many of the unaccompanied minors crossing into the U.S. had become victims of sexual abuse and violent crime during their journey. In order to address this, President Obama issued a directive to the DHS and FEMA to coordinate a holistic response to the situation.

The directive established the Central American Minors (CAM) Refugee/Parole Program, a processing program for children in their native countries of the Northern Triangle. As part of the response to the increase in unaccompanied minors at the Mexican border with the United States, the CAM program sought to give certain unaccompanied children a safe and legal alternative to undergoing the arduous and dangerous passage to the United States. Instead CAM would provide children affected by violence in the Northern Triangle an avenue to reunite with parents who were living lawfully in the United States (Moulton, Leach and Ferreira 2016).

Pressure groups welcomed the CAM program as an indication that the U.S. government was recognizing the growing severity of the crisis. Much discussion about the increase in unaccompanied minors focused on identifying the various reasons children were increasingly undertaking the journey to the U.S. border. DHS and Border Patrol officials, as well as some U.S.

Congressional representatives, claimed that the unaccompanied minors were motivated by a belief that if they arrived at the U.S. border, they would be allowed to settle permanently in the United States. Such a belief represented an exploitation of weak policies instigated by the Obama administration. On the other side of the debate, pressure groups argued that family reunification was by far the most important motivation for many of the children (Moulton, Leach and Ferreira 2016).

Scope of the CAM Program – child's perspective

To be considered under the program, children had to meet the statutory definition of a refugee, or if in eligible, be granted humanitarian parole on a case-by-case basis. Additionally, each individual had to be under the age of 21, unmarried, and a national of El Salvador, Guatemala, or Honduras. In some cases, the second parent of the child might also qualify if that parent was the legal spouse of the qualifying parent in the United States (U.S. Citizenship and Immigration Services 2017).

The CAM program was publicized by government officials as a “safe and legal” alternative to the dangerous trek to the southern border of the United States in order to seek asylum. On November 10th, 2016, Jeh Charles Johnson, secretary of Homeland Security, stated that:

Those who attempt to enter our country without authorization should know that, consistent with our laws and our values, we must and we will send you back. Once again, I encourage migrants and their families to pursue the various safe and legal paths available for those in need of humanitarian protection in the United States¹⁹ (Office of the Press Secretary).

Eligibility criteria for the CAM program was defined by the United States Office of Refugee Resettlement as follows:

¹⁹ Jeh Charles Johnson, Secretary of Homeland Security 2013-2017. www.dhs.gov/jeh-johnson

The Qualifying Child in El Salvador, Guatemala or Honduras must be:

- The child of the Qualifying Parent per the Immigration and Nationality Act (biological, step, or legally adopted), and
- Unmarried and under the age of 21, and
- A national of El Salvador, Guatemala, or Honduras, and
- Residing in his or her country of nationality.

In some cases, other eligible family members would also have access:

- Unmarried children of the Qualifying Child who are under the age of 21 can be included as derivatives.

A parent of the Qualifying Child can be included if:

- He/she is part of the same household and economic unit as the Qualifying Child, and
- He/she is legally married to the Qualifying Parent at the time the Qualifying Parent filed the CAM-AOR, and
- He/she continues to be legally married to the Qualifying Parent.

The Qualifying Parent can be any individual who is at least 18 years old and lawfully present in the United States in one of the following seven categories:

- Permanent Resident Status, or
- Temporary Protected Status, or
- Parolee, or
- Deferred Action, or
- Deferred Enforced Departure, or
- Withholding of Removal

Parolees and persons granted deferred action must have been issued parole or deferred action for a minimum of one year. For all other categories listed above, individuals who are lawfully present and in a valid status at the time of application (date of CAM-Affidavit of Relationship filing) are eligible (U.S. Citizenship and Immigration Services 2017).

In practice, these restricted applicants only to those children with one parent who had legal status in the United States, which excluded a large proportion of possible applicants. The CAM guidelines provided for the use of “humanitarian parole” giving

potential access to vulnerable individuals exposed to violence, but who did not meet the stricter requirements to be accepted as refugees. However, the number of individuals who benefited from CAM depended significantly on how USCIS administered CAM's parole provision, which allowed for the wider use of discretion (U.S. Citizenship and Immigration Services 2017).

Participation

Over 10,700 CAM applications had been filed by December 2016. Of these, 1,300 individuals were approved for refugee status, and 3,300 for humanitarian parole. Nevertheless, only 731 refugees and 887 parolees actually arrived in the United States by the end of 2016 (Moulton, Leach and Ferreira 2016).

The CAM program's waiting times were, on average, twelve months. Honduran Migrant Family Committee members criticized the waiting period, saying that a six to twelve-month application process is unendurable for individuals who are exposed to kind of violence that is frequently seen in Honduras. They evaluated CAM as being "not a program for emergency protection," according to CIPRODEH (Moulton, Leach and Ferreira 2016).

The numerous restrictions on CAM applications rendered the process absolutely hopeless. On February 2018, Hila Moss, Staff Attorney for the U.S. Committee for Refugees and Immigrants (USCRI,) examined the CAM mechanism:

you're waiting on blood tests and the government to verify your relationship to the parents here; meanwhile, gang members are knocking at your door and you can't leave your house and they're going to kill you. You run, you don't wait for the government to give you permission. You run, you get the hell out and save yourself. So that was a very unfortunate thing. It could have been better if it wasn't so restrictive²⁰ (Moss 2018).

²⁰ Fragment of my interview with Hilda Moss. All translations from Spanish are my own.

Family members interviewed after being reunited reported waiting times between eleven and fifteen months. An appraisal of available data shows that applicants had to wait three and a half months on average from the date of application until their first interview, with some applicants being made to wait up to six months. Some applicants reported waiting five to eight months between first and second interviews (Moulton, Leach and Ferreira 2016). For anyone who must frequently make life and death decisions quickly, such a lengthy waiting period can be exceedingly perilous. Even while understanding that immigration processes can take time, the applicants interviewed commonly expressed the opinion that the application process was long.

Due to the program's December 2014 introduction and the lengthy application process, relatively few CAM minors qualified in Financial Year 2015. Overall demand for the CAM program, depended a great deal on how many qualifying parents were based in the United States, and how many eligible minors stayed in Central America, numbers which were difficult to ascertain. Estimates showed that the United States was home to around 530,000 Honduran, 1,300,000 Salvadoran, and 900,000 Guatemalan immigrants (Moulton, Leach and Ferreira 2016). However, a majority of these were thought to be unlawfully present in the United States and therefore unable to meet the program's requirement. As a result, very few children in the Northern Triangle qualified for CAM despite Jeh Johnson's often stated advice that unaccompanied children should apply. Ninety individuals were interviewed by CIPRODEH in four different regions of Honduras, and only one in ten was found to qualify for the CAM program (Moulton, Leach and Ferreira 2016).

A major oversight, the program's eligibility rules led to the nearly complete exclusion of Guatemalans. Although there is estimated to be over 900,000 Guatemalans in the United States,

and 32% of all unaccompanied children presenting at the U.S. border in FY 2016 were Guatemalan, very few have been approved through CAM. In December 2016, DOS acknowledged that less than 1% of CAM arrivals had arrived from Guatemala. One of the main reasons for the segregation of Guatemalans, according to the General Consul Archilla, was their lack of Temporary Protected status. With more access to TPS, people from El Salvador and Honduras had a bigger chance to profit from the CAM (Archila 2018).

Publicity

The majority of applicants had heard about the program via word of mouth. A further significant proportion were referred by a consulate or notary while renewing Temporary Protected Status (TPS), or through a human rights or social services agency. While Central Americans living in the United States were increasingly hearing about CAM via the news media and Internet, only a tiny trickle of information about the program reached Central America (Moulton, Leach and Ferreira 2016).

In July 2016, the Honduran Consul General in Los Angeles, Pablo Ordonez, said in an interview that he had attempted to share information on the program with Honduran citizens who visited his consulate, but he found it difficult to circulate the information in the wider community. The consulate served at most 150 people on a busy Monday; of this 150, perhaps forty were eligible to use the program in order to be reunited with their children. The remainder either did not have legal status in the United States or did not have children in Honduras. More recently in 2018, when asked about the same topic, the Consul of Guatemala said that in Guatemala and mainly in the various consulates meetings and forums were held in order to inform the community (Moulton, Leach and Ferreira 2016).

In both Central America and the United States, the sharing of information about the program is colored by fear and distrust. CAM applicants in the United States have talked about sharing information with friends and neighbors. Many were wary of applying due to distrust of the U.S. immigration system, and they feared deportation.

Is this more Participation?

The processing of refugee applications inside the United States has been an element of the admission system for refugees over the last few decades. In-country processing began in 1979 and has been administered for selected countries through special programs in the aftermath of wars, times of political repression, and other humanitarian crises (Hipsman and Doris 2015).

The majority of programs, including CAM, employ a model known as “direct access,” in which people who have a claim to refugee status are able to come forward and start the process. Individuals who present themselves are often pre-screened in order to determine if they have a valid claim and should proceed with their application. The process is normally dealt with by Resettlement Support Centers (RSCs), which are financed and managed by the State Department but are frequently contracted to NGO’s. Another more structured model is known as “predefined group access.” UNHCR often suggests that a specific group be designated under this model and refers those who are eligible to the relevant programs based on criteria that have been set by the appropriate federal agencies (Hipsman and Doris 2015).

Effectiveness

By December 2016, most minors considered through the CAM program had been approved under the humanitarian parole directive rather than through the refugee status route.

About 33% of the applicants were either conditionally approved for, or had actually been granted, refugee status. It was not completely clear why this was the case, but it seemed that accessing legal representation along with revised guidelines on definitions for minors might have ensured that more children who needed the permanency of refugee protection actually received it (Moulton, Leach and Ferreira 2016).

