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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
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September 20, 2017

Mr. James W. McCament  
Acting Director  
U.S. Citizen and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, DC 20529

Dear Mr. McCament:

The Committee on Homeland Security and Governmental Affairs is examining the past and current enforcement of border security. I appreciate the Department of Homeland Security's recognition of vulnerabilities created by the Central American Minors (CAM) program, which culminated in the Department's decision to partially terminate the program in August 2017.<sup>1</sup> Given the potential impact of the previous administration's practices and the Department's decision to continue parts of the program, however, I write to respectfully request additional information.

The CAM program allows lawfully present parents from Guatemala, Honduras, and El Salvador to request that a minor child be allowed refugee status to enter the United States.<sup>2</sup> In addition, certain other family members may join the minor child's application for refugee status.<sup>3</sup> If the minor child does not qualify for refugee status, the minor or family member could still be granted parole to enter the U.S.—a status that allows an otherwise inadmissible individual temporary entry to the country.<sup>4</sup>

A recent Government Accountability Office (GAO) report raises concerns about USCIS's past administration of the CAM program.<sup>5</sup> Contrary to the program's requirement that an applicant petition for parole, GAO found that USCIS automatically considered an applicant for parole if he or she did not meet refugee status.<sup>6</sup> USCIS admitted 99 percent of all applicants for the CAM program between December 2014 and March 2017—70 percent for parole and 29

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<sup>1</sup> In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM), update from USCIS, *available at* <https://www.uscis.gov/CAM>

<sup>2</sup> Refugees, Actions Needed By State Department and DHS to Further Strengthen Applicant Screening Process and Assess Fraud Risks: Report to Congress Refugees, Appx I, Central American Minors Program, 62 (2017). (Hereinafter, GAO Refugee Screening Process Report).

<sup>3</sup> *Id.* at 63, 69

<sup>4</sup> *Id.* at 69 & n.13; Comm. staff telephone meeting with GAO (Sept. 13, 2017).

<sup>5</sup> GAO Refugee Screening Process Report. at 69 & n.13

<sup>6</sup> *Id.*

percent for refugee status.<sup>7</sup> GAO found that USCIS relaxed the standard of harm needed for parole.<sup>8</sup>

GAO also examined how USCIS vets CAM applicants for potential gang affiliation.<sup>9</sup> USCIS will deny an applicant refugee status for gang affiliation, and it “*could* lead to a denial of parole.”<sup>10</sup> To assess gang affiliation, USCIS requests information from local law enforcement authorities in the home country.<sup>11</sup> For example, GAO reported that in El Salvador—where 86 percent of CAM applicants originate—USCIS sent 6 to 10 requests per month for information about gang affiliation.<sup>12</sup> Overall, according to GAO, USCIS placed 14 percent of CAM applicants “on hold” from December 2014 through March 2017, mostly due to potential gang affiliations.<sup>13</sup> It is unclear how many CAM applicants with gang affiliation were ultimately granted refugee status or parole.

In May 2017, the Committee held a hearing titled *Border Insecurity: The Rise of MS-13 and other Transnational Criminal Organizations*. At this hearing, local law-enforcement officials testified that unaccompanied alien children (UACs) from Central America contributed to the surge in gang-related activity, particularly MS-13.<sup>14</sup> According to documents obtained by the Committee, in one instance in 2014, Customs and Border Protection apprehended 16 UACs at the southern border who self-identified as MS-13 gang members.<sup>15</sup> Despite their self-admitted gang affiliations, the Department of Health and Human Services placed these UACs in juvenile facilities across the country.<sup>16</sup>

Acting Secretary Duke terminated the CAM’s prior parole program in August 2017 following a review.<sup>17</sup> However, questions remain about USCIS’s current vetting of CAM

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<sup>7</sup> *Id.* at 70.

<sup>8</sup> *Id.* at 69 n.13. (USCIS officials told GAO that although the basis in statute is “urgent humanitarian reason or significant public benefit,” USCIS based parole decisions of a determination of significant public benefit and not urgent humanitarian reason.) *Id.*

<sup>9</sup> *Id.* at 67.

<sup>10</sup> *Id.* at 69 (emphasis added).

<sup>11</sup> *Id.* at 68

<sup>12</sup> *Id.* at 68 and 70.

<sup>13</sup> *Id.* at 68. (when gang affiliations or criminal activity are indicated on an application, the USCIS satellite office sends the application to USCIS headquarters pending further review).

<sup>14</sup> Senate Com. On Homeland Sec. & Gov’t Affairs, Hearing on Border Insecurity: The Rise of MS-13 and other Transnational Criminal Organizations, May 2017. 115<sup>th</sup> Cong. 1<sup>st</sup> sess. (testimony of Suffolk Co. Police Comm. Timothy Sini). page 8 (“Of a sampling of 156 active gang members in Suffolk County, 39 are Unaccompanied Alien Children (UACs), and seven of the thirteen defendants recently charged in a RICO indictment in the Eastern District of New York are UACs.”)

<sup>15</sup> Email from redacted to JOIC-CBP, July 11, 2014; *see also* Letter from Sen. Johnson, Chairman, Senate Com. On Homeland Sec. & Gov’t Affairs to Mr. Scott Llyod, Dir., Dep’t of Health and Human Services., Off. Of Refugee Resettlement, May 23, 2017.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 69, 70; *see also*, Executive Order 13767, *Border Security and Immigration Enforcement Improvements*, Jan. 25, 2017 (in accordance with the EO, DHS reviewed the CAM parole program and has suspended it as of August 16, 2017. (Currently, CAM applicants are considered on a case by case basis for parole under the standard of harm traditionally used.)

applicants for gang affiliation, and about the previous management of the CAM parole program. To assist the Committee in understanding how USCIS administers the CAM program, including how it evaluates applicants with gang affiliations, I respectfully request the following information and materials:

1. Please provide an accounting of all CAM applicants who USCIS vetted for potential gang affiliations. For each applicant (qualifying minor and family member), please provide the applicant's country of origin, the