When they arrive at the United States border, asylum seekers from Central America are put into expedited proceedings for deportation in which the chance of successfully overturning the deportation order is minimal. Asylum applicants are obliged to traverse a complicated and esoteric bureaucratic process without legal representation, reasonable interpretation service, or previous knowledge of U.S. immigration law. Unfortunately, several of the issues with fast-track removal are also echoed in the CAM program's function and structure, increasing distrust of the program.

Applicants' understanding of the CAM program illustrate many of the problems. For example, while the overwhelming majority (85%) of applicants from El Salvador had a low understanding of refugee status, and that this was attainable through the CAM program, just 67% had heard of the more lenient humanitarian parole aspects of the program and what it might mean for them. When it comes to knowledge of the CAM process itself, levels of awareness fall further. Some 43% of applicants interviewed could actually give a description of the steps to take after the first interview, and just 17% could say how it would be possible to journey to the United States after the process was completed (Moulton, Leach and Ferreira 2016).

On Wednesday, August 16th, 2017 the Trump administration formally rescinded the CAM program, closing the door on thousands of people who had gained conditional approval to enter

the United States. The announcement of termination in the federal register meant that the DHS would have to begin the process of informing families that applicants who had been approved under the program would have to apply again through alternative immigration channels. Additionally, around 1,500 children already in the United States under the CAM program would not be permitted to renew their status and must also try different avenues in order to extend their stays (Rosenberg 2017).

A total of 1,465 applicants were granted permission to travel to the United States through the CAM program since it started in December 2014. However, almost twice that number – some 2,714 individuals – were granted conditional parole under the program but will be unable to travel legally to the United States through the program. The majority of these are citizens of El Salvador, Honduras, and a small number from Guatemala (Nakamura 2017).

About a third of the total applicants were approved for refugee status under the program, and that part of the program will remain unaffected. Around 69% of applicants were recommended for the discontinued parole part of the program. Only 1% of applicants were denied for both statuses. Without the parole status part of CAM, parents will be able to apply only through the general parole status offered by US Citizenship and Immigration (Moulton, Leach and Ferreira 2016).

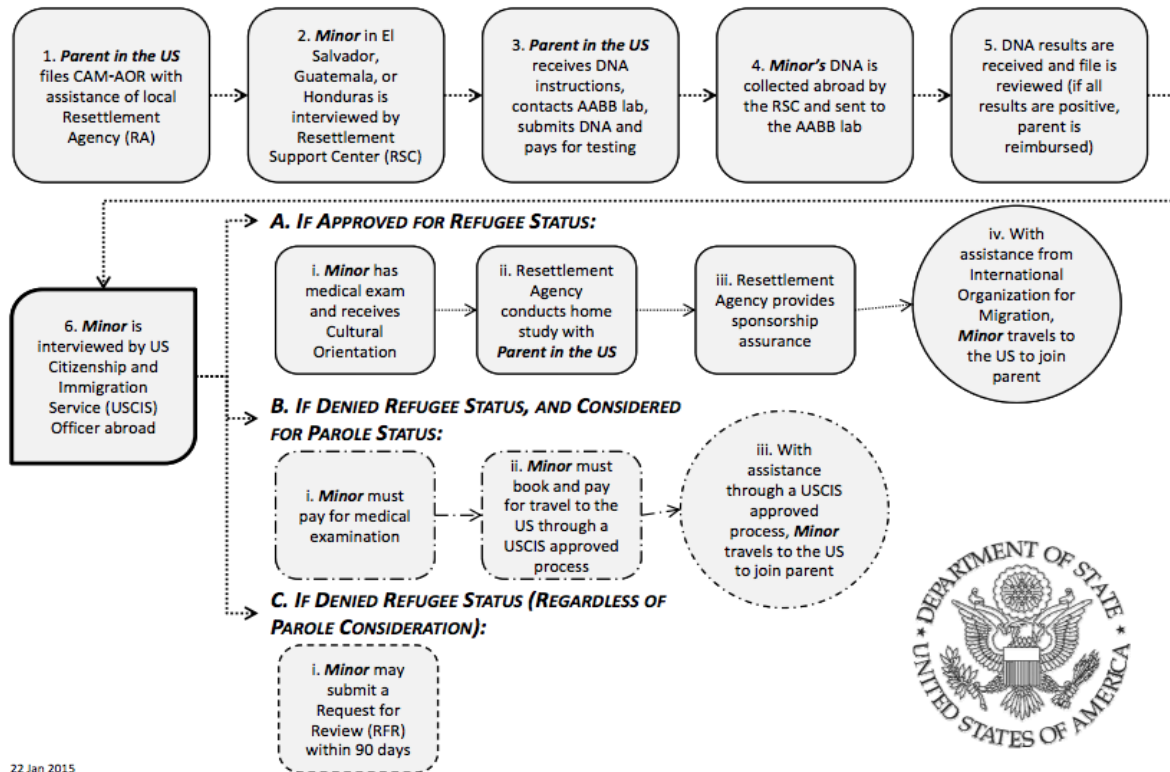
Government Agencies Involved

To apply under the CAM program, an eligible parent had to seek support from a resettlement agency (RA) in the United States and complete form DS-7699, submit an affidavit of relationship, and provide birth certificates and photographs of the children. In its initial press release about the CAM program the Department of State (DOS) mentions the nearly 350 RA

offices in the United States of America. However, during the early days of the program, applicants struggled to learn about CAM and access services at the RA's.

After a form DS-7699 was filed, the children in their home country would be supported through the application process by the International Organization for Migration (IOM). The IOM administers the Resettlement Support Centers (RSC) in Central America, and RSC staff contact each child applicant directly in exactly the order that the DOS receives the forms. IOM invites each child to a pre-screening interview in the child's country of origin to help them prepare for an interview with the DHS. DNA relationship testing confirms the biological relationship between the child and the United States based parent. As soon as the IOM pre-screening interview is concluded, the US-based parent is informed by IOM via the RA about how to submit their DNA sample to confirm the relationship with their claimed children in the Northern Triangle countries. If the relationship is confirmed by DNA testing, IOM will schedule the DHS refugee interview for the child. Figure 3 shows the number of steps and agencies involved in the CAM program (Moulton, Leach and Ferreira 2016).

**U.S. Refugee Admissions Program
Central American Minors Flowchart**



22 Jan 2015

Figure 3 CAM Admissions Program flowchart. Source: U.S. Refugee Admissions Program

Opposition

It has been argued that if a refugee processing program is excessively long, people who are in dangerous situations are unlikely to come forward, and they will circumvent the in-country application process and simply flee. The in-country processing procedure has therefore been criticized as “orderly departure programs for immigration rather than protection for persons fleeing persecution” (Hipsman and Doris 2015).

The criteria for admissions have been criticized as being too focused on particular subsets which exclude others who have the same, and possibly more, need of protection. For example, human rights organizations argued that this was especially true in the case adjudicating refugee

status of Haitians, where the admission criteria for refugee status favored activists, journalists, and former government officials while thousands of persecuted lower-class Haitians were denied access to refugee programs. Consequently, there were fewer than 6,000 resettlements from Haiti out of more than 100,000 applications. Conversely, the guidelines for the former Soviet Union and Vietnam refugee eligibility were relatively broad and included refugee eligibility for relatives of individuals already settled in the United States, an automatic presumption of refugee status, and a lowered standard of evidence for establishing a fear of maltreatment, all of which led to much bigger number of admissions under refugee status (Hipsman and Doris 2015).

In the case of the Northern Triangle countries, the guidelines were restricted to children whose biological parents were already lawfully resident in the United States, which potentially excluded a large proportion of persecuted persons. Nonetheless, by including the children and parents as primary beneficiaries of CAM, the program might have had a broader impact than that suggested by the initial applicant numbers. The guidelines for CAM also allowed the use of humanitarian parole, which encompassed individuals who were exposed to violent situations, but who did not meet the more stringent requirements for refugees. Ultimately, how many Central Americans might have benefited from the program depended to a significant degree on how USCIS administered the parole provisions of CAM, which allowed for a much wider discretion in decision making.

CHAPTER IV The Aftermath of CAM

In the middle of May 2014, the Department of Homeland Security declared an emergency as a result of the high numbers of unaccompanied migrant children arriving at the border in south Texas, which had put Border Patrol and child welfare services under extreme pressure. President Obama referred to this state of affairs as an “urgent humanitarian crisis” and asked for an additional \$1.4 billion in funds from Congress to help federal agencies cope with the situation. The U.S. Government also provided \$9.6 million in extra support for Central American governments in order to help those countries reintegrate citizens being repatriated. The idea was that this funding would assist Honduras, El Salvador, and Guatemala to make additional investment in their existing centers for repatriation, provide immigration officials with training on the care of returning migrants, and improve the capability of these governments, as well as NGO’s, in expanding services to returned migrants (The White House 2014).

Aftermath of the Program and Local Impact

The question that rises when analyzing the CAM program is how many people actually benefited from it. A combination of legal restriction and a lengthy process dramatically limited the number of children that could apply for the CAM program, even more so those who benefited from it.

Basically, a legal parent living in the U.S had to submit the initial papers: later on through a Resettlement Support Centre children had to go through the whole process of migration (DNA tests, health exams, home studies, police records and the payment for their own travel) in their home countries. On average the whole process took from six to twelve months at the end of

which children could be recognized as refugees or parolees eligible to enter legally for no more than two years, time enough for their parents or legal guardians to apply for their naturalization. Unfortunately, that path is not always possible. For example, parents holding a TPS are not on the right path for a permanent legalization.

In parallel with CAM the U.S. conducted and founded the *Plan de Alianza para la Prosperidad* (PAPTN). The Vice Consul of Guatemala in Raleigh, Cristina España, during our interview explained that together with the U.S., Guatemala, El Salvador, and Honduras put up a plan to procure for the three countries all necessary conditions for people to remain in their home country rather than migrate to the States. The plan focused on boosting development programs inside each country to improve the quality of life of their people, the program is a policy tool connected to USAID with limited impact in the countries (España 2018).

From December 2014 when the CAM program began until November 2015, 5,400 children applied (to CAM), 90 were interviewed and only 10 qualified for full refugee status but had to wait for their case to be processed. By the end of 2015 no children entered the U.S. through the program (Moulton, Leach and Ferreira 2016).

Among the numerous failed applications one case remain vivid in the mind of Guatemalan Consul Archilla that recalls how,

We had a case of a woman who qualified for the program, she had cancer, we contacted her with an organization and they immediately started to work on her case so that she could bring her kids to the U.S. Unfortunately, the process was never completed for the mother died and the kids weren't able to come. In my experience this case was the only CAM case at the Atlanta consulate²¹ (Archila 2018).

²¹ Fragment of my interview with Jorge Archila. All translations from Spanish are my own.

Reality in numbers is crude. According to Mrs. Consuelo Kwée director of Immigration of the Diocese of Raleigh which covers fifty-five of the hundred counties in North Carolina, just in Wake and Durham counties in 2014 alone, more than 465 children were released for reunification which means that a migratory process was opened for them (Kwée 2018). During the four years from 2014 though 2017 in these two counties, 1,274 children got a legal process.

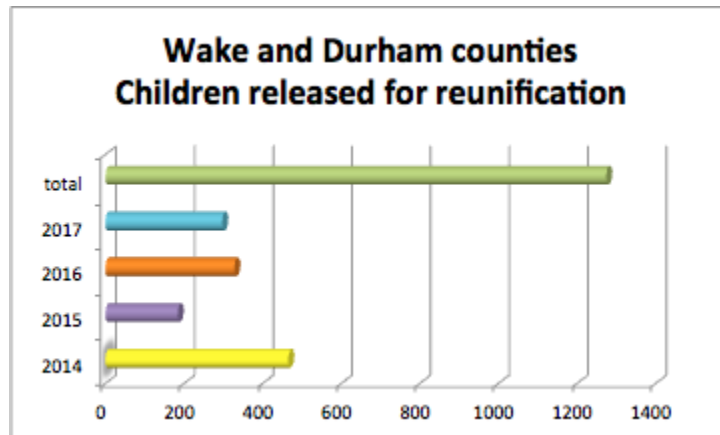


Figure 4 Children release for reunification, Wake and Durham counties. Source: Diocese of Raleigh (2017)

Out of this huge number the Diocese of Raleigh successfully processed twenty-six cases, which means these children were granted residence. To put things in perspective the rate of success has been a disappointing 2% (Kwée 2018).

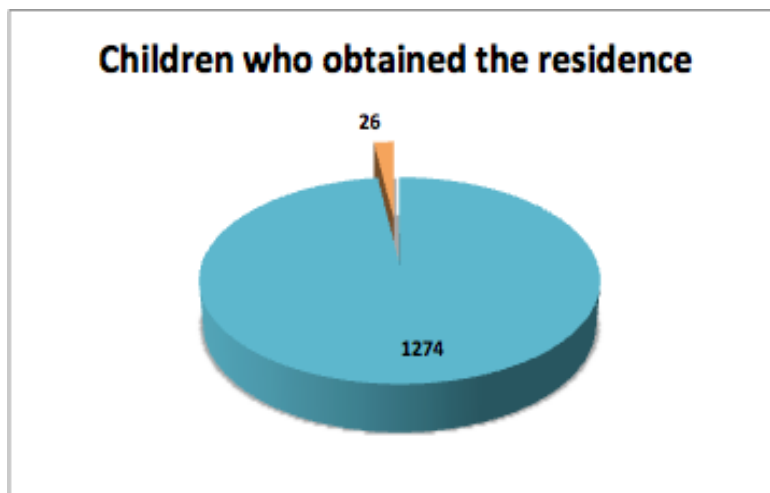


Figure 5 Children who obtained residence. Wake and Durham counties. Source: Diocese of Raleigh (2017)

Filing for parole or refugee status did put on hold the threats these children faced. Violence did not cease in their home countries, their precarious situation didn't improve, and if anything the promise of a better future shone still brighter for them from beyond the border. Instead of surfing through the maze of bureaucratic procedures and enduring the wait in their home countries, desperate minors and their families would rather face *La Bestia*, survive the desert and risk being mugged, kidnapped or killed. By doing so their CAM applications were cancelled, these children in need of urgent protection were punished by a draconian immigration system.

Legal restrictions to the CAM

The approach that CAM took in order to become a “safe and legal” alternative to the risky journey of the unaccompanied minors of the Northern Triangle, proved to be less than adequate to address the humanitarian crisis. Outgoing DHS Deputy Assistant Secretary for Immigration Policy, Mary Giovagnoli, reflected at the 2016 Annual USCIS Ombudsman Conference that trying to manage the crisis through the laws on the books had been like “trying to fit a square peg into a round hole.” Asylum attorneys concur, “The immigration court system is not a refugee processing system” (Moulton, Leach and Ferreira 2016).

Completely ignorant of the legal process and the various directions their cases can take, immigrants fall into a labyrinth of laws, restrictions and narrow opportunities that seem to be ruled more by chance than by a well-structured system designed with an eye to the welfare of the minors. The U.S. Committee for Refugees and Immigrants (USCRI) Staff Attorney, Hila Moss, addressed the issue:

It's difficult for the children because, especially with the Charlotte immigration court, there is a huge disparity between approvals at the asylum office and at the immigration court. If you can get your case heard by the asylum office, you're facing an 86% approval rating, compared to 13% at immigration court²² (Moss 2018).

The U.S. ceiling for refugee admission rests entirely in an annual presidential determination for different regions (see table 3), and although the State Department asseverates that regional quotas are not hard caps but are subject to a certain flexibility, comparing the 10,700 CAM applications to the less than 2000 successfully processed cases leaves the distinct impression that the extension of the CAM was nothing but modest and the number of minors inconsequential to mitigate the crisis (Hipsman and Doris 2015).

World Region	Refugee Allocation
Africa	17,000
East Asia	13,000
Europe and Central Asia	1,000
Latin America and Caribbean	4,000
Near East and South Asia	33,000
Unallocated reserve	2,000
Total	70,000

Table 3 U.S. Refugee Admission Ceiling by Region²³

Sooner rather than later, and on the verge of a new administration, the CAM caught the eye of supporters and detractors in equal measure and evidenced its weaknesses.

²² Fragment of my interview with Hila Moss.

²³ Table 3. U.S. Refugee Admission Ceiling by Region. Source: White House, Presidential Memorandum, "FY 2015 Refugee Admissions," September 30, 2014, www.whitehouse.gov/the-press-of ce/2014/09/30/presidential-memorandum-fy-2015-refugee-admissions.

Being an in-country program

Unfortunately, the CAM program was created under extreme circumstances, because the Obama administration had respond quickly in order to acknowledge the humanitarian crisis in front of the international community and the media. All eyes focused on the U.S. and the prompt response resulted in a program that contradicted refugee policy, according to experts and humanitarian-rights professionals who were reluctant to establish an “in-country” program. By definition this type of program conflicts with international convention principles: “A refugee is someone outside his or her country escaping persecution” (USA for UNHCR 2017). Besides, in-country programs aim to help really large flows of immigrants dwarfing to the modest but alarming number of unaccompanied minors on the west Texas border.

USCRI Attorney Hila Moss explained in detail the application options and conditions to be met by an applicant:

The whole premise of CAM program was if you're in your home country then(?) you don't qualify as a refugee. If you go to an interview, you don't have persecution, you know, you're not persecuted based on one of the five enumerated grounds for refugee status: race, religion, nationality, political opinion, or membership in a particular social group. If you don't fit into one of those five categories of being persecuted, you're not going to qualify for refugee status, but you can still get paroled into another country, and then stay here, but it's temporary. It's like you can come in, but then you've got to figure out what you're going to do, or you're going to be put into removal proceedings²⁴ (Moss 2018).

Many experts asseverate that such a response wrongly prioritizes avoiding the flow of immigrant minors and restoring orderly processes above the stated goals of rescue and protection, for such is the nature of in-country programs. If the program was meant to bring security to those at imminent danger in their own countries, a different and more elaborate

²⁴ Fragment of my interview with Hila Moss.

approach should have been considered, such as centers conveniently located throughout the country, expedited procedures, fraud prevention measures, and timely security clearance to really prevent the applicants from facing further dangers.

Reinforcement of the Mexican border

After declaring the humanitarian crisis and creating the CAM a little over 3,000 people sought asylum in the U.S, compared to the overwhelming 170,323 Central Americans that were detained by Mexican immigration agents, most of which were immediately deported home²⁵ (Lakhani 2016).

The number of unaccompanied minors decreased significantly in 2015, 50% to be precise according to the Obama administration (Moulton, Leach and Ferreira 2016). Regrettably, this confers no merit to the CAM program, for the crisis was only diverted away from the southern U.S. border. More resources than those conferred to the CAM were showered on programs such as *Plan Frontera Sur*. This program pushed the place of interdiction and return further south. Advocates believe that U.S. government deterrence strategy against asylum-seekers had effectively been reorganized. In other words, the crisis remains a crisis, the only difference is that now Americans don't have to see these minors at their own border.

USCRI attorney Mrs. Moss, astounded by the minor's situation at the border and having devoted years of her career to help the migrants, could do nothing to mitigate the actions taken by the government:

It is not the surge it once was; what these children are running into is that at the Guatemalan Mexican border they're getting turned away more so than they did before.

²⁵ (<https://www.theguardian.com/world/2016/oct/13/central-america-violence-refugee-crisis-gangs-murder>).

It is not like they are getting turned away from us. But our government paid, and Obama did it too, our government is paying Mexico to tighten their border with Guatemala, to stop them from ever even coming into our border²⁶ (Moss 2018).

Consequently, a greater presence of security forces, including the Army, Marines and Federal Police work the border region. Unavoidably, due to overlapped responsibilities, cases of human rights violations, abuse of authority, mistreatment, and the abuse and extortion of migrants are exposed. Not to mention that travelers have a sense of insecurity due to the high levels of impunity in cases related to abuses by part of the arm forces; as well as confusion for encountering different agencies every few miles with personnel reviewing the same parts of the vehicles and asking similar questions.

Central American migrants list that number of Mexican agencies encountered separately between Tapachula and Tonalá, which included:

- Federal Police
- Federal Ministerial Police
- Chiapas and State Police
- Army
- Navy
- National Migration Institute
- Customs
- Federal Attorney General's Office
- Chiapas State Attorney General's Office

Expanding security and migration agent's present at the border without dictating their actions generates uncountable risks in matters of human rights (Isacson, Meyer and Morales 2014).

²⁶ Fragment of my interview with Hila Moss.

Lack of socialization

Refugee and Immigration Centers for Education and Legal Services (RAICES) confirmed that few minors (2.5%) who travel the traditional route through Mexico to seek asylum in the U.S. are aware of CAM and its benefits. And even fewer (1%) feel that CAM is a legitimate alternative for them (Moulton, Leach and Ferreira 2016). The criteria for eligible beneficiaries can't be fulfilled by most of the children; even more, waiting a year like a sitting duck is not an option for those who flee from danger.

The majority of applicants to the CAM program received information through word of mouth. Another portion heard about it from a consulate or *notario* during their TPS renewal (Archila 2018).

In Central America, publicity about the program is almost nonexistent. Diffusion of information is abruptly stopped by a deep lack of trust in the U.S. immigration system. When investigating at El Salvador, the *Grupo de Monitoreo Independiente de El Salvador* (GMIES) established that there was a poor disclosure of information in governmental institutions. The *Centro de Investigación y Promoción de los Derechos* (CIPRODEH) found that only 5% of the interviewed people in Honduras knew about CAM; more to the point this 5% learned of it from their families in the U.S. Moreover, since the program doesn't come with any safeguards for in-country applicants, and the gangs specifically target children who attempt to flee, families cannot talk about the program even should they come to know about it (Moulton, Leach and Ferreira 2016). Most people living in the U.S., even those who are legal, fear deportation for they believe that owning a TPS doesn't guarantee their safety.

Resettlement Agencies (RAs) with the CAM and other Programs

Programs similar to CAM and which were once or are currently effective have important differences which include a larger number of admissions varying from a few thousand to hundreds of thousands of beneficiaries. This gap responds to the nature of flows and eligibility criteria that have been determined reflecting distinct programs and policy goals, modeled after the countries humanitarian circumstances of concern to the U.S. (Hipsman and Doris 2015).

Designated to execute the CAM program, RAs struggled to comply with a time-consuming unfunded mandate. The agencies receive from the DOS funds for applicants who arrive as refugees, but no funds for program administration or for dealing with minors who arrive with humanitarian parole granted (Moulton, Leach and Ferreira 2016).

The CAM dwarfs in comparison with other programs executed by the same RAs. Resources as well as scope of these endeavors are significantly larger and efficient. Hila Moss described one of them in detail:

The process just took forever to get children in. We didn't deal with many CAM cases. We perhaps had, at least referred to our legal services, less than five probably. That compared to the 130 open cases of Unaccompanied Migrant Children that I still have from the first year of the *Nuevo Comienzo* program out of the 400 that we had initially taken into the program. So the *Nuevo Comienzo* program, actually the Foundation, started it, they granted us the money. The Oak Foundation is the funder. They had heard about the 2014 border crisis, and they were looking for a local organization to donate money, to represent these children. It's a private foundation and they were looking for someone to give money to help these children. USCRI got the funding to do legal services and mental health services pro bono for these unaccompanied minors. We have taken 400 children in two years, help them with their immigration relief, help them in immigration court. So, that was the goal to do legal services and mental health, because those two things don't exist here. I mean, that is what every child needs, but it's not a cohesive unit that you'd find in any kind of office. So we were very, very unique²⁷ (Moss 2018).

²⁷ Fragment of my interview with Hila Moss.

Change of Administration

In 2016 elections, amid intrigue and uncertainty the U.S. proclaimed Donald Trump as its new president, one the most improbable political victories in modern history. He rose victorious despite his extreme policies, a record of racist and sexist behaviors, and a lack of conventional political experience.

While Central America plunged into violence fueling the humanitarian crisis, the Republican president pledged to build a wall on the U.S.-Mexican border to keep migrants out, despite the fact that numerous checkpoints and bandits along the way had created an already menacing and intimidating obstacle. Therefore, people have been forced to risk clandestine new routes through more isolated regions²⁸ (Lakhani 2016).

Even though the CAM program had several flaws and limitations and its scope and benefits were overshadowed by the crisis itself, as well as the political environment, it remained a mechanism to secure the minors and grant them temporary legal residence in the U.S. A few months into his presidency, Trump's administration shut down the program, disregarding the entire humanitarian clamor, closing the door on 2,714 people who had won conditional approval to enter the country.

In addition, 1,465 minors already in the United States under the CAM program will not be allowed to renew their status and must go through other means to try to extend their stay. According to USCIS 2,444 minors from El Salvador, 231 from Honduras and 39 from Guatemala

²⁸ (<https://www.theguardian.com/world/2016/oct/13/central-america-violence-refugee-crisis-gangs-murder>)

had won conditional approval under the CAM program but will no longer be permitted entry²⁹ (Nakamura 2017).

In a very succinct interview, Daniel P. Knutson Community Relations Officer, District 8 – North Carolina/ South Carolina U.S. Citizenship and Immigration Services was asked for his advice regarding the large number of minors in Durham and Wake county who await a resolution in their status inside the country and feel that they have gotten lost in a maelstrom of policies and politics:

They are, they really are. It is like the people that applied to the U visas and have to wait for years to hear the decision on their case, and I tell them, you have to keep your nose clean, you can't get picked up by the police, keep a clean profile³⁰ (Knutson 2018).

Coming from a man that is the voice of the government in the community, we can only foresee a very dark future for these minors with too many gaps in the system and no clear way to conclude this rather long ordeal.

The government openly declared war on migration and all legal processes were redirected or brought to an abrupt stop.

Terminating the CAM program has only been the beginning; the new administration has gone even further using the brutal death of four children in Long Island by the hand of the MS13 as key exhibit to justify its political agenda. Conflating members of the MS13 with the unaccompanied minors has created a frenzy to do something about these immigrants. ICE conducts witch-hunts at schools and processes these presumed gang members with a whole new set of completely different laws from those applied to U.S. citizens (Gaviria 2018).

²⁹ https://www.washingtonpost.com/politics/trump-administration-ends-obama-era-protection-program-for-central-american-minors/2017/08/16/8101507e-82b6-11e7-ab27-1a21a8e006ab_story.html?utm_term=.bb0373d60b39

³⁰ Fragment of my interview with Daniel P. Knutson. All translations from Spanish are my own.

It became obvious, especially for the organizations in charge of migrant cases that the new administration's agenda against immigration would strike relentlessly. Deeply concerned by the uncontrollable development of events, Mrs. Hila Moss (USCRI) commented:

Trump has openly attacked the asylum process. Trump and Sessions (Attorney General) are openly attacking the asylum process. They claim that it is rampant with fraud; that people are just filing asylum applications to get work authorization. That attorneys are using loopholes to help these people when really they don't have a claim, and they're messing up a system that's supposed to be just for victims. Obviously, it's a bunch of BS³¹ (Moss 2018).

Opportunities for these minors in need are vanishing into thin air, and measures against them are intensified by the day, Mrs. Moss concluded:

Before the Trump administration, when served a removal order the child could file a stay of deportation request with ICE. Because once they have the removal order, they're out of court jurisdiction, they go into ICE jurisdiction and that's where you ask, "no, please don't deport me." And it's discretionary, so they could say no, they could say yes. But with children we were getting "yeses" pretty frequently. So that was pretty common practice two, three years ago, but now there's no discretion. They're detaining everyone, and they are deporting everyone, so it's, it's not even a thing anymore to try to do a "stay" (Moss 2018).

³¹ Fragment of my interview with Hila Moss.

CONCLUSION

In 2014, after the unprecedented surge of unaccompanied minors from Guatemala, Honduras and El Salvador at the U.S. border, it became evident that the humanitarian crisis needed to be addressed. Children were undertaking an extremely long and dangerous journey to flee from violence at their home countries and to join their families.

Acknowledging the pressure of the crisis, the international community as well as the media President Obama undertook a series of actions. The proposed solution, which was the CAM program, ostensibly dealt with the situation by creating a process by which families could be reunited.

In practice the CAM program failed to adequately deal with the crisis and very few minors have actually been granted parole to join their families in the U.S. Its results turned out to be completely inconsequential in an already problematic situation. Thousands of kids remain lost in the complexity and inefficiency of a system that each day becomes more prompt to deny any opportunity of a legal and safe life in the U.S.

In order for the CAM to ultimately provide humanitarian protection for the kids in crisis, a rather more suitable set of laws and appropriate structures are required to sustain such an endeavor. Turning a cold shoulder at the border or even worse ultimately terminating all programs that could help abate the crisis only increases the dangers for those kids who, determined to put an end to their risky and precarious situation, launch themselves into a journey with little or no chances of success.

Immigration was central in Trump's discourse while running to the presidency in order to rally support from the ultra-conservative base. As a result, the CAM parole program was terminated without any regard to those kids whose lives would be left in limbo.

In conclusion while countries become more and more hermetic and their policies more and more protectionist and ferocious against migrants, there won't any hope to overcome the crisis or any other humanitarian crisis.

This project has clung to my heart and my mind in such a powerful way because of my personal experience and my professional interests. At the end of the day, we can talk about numbers and statistics but the undeniable truth is that behind them are real children whose lives are at risk. I am certain that this battle is not only fought at the border. Whether we partake in the political decisions that deal with their situation or not, we have the power to influence the future of one or many of this kids and positively make a difference.

Appendix A: Personal Interview with Jorge R. Archilla, Consul de Guatemala and Cristina España, Vice-consul

Interviewer 1: **Jorge R. Archilla**
Consul General de Guatemala

Interviewer 2: **Cristina España**
Vicecónsul de Guatemala

Date: **March 15, 2018**

Interviewer: ¿El consulado de Guatemala es informado cuando un guatemalteco es detenido y va a ser deportada?

Cónsul General: Cuando ya están con inmigración si, a veces les detienen por casos de violencia doméstica o han manejado borrachos, o por cualquier otra razón, pero si ellos no piden a la policía que nos notifiquen, no lo hacen. Entonces después de que ya pasan a inmigración, muchas veces en Atlanta, ahí inmigración si nos notifica. Pero es importante que sepan que, si ellos no piden que nos notifiquen, no nos avisan.

Interviewer: ¿Entonces a veces pueden informarles incluso antes de que pasen a manos de inmigración?

Vicecónsul: Si, ellos tienen que solicitar a la policía, porque cuando, inmigración nos avisa solo que tenemos una ventana muy corta antes de que les manden Atlanta. Ahí salen muchas cosas que necesitan y que les podríamos ayudar. Si la familia tiene niños norteamericanos hay que sacarles pasaportes a esos niños para que no vayan como turistas a Guatemala si no están inscritos como guatemaltecos, y el proceso lo pueden hacer allá, pero es un poco más complicado y tarda más tiempo.

Lo que pasa es que la gente le llama a la familia cuando la detienen y cuando la familia nos contacta no tiene la información correcta, muchas veces no saben el número "A" o no saben porque exactamente los detuvieron, entonces hay un montón de datos que nos hacen falta para poderles dar orientación. Si ello si nos llaman, nosotros ya podemos saber porque están detenidos, si hay un cargo criminal que hay que resolver antes de que pasen a manos de inmigración.

Interviewer: ¿En el caso de los niños funciona igual?

Cónsul General: En el caso de los niños es un poco más complicado y es diferente aquí en NC que en la frontera. Aquí nos han notificado ya cuando toman posesión del niño el "social service" o servicio social, porque él ha tenido algún caso de algún tipo de abuso o abandono aquí, no necesariamente tiene que tener un estatus irregular migratorio, ser un niño inmigrante. Usualmente es porque los padres son guatemaltecos. Esos son los casos que nos enteramos aquí, aparte es cuando los detienen en la frontera y pasan a un albergue de ORR y ya son reunificados con las familias acá. Esos son otros casos que vemos acá, cuando ya están reunificados

y vienen acá a sacar su tarjeta de identificación consular o algún documento que necesiten. Pero ellos ya tienen su fecha de corte y los papeles para seguir el procedimiento. No hemos tenido muchas consultas de estos niños para saber qué es lo que tienen que hacer porque ya vienen con todas las instrucciones, con su fecha de corte, deben estar estudiando y tiene que seguir todo el proceso; entonces no tienen muchas preguntas y estos casos no vienen tanto a buscar orientación al consulado.

Interviewer: ¿Estos niños que cruzan solos la frontera y que aquí se reunifican con los padres o están con un “Sponsor” pueden venir a sacar sus documentos aquí?

Cónsul General: Claro, ahora para sacar pasaporte se necesita la autorización de los dos padres; para la tarjeta consular somos un poco más flexibles.

Interviewer: ¿Entonces si la mamá o el papá están en Guatemala, que pueden hacer?

Cónsul General: Tienen que ir a ministerio de exteriores a dar la autorización allá y desde allá nos mandan los papeles y aquí ya pueden presentar sus documentos.

Interviewer: ¿Entonces el consulado aquí en NC no han recibido tantos casos de niños migrantes?

Cónsul General: No, es que la situación con ORR y con estos niños es que como ellos vienen pidiendo acilo y no nos notifican a los consulados.

Vicecónsul: Porque el acilo significa que están huyendo de nosotros. Entonces nos ponen a un lado.

Cónsul General: En la frontera si teníamos la obligación de ir a visitar los albergues en donde están los niños, entonces nos daban datos específicos del número de niños que había en cada albergue, pero no nos decían o daban información de los casos, solo las cantidades de niños que había. A la hora de entrevistarles, los niños nos daban la información, pero ORR no. Igual si los reunifican, no nos dicen ni a donde, ni cuando, ni con quien. Supongamos, una semana nos llega la información de que hay 60 y la próxima semana hay 63, pero se fueron 6 y entraron 8, y nosotros no sabemos ni quiénes son, ni que paso con esos niños. Tampoco sabemos quiénes se fueron o quienes están. Eso en la frontera, aquí peor, porque no sabemos ni cuantos están viniendo semanalmente porque aquí nadie nos comparte datos o estadísticas. A menos de que la familia ya venga directamente aquí al consulado, nosotros no sabemos de estos niños en NC.

Interviewer: ¿Cuál es la situación con los niños que llegaron como inmigrantes no acompañados, tienen un proceso y llegan a los 18 años con

Vicecónsul: Igual que con los adultos. Cuando los detiene inmigración, nosotros somos avisados 1 semana antes, porque el oficial agarra el caso, lo procesa y hasta que no está culminado el proceso no nos mandan el listado avisándonos de quien va a ser deportado. El consulado entrevista a las personas, les emite un documento de viaje con un sistema computarizado.

Interviewer: ¿Aunque ORR mande a los niños con todas las instrucciones y los papeles, el proceso es muy complicado y muchos de estos niños no pueden culminar el proceso de una manera satisfactoria, hay algo que el consulado hace para ayudar en este proceso?

Cónsul General: si estos niños no asisten a corte, ya les emiten una orden de deportación. Nosotros tenemos una abogada que viene a l consulado a dar orientación gratuita, aunque no puede manejar los casos o representarlos en corte.

Vicecónsul: Los casos más preocupantes son los de los niños más pequeños, de 7 u 8 años que los casos que no les lleven bien su caso, o que la persona que estaba a cargo del niño no los lleve a corte y no ponga atención bien de lo que se tiene que hacer y el niño crece aquí para afrontarse a una posible deportación cuando este más grande.

Nosotros les podemos ayudar con la abogada, porque para estos niños el estatus más idóneo es el “Estatus Juvenil Migratorio” (IJIS). El problema es que esto es para niños que fueron abandonados o que no están con sus padres, lo que significa que, si alguno de los padres están en Estados Unidos o si el niño está en un hogar amoroso y bien en su casa, ya no aplica para ser un caso de IJIS.

Interviewer: ¿Sabén de algún niño que sea “identificado” o acusado de ser pandillero basándose en el hecho de que son niños migrantes?

Cónsul General: Si, en California hay casos de eso, aquí en NC no hemos tenido un caso específico. Este sería un caso de “profiling” a veces porque tienen tatuajes.

Vicecónsul: De esto no he visto un caso, pero lo que si pude ver con un caso en Atlanta, es la diferencia con la que manejan un caso de un menos a uno de alguien que ya tenga 18 años. Había una señora con 4 hijos y los trajo para protegerlos de las pandillas, cuando fueron detenidos en la frontera pasaron todo el proceso de asilo porque realmente tenían muchas pruebas de que si regresaban corrían peligro con las pandillas. Las pandillas los iban a reclutar o matar y ninguno de los chicos querían. Pero separaron al hermano mayor, los otros pudieron hacer su proceso de asilo y el hermano mayor fue detenido, con las mismas pruebas, el mismo caso y la misma situación.

Interviewer: ¿Existe algún acuerdo bilateral entre Guatemala y Estados Unidos para asegurar la protección de estos niños?

Cónsul General: ¿En qué sentido? No, realmente no.

Interviewer: ¿Algo talvez como CAM pero entre Guatemala y Estados Unidos?

Cónsul General: El CAM si hubo para guatemaltecos, pero el problema es que uno de los requisitos del CAM era que uno de los padres tiene que tener un estatus regular en Estados Unidos, entonces lo hondureños aprovecharon, los salvadoreños también, porque ellos tienen el TPS, pero los guatemaltecos fueron una muy mínima parte

de los que pudieron aplicar. Porque nosotros no tenemos algo como el TPS que nos permita estar legal en el país.

Vicecónsul: Algo que pasa es que el gobierno guatemalteco no quiere que se vayan los niños, incluso hubo una campana muy fuerte en el 2015, que se llamaba “Que hago, que pasa.”

Cónsul General: Si, fue para informar a los niños que estaban viniendo para informarles en donde estaban los albergues, los centros de detención de las fronteras, hablarles de las patrullas fronterizas, para explicarles más como va a ser el proceso, quien los va a atender y que va a pasar antes de que salgan.

Interviewer: ¿Si eran detenidos en México o en Estados Unidos?

Cónsul General: En Estados Unidos

Interviewer: ¿Entonces la campaña no estaba enfocada en prevenir el cruce y que los niños se vayan, era más informar sobre el proceso en Estados Unidos?

Cónsul General: Si, aparte hubo una campaña en Guatemala para que no salgan. Hubo incluso una propuesta de ley para castigar a las personas que se traían a los niños. Entre las propuestas se consideraba castigar a los padres, pero eso no paso a mas porque eso ya pasaba a otro nivel, pero si hubo ese interés de prevenir. Cuando los menores que aún se consideran niños, de unos 14 o 15 años desaparecen se activa la alerta *Alba Kenet*, y se hace una alerta que desapareció un niño, porque a veces ellos si deciden irse solos.

Vicecónsul: También se dieron algunos cambios con los pasaportes y los documentos para viajar. Ahora para viajar, el niño guatemalteco que no viaja con los dos padres tiene que tener una carta. El papá que no está viajando con el niño tiene que hacer una carta de autorización a través del consulado o del ministerio de exteriores indicando que autoriza que el niño viaje

Interviewer: ¿Aunque aplicar para el programa del CAM era más difícil para los guatemaltecos, ustedes lo promovieron de alguna manera el programa?

Cónsul General: Si, en Guatemala y en los consulados más que nada, porque el “target” eran los padres que estaban aquí. En los consulados tuvimos charlas, foros para informar.

Vicecónsul: Lo que pasaba es que las personas que podían aplicar ya estaban en algún proceso migratorio, ya iban a poder arreglar su situación de alguna manera, pero las personas que realmente necesitaban el CAM no calificaban para aplicar.

Interviewer: ¿Hay niños que entraron gracias al CAM y que hoy por hoy van a perder el estatus, se han considerado estos casos y el tipo de ayuda que van a necesitar estos menores guatemaltecos?

Cónsul General: Realmente no se sabe que va a pasa, estamos esperando a ver realmente que va a pasar. Es como DACA también, que hay esta incertidumbre con todos estos

casos. Inclusive con DACA los guatemaltecos que aplicaron fueron muy pocos, en todo el país se estima que fueron unos 20.000.

Vicecónsul: Se cree que esto fue por temor. Había muchos jóvenes que no necesariamente terminaron el High School, entonces muchos tampoco calificaban. Mucha de nuestra población no tiene el lujo de ponerse a estudiar.

Interviewer: ¿Guatemala tiene algún plan de contención social para las personas que son deportadas?

Cónsul General: Hay algunos programas de reinserción al país para las personas que están retornando.

Vicecónsul: Hay un programa que se llama “El plan de alianza para la prosperidad” que es un plan entre Estados Unidos, Guatemala, El Salvador y Honduras, para que los tres países tengamos las condiciones necesarias para que la gente no tenga que venir a los Estados Unidos. El programa es para evitar que la gente inmigre y esos fondos vienen de Estados Unidos.

Interviewer: ¿Y esto se enfoca en educación, salud, o hacia dónde están dirigidos los fondos?

Cónsul General: Realmente trata de enfocarse en todo, hay varios proyectos de desarrollo, para crear empleo, incentivar la economía.

Interviewer: ¿Guatemala tiene algún acuerdo con México para que proteja a los menores migrantes? ¿Qué pasa con estos niños que no llegan a Estados Unidos y son detenidos en México?

Cónsul General: Si hay acuerdos para la forma en la que se van a retornar a Guatemala. Todos los niños detenidos en México pasan por un proceso y dependiendo de en qué parte del país estén, hay un proceso para que sean retornados. Una gran cantidad de los niños son detenidos en México. Si están en el sur del país llegan por tierra y si están en el norte ya llegan por avión.

Se abrió un centro migratorio para recibirlos en Guatemala, para recibirlos y ayudarles.

Interviewer: Mi pregunta principal con este trabajo es saber cómo reacciona un gobierno ante una crisis humanitaria como la del 2014. Me interesa saber, ¿Cómo reacciona Guatemala y que hizo al saber que es su gente la que está pasando por esta crisis humanitaria?

Vicecónsul: A partir de la crisis se vio la necesidad de abrir más consulados. Esa fue una de las razones principales para abrir los consulados en la frontera.

Cónsul General: El consulado Del Rio, en Texas, entre Laredo y el paso. Hemos abierto 19 consulados, vamos para 20 este año. En el 2014 se abrieron Del Rio, Tucson y San Bernardino para poder ayudar con la crisis de los niños. En esas áreas también las cárceles y los albergues y las detenciones familiares, que eso es otro mundo.

Hubo un caso y unas demandas en California porque estos centros tenían detenidas a las familias mientras paliaban su caso y demandaron porque los niños no podían estar detenidos si estos centros no cantaban con el servicio de “Child Care.” Estos centros no tienen licencia para “Child Care” entonces se supone que no pueden tener detenido a niños ahí más de 20 días. Eso fue bueno porque no decidieron liberar solo al niño y dejar a la mamá, separar a las familias. Los liberan y eso les permite seguir paliando su caso desde Estados Unidos, o en la casa de un familiar, a donde venían. Se supone que no hay familias ahí por más de 20 días.

Interviewer: ¿Cuándo estos niños que están en custodia de Estados Unidos, que se les emite una orden de deportación o durante el proceso de repatriación, que tan involucrado está el consulado?

Cónsul General: Cuando tienen orden de deportación es ERO (*Enforcement and Removal Operations*) el que se encarga de retornarlos a Guatemala, todos los niños necesitan pases de viaje y el consulado emite estos pases de viaje. El consulado les entrevista y somos como un filtro, hay algunas familias que al subirse al avión identificamos que hablan un idioma Maya y no habían entendido el proceso, ni habían podido expresarse para pedir el asilo. En estos casos no les emitíamos los pases y podíamos reabrir los casos. Si había casos así específicos que se detectan. También como consulado les damos el acompañamiento, a veces hasta les acompañamos en los vuelos y si hay niños solos sin algún patrocinados o acompañante, de parte del consulado y vamos con ellos.

Interviewer: ¿A dónde llegan estos niños en Guatemala?

Cónsul General: Llegan a un albergue y después se les entrega a los padres.

Interviewer: ¿Qué piensan ustedes con esta nueva postura ante inmigración de esta nueva administración?

Cónsul General: Como consulado nosotros no podemos decir nada de eso, es la soberanía de Estados Unidos. Su gobierno, su país y ellos pueden hacer lo que ellos quieran.

Vicecónsul: Estamos para apoyar al guatemalteco, para darles los servicios y el apoyo que necesiten. Pero no tenemos ningún control sobre el país que nos está dejando tener un consulado en su país.

Interviewer: ¿Hay algún caso de CAM en el que el consulado haya participado?

Cónsul General: Se promovió y se trató de ayudar a llenar los papeles, obtener los documentos. Trabajamos en conjunto con Caridades Católicas para llenar formularios gratuitamente.

Vicecónsul: Había un listado de agencias que podían procesar el CAM y ese listado nos envió cancillería. Entonces ellos les llevaba el caso gratuitamente.

Tuvimos un caso de una señora que calificaba, tenía cáncer, le pusimos en contacto con una organización y ellos empezaron a trabajar en el caso para poder traer a los niños, pero la mamá falleció y ya no se los pudo traer. Ese fue de mi

experiencia el único eso de CAM en el consulado de Atlanta. Me acuerdo bien de ese caso, pero era la única persona que calificaba con todo, pero por el tiempo que tardaba no alcanzo a lograrse el proceso.

Cónsul General: Por otro lado, si la persona no llega al consulado, sino van directamente a la organización, nunca nos vamos a enterar.

Vicecónsul: Es complicado porque nosotros estamos aquí para ayudarles, pero si se fija en los requisitos del CAM, la gente se está refugiando de su país. Entonces si hacen el proceso a través de una embajada, el padre contacta a esta organización, en ningún momento les van avisar a los consulados, porque creen que somos los que estamos en contra. Las personas que esta naca y las organizaciones aquí ya saben que no es así, que nosotros solo estamos para apoyar al guatemalteco y que las situaciones que ocurren de refugio en Guatemala no son por cuestiones políticas, son por situaciones de violencia, de narcotráfico, es diferente.

Interviewer: ¡Muchas gracias!

Appendix B: Personal Interview with Daniel P. Knutson, Community Relations Officer U.S. Citizenship and Immigration Services

Interviewer: **Daniel P. Knutson**
Community Relations Officer, District 8 – North Carolina/ South Carolina
U.S. Citizenship and Immigration Services

Date: **March 08, 2018**

Interviewer: What are the legal options for the unaccompanied immigrant children?

Officer Knutson: Sometimes they follow in the “SIJS” (Special Immigrant Juvenile Status), and that is something I don’t talk about because these are special immigrant juvenile cases. The court actually takes custody of the individuals, the unique about the SIJS is that once they get their permanent residency or citizenship they are not allowed to petition of their parents. They basically don’t have access to their children’s, the court is taking them and say *no, you’re not allow to have access to your child*. That is the extent that I know about that option.

Interviewer: CAM program being eliminated by this administration, I will like to know what would be the situation of these children, and what would happen with them?

Officer Knutson: I will have to get back to you, I will certainty get you in touch with somebody in Washington DC that can help you.

Interviewer: I’m trying to know and find different voices, so based on your work, and as Community Relations Officer, being working in the community, but as the same time being a government representative, I will like to know what are the options, that you recommend, and what could be the situation for these children?

Officer Knutson: I see if I can get some information for you. Send me some questions, and I got a point of contact down in Orlando, he is my senior crew, he and I can talk with folks in Washington. Because right now is not a formal program, but that doesn’t mean that it is nothing that they can do.

Interviewer: So, the only way that you see as a clear option to adjust their status is through SIJS?

Officer Knutson: Correct, but they got to be under 18. There is a strict timeline for that.

Interviewer: What about the humanitarian cases?

Officer Knutson: I think that is a tricky one, I will have to make a phone call to respond that.

Interviewer:

But what will you tell right now to a child here in NC? We have them in our schools, they are in big numbers in Durham, Wake county and now they are in limbo.

Officer Knutson:

They are, they really are. It is like the people that applied to the U visas and have to wait for years to hear the decision of their case, and I tell them, you have to keep your nose clean, you can't get pick up by the police, keep a clean profile

Appendix C: Fragment of Personal Interview with Bibi Damian, DACA Student

Interviewer 1: **Bibi Damian**
DACA Student
Date: **March 01, 2018**

Interviewer: What do you understand about DACA?

Bibi: I feel I get the basic idea of how it help us. It is basically for the people that came here to work hard, to study, to go to school, to try to make a better life. And since we are the younger generation it is like they want to give us a better opportunity because they want us to have a future, and a better life.

Interviewer: Do you understand DACA can end because it is an executive order and this new administration might stop it?

Bibi: Yes, my mom's put on my head that need to save some money, and be prepared in case they deport me.

Interviewer: how you feel about that?

Bibi: I'm just like, now that can't happen. I feel it is not real, because I grow up here. I feel a little scared, because I didn't grew up there and I don't know the money, how to work there, I mean, the place.

Interviewer: What scares you the most to think about going back to Mexico?

Bibi: I don't know, it just freaks me out. I am so used to here, my job, earning the money, and being able to live out of living just working, and I know in Mexico is really hard to earn the money. It is not like livable.

Interviewer: If you could choose any dream, what would it be? What do you want it the most for your future?

Bibi: Probably get the papers here. Been able work here, go to school, buy a house, own my car. That will give me the security to know that I don't have to be scare that the cops will come to the house, like at 2 in the morning to deport you, or your family. Or just deport you and you have to go back alone. Being alone over there.

Interviewer: That is something that worries you?

Bibi: Yes, I think about often.

Interviewer: Are you the only one in your family that have DACA?

Bibi: Yes, I am the only one of my siblings that applied. It is just like, something good, but also I'm the only one that immigration have all the records and that worries me.

Interviewer: What do you do now?

Bibi: I work at a credit union, I live on my own, I have my car, I pay bills. I have two jobs. I work Monday to Friday on the Credit Union and then I work on a restaurant Saturdays and Sundays for 10 hours each day.

Appendix D: Fragment of Personal Interview with Hila Moss, Staff Attorney U.S. Committee for Refugees and Immigrants

Personal Interview

Interviewee: **Hila Moss**
Staff Attorney
U.S. Committee for Refugees and Immigrants

Date: **February 22, 2018**

Interviewer: 00:00:00 I'm focusing my work on unaccompanied immigrant minors and how a government react to a crisis. A crisis like the 2014 and as a result, one of the outcomes from Obama's administration was the CAM program. So I'm trying to analyze the impact of the CAM program. So I will like to know if USCRI work on this program.

Ms. Moss: 00:01:00 We did, but the program ended, Trump ended it; so it didn't come through our legal services, but we were one of the state agencies that was working with CAM. So not myself, but one of my coworkers, Ryan worked directly on the CAM program. He's more familiar with like the ins and outs, but we did worked with them and now we do have kids that are here that came in under CAM that are now their stay is going to expire this year. So we're trying to figure out what to do and what other relief are they eligible for.

The whole premise of CAM program was if you're in your home country and you don't qualify as a refugee. So if you go to an interview, you don't have persecution, you know, you're not persecuted based on one of the five enumerated grounds for refugee status, race, religion, nationality, political opinion or membership in a particular social group. If you don't fit into one though, those five categories is being persecuted. You're not going to qualify for refugee status, but you can still get paroled into the country, and then stay here, but it's temporary. It's like you can come in, but then you got to figure out what you're going to do, or you're going to be put into removal proceedings. So it's, basically like we allowed you to come because you qualified in these other ways, but it's temporary. It's going to expire, and you're not going to be able to extend it.

Interviewer: 00:02:45 Do you have any cases that you can talk about it?

Ms. Moss: 00:02:53 Yes, I have a girl who stay expires in November and she fortunate enough to not experience gang violence or domestic violence in home country. She really just wanted to come here to be with her family and to work, you know, she's here with her father, mother abandoned. So technically she would have qualified for "SIJS" Special Immigrant Juvenile Status because her mother has abandoned her, but she's already over the age of 18 and in North Carolina she don't qualify. So we can't do the custody court here. You have to go to another state to do the custody court, then you have to figure out what other relief are you eligible for? And if she really wasn't a victim of anything, there's no asylum. Her dad is under TPS, so we can't really do anything.

Interviewer: 00:03:41 So, even though she arrived legally and the father is under TPS, she might be removed from the country? What she is going to do?

Ms. Moss: 00:03:45 We don't know, we're going to try and see if we can get an extension. I doubt it's going to happen. Then we'll have to explore her options. The situation is changing all the time, it's just so many parts moving all times, and they change all the time too. I mean a new policy comes out and suddenly there's no CAM and suddenly you have to do this and all these things change. So it's really frustrated, it's been really difficult.

Interviewer: 00:04:59 Can you explain me better what USCRI does, especially for the unaccompanied immigrant children?

Ms. Moss: 00:05:00 Specifically we have three moving parts that works with the unaccompanied minors. The first is "PRS" Post Release Services, they're funded by the office of refugee resettlement. So the office of refugee settlement is the organization that is in charge of caring for minors when they come in at the border as unaccompanied minors. So when children come in and they get assigned as unaccompanied minors, they get put into the overall department. The overall department, is the Department of Health and Human Services, and insider there is the office of refugee resettlement. They're the ones in charge of taking care of the kids that are in detention centers, you know, in "Casa hogares" in the United States. They're in charge of finding their parents. So what they do is they kind of sub delegate to post release services, they find a sponsor, they then contact wherever that sponsors is. So if the sponsors is here in Raleigh or Durham, they're going to contact our PRS office, the social workers, and

say we have this kid go do a home visit, which means that they go initially before the child arrives and assess the home, make sure that the caregiver is adequate to be responsible and to be able to take care of the kid, you know, not a danger, and doesn't have a criminal record and stuff like that. Then once the child is released, they then become the child's case manager. And so they get the child connected with school services, mental health services, legal services. They have to hold onto the child case either, until the child's 18 or six months, whichever comes first. For some of them, if they've been designated as having been victims of violence and home country, they could get an extended period of service. But that's where they come in and they connect them to our legal services program here, and then our mental health service program. But we are supposed to be like this trifecta service just solely within our organization, which has been great because it will provide pro bono and sometimes low bono services for these kids.

Interviewer: 00:07:57 So, all these children have an open case with immigration?

Ms. Moss: 00:08:22 The rule is when they come in at the border, they're identified as not being a native or citizen in the United States, and they did not possess permission to come into United States. So they can issue with called a notice to appear, and that's like their warrant to go to court, immigration court. So every kid gets one, especially since 2014 with the border search. Sometimes the process is the "NTA," a Notice To Appear gets filed with the Department of Homeland Security, and they supposed to filed with the immigration court. But, if they never filed with the immigration court, they lost the paperwork or for whatever reason the immigration court didn't get the paperwork, the child's actually is not in removal proceedings. If that NTA is never filed to court, because that is what gives the court jurisdiction over their case to prosecute them for deportation. But if they never filed with the court, the court never have jurisdictions. So you will find some children that kind of fell through the cracks.

Interviewer: 00:09:39 Is there many cases under that situation, is this something that happen too often?

Ms. Moss: 00:10:00 Not often, if they got lucky they'll never be in proceedings, but 90% of the time the kids will be put into removal proceedings. And if they don't follow, they don't appear to court, then they will get a deportation order.

Interviewer: 00:10:45 Even minors get a deportation order?

Ms. Moss: 00:10:55 Even babies. If you don't show up for court, you get an in absentia order, and abstention is Latin for in absence. You'll get it in absentia order.

Interviewer: 00:11:01 So what happened with these babies or children who don't have access to a pro-bono or low-bono legal services?

Ms. Moss: 00:11:07 They get deportation orders. It depends, once a deportation order is issued and they then go back into this jurisdiction of ICE immigration and customs enforcement, now ICE have to locate them and deport them. So they may look at it and say "a three year old, not a priority," you know, so many go down to the bottom of the list, but you never know. They can go to the look for them in the home, they're not there, they're kind of going to be fugitives.

Interviewer: 00:11:35 So there are cases where ICE is looking for a three years old to be deported, and they just pick up a "three year old"?

Ms. Moss: 00:11:47 Yea, it probably wouldn't happen too often where they're looking for the three year old, but it could happen. The first thing that they'll do is send a letter to the home saying you need to appear at our office with plane tickets to depart the United States no later than. If they never show up, then they'd probably go to their home. But who knows when, we don't know when. I know I have some kids that never checked in months ago, and they still haven't received a letter or nobody's have come to their house. So it's just a matter of how and when.

Interviewer: 00:12:00 Now, if you have the parental support, there is options for these children to actually not received the deportation order?

Ms. Moss: 00:12:10 Yeah. If they're eligible for some type of relief, usually we screen them when we're speaking with the child and a parent. So if they were unified with the parent, we screened for options for both parties because something mom could get, might benefit the child.

Ms Moss: 00:12:16 I'll ask, you know, do have a US citizen or legal permanent resident boyfriend or husband? Because that's another way that we can get relief to the child. But for children's sake they ever been abused, abandoned, or neglected by one or both parents.

If so, we would go for the Special Immigrant Juvenile Status (SIJS) route. Do they have fear of returning to home country? not a generalized fear, is it because they were actually victims of persecution, death threats, domestic violence, being witnessed of murder, or stuff like that. We would pursue an asylum claim for them. So, they're minimal, but there are avenues for relief.

Interviewer: 00:13:00 How big is the percentage of kids that are eligible for some type of relief?

Ms. Moss: 00:13:05 Probably like 80 to 90 percent qualified for something. It's pretty high, a lot of kids do qualify for something. And it's really sad, because a lot of them had been abandoned by one or both parents. But the ones that don't, they're living in a happy home with mom and dad, and they were lucky enough to escape before anything bad happen to them. Unfortunately, they won't be eligible. What you could do in the past, pre Trump administration, the child could take removal order and file a stay of deportation request with ICE. Because once they have the removal order, they're out of court jurisdiction, they go into ICE jurisdiction and that's where you ask, no, please don't deport me. And it's discretionary, so they could say no, they can say yes. But with kids we were getting "yeeses" pretty frequently. We presented them as "Children with both parents, they've got their siblings here, they're doing really well in school, they go to church, they play soccer, they are great kids, really good assets to our community." "They're not a danger, please, let them stay here for six months to a year." It was getting granted pretty easily these applications, with it they could get a work authorization and then just renew it. So that was pretty common practice two, three years ago, but now there's no discretion. They're detaining everyone, and they are deporting everyone, so it's, it's not even a thing anymore to try to do a "stay."

When I had consults now, I say, we could try it, but it is a huge risks. You're going to get detained. Obviously, the older they are, the higher risk. Maybe a 15, 16 year old would end up good, but a 17, 18, you're pushing it. High risk of detention, high risk of denial, higher risk of deportation. And you always think, well if they chain a 15 year old or 16 year old, I will go to the media. Sure, but they're going to do what they are going to do. Media pressure is only so significant. Even congressmen are unable to do something.

The asylum cases are taking a big hit as well. The asylum offices just redid their scheduling policy, to where they're now requiring they're doing a first or last in, first out. So it means you submit your application today, and you're going to be one of the first ones to call in for an interview. So you are getting in front of the line if you submit your application. But now, you are filling your application, you're going to get scheduled for an interview within 21 days. So it's very difficult!

Interviewer: 00:20:35 How long it used to take before?

Ms. Moss 00:20:37 Months, months, months, at least six to eight months for kids, because they were on the priority list, but they were higher priorities than them. Obama put them on a top priority list, but they still weren't getting interviews that quickly. They were number one, but even then they still taking six to eight months to get interviews. So we always had time. You have time to get documents, to get the employment authorization. So it's difficult try to figure it out how to play this game now.

Interviewer: 00:22:27 So, if the policy was the same with the Obama's administration and now, why do you think the whole process is handle so differently?

Ms. Moss: 00:22:40 Trump has openly attacked the asylum process. Him and Sessions (Attorney General) are openly attacking the asylum process. They claim that it is a rampant with fraud, that people are just filing asylum applications to get work authorization. That attorneys are using loopholes to help these people when really they don't have a claim, and they're messing up a system that's supposed to be just for victims. Obviously it's a bunch of BS.

The asylum process was created back in 1996 with the regulation of the one year filing deadline. That said, you have to file the application within one year of your entry or it's prohibited. But they also say you had to wait five months for it to be pending, before you can get employment authorization. So, they're already two ways to keep people from abusing the system. They came out recently, and said otherwise. They're trying to ramp up interviews, not just unaccompanied minors, that's everybody that files an application. It is going to be ramped up for interviews trying to discourage people from filing the application. They are just trying to hurt asylum claims, because you may need to file an asylum application within the one year deadline, but mom or dad

or whoever is still trying to work on getting those supporting documents from home country. It's a war on asylum process.

Interviewer: 00:24:00 The asylum process was one of the best options for the accompanied minors before, right?

Ms. Moss: 00:24:19 If they qualified, if they had a domestic violence cases, gang persecution not so much. It's very difficult to file a persecution claim, but if it's something that's related to family can work.

I have a case of a mom that has being extorted by gang members, for years, as a business owner. She fled, they then turned to the daughter just because she is her daughter, so hers is a kinship tie. The only reason why they're persecuting her, is because of her relationship to her mother, which is immutable. You can't change that. So those claims are generally wins. Any political opinion about the government is a way. It's a little harder with kids to find, but we had success within asylum cases our our "Nuevo Comienzo" program.

Interviewer: 00:28:21 But it is not a requirement to present in court with a lawyer?

Ms. Moss: 00:28:23 Not, the first court appearance, but after that, yes. If you don't come back with an attorney, you're going to be deported or you're going to have to do it yourself, is what they said.

Interviewer: 00:28:40 Even if you are a kid?

Ms. Moss: 00:28:43 Yeah, even if you are a kid. And now then ninth circuit recently came down and said. Because law makers were trying to put in a law saying that it should be a right for kids to have attorneys, like how it is in Criminal Court. Because immigration court is civil, not criminal, the bill of rights don't apply, you don't have the right to counsel in immigration court proceedings. Lawmakers are trying to overturn that. The ninth circuit recently came down and said children do not have a right to counsel.

Interviewer: 00:28:56 So it really can be a little kid "representing" himself in front of a Judge, in an Immigration Court?

Ms. Moss: 00:29:00 Yes. There is an article that came out about a judge in New York that made a three year old represent himself. And then there was this big backlash of like, you want to see what my three year old can do? Like, this is a child that just traveled two to three

countries by foot, it doesn't know the language, it's unreal the hatred, the animosity. It's just horrible. Here it is the article. March of 2016 at the Washington Post, can a three year older present herself in immigration court? This judge thinks so. It's just unreal, absolutely unreal.

Interviewer: 00:30:02 So the CAM Program was actually a legal way to come to the US, but it doesn't apply like the process or like here it was just for them to arrive to the United States, but it does send a culvert.

Ms. Moss: 00:36:17 Exactly, and I don't remember how publicized CAM was when it first came out. I don't believe it was. So normally what it was, I think the way that people started doing it is that attorneys who had [inaudible] clients or clients because you couldn't be a permanent resident or a citizen because you'd have to go through the consular processing the other way to do it, but if you had tps or some kind of temporary status, um, you could, I think attorneys reaching out to their clients saying, hey, you have this, you've got kids over there and let's bring them in.

Ms. Moss: 00:38:41 The process just took forever to get kids in. We didn't deal with many CAM cases. We maybe had, at least referred to our legal services, less than 5 probably. Compare to 130 open cases of Unaccompanied Migrant Children that I still have from the first year of the Nuevo Comienzo program. That was from the the 400 that we had initially taken into the program.

And then in other program, the low bono fee for services, I probably have a good 60 to 70 unaccompanied minors out of a caseload o 170, 180 cases.

Interviewer: 00:39:42 So the program Nuevo Comienzo is a program you guys developed?

Ms.Moss: 00:40:00 So the Nuevo Comienzo program, actually the Foundation, started it, they granted us the money. The Oak Foundation is the funders. They had heard about the 2014 border crisis and they were looking for a local organization to donate money, to represent these kids. It's a private foundation and they were looking for someone to give money to help these children.

USCRI got the funding to do legal services and mental health services pro bono for these unaccompanied minors. We have taken 400 kids in two years, help them with their immigration

relief, help them in immigration court. So, that was the goal to do legal services and mental health, because those two things don't exist here. I mean, that is what every child needs, but it's not a cohesive unit that you'd find in any kind of office. So we were very, very unique.

Interviewer: 00:42:01 Wow. So how long Nuevo Comienzo have?

Ms. Moss: 00:42:07 It is, been a program since February 2015. We started in 2015, but it wasn't actually staffed until October, November of 2015. So it ran from October, November 2015 to July of 2017.

The Oak Foundation is here in Chapel Hill, so they were looking for a local office to be able to do the work. So it's just in North Carolina. So the offices of USCRI in other states do not have these programs. They have attorneys, but they did not have mental health services. So it was just the North Carolina field office that was given the grant, given the funding.

It was a million dollars for two years, to fund two attorneys in and two mental health clinicians, and help as many kids as possible. So we had about 400 kids in the program. All the children were from Mexico, Honduras, Guatemala, and El Salvador, the northern triangle, included Mexico.

Ms. Moss: 00:50:47 So we're right in the legal services, the mental health, but we're also supposed to do trainings for other mental health providers and other attorneys to incentivize them to help this population. I'm getting pro bono attorneys just to help with asylum applications.

The awful thing is that even if they get arrested by a police officer and you can say like it was because he was Hispanic, he didn't do anything wrong, but he got arrested. That criminal case can get thrown out, but USCIS it's going to put a detainer on you and he's still going to be deported. So it's not, it's not even a criminal issue because they can say, all right, we'll wait, we'll dismiss the charge, but you still have an USCIS detainer, you have to go to immigration court or be deported if you've already had a deportation order from before.

guess if he, if he wanted immigration court too. So there's a relief that he didn't, he didn't, he pay that he pay the bond, the bond was released, but they never went back to court. He had probably

a removal order, he didn't go to court and that integration bond is contingent on appearing and proceeding so that you won't get his money back. However, my chiefly by bay thousands, 10,000. Yeah, I'll never get that back to sport. You forfeit. It's a wren. It's regular.

Or if you had to put up collateral, if you had to be like, your bond was one to 2,000,000, you put up your house, you don't go to, they'll take your house.

Interviewer: 01:05:24 And for these children, the unaccompanied immigrant children, what do you think it's been the biggest impact with the new administration?

Ms. Moss: 01:05:34 The lack of relief available to them. I mean not being able to qualify for things that they probably would have qualified for just a few years, even just a year and a half ago. It would've been a, it's a totally different landscape now than it was back then. Um, I think that's really impacted them, made it difficult for them.

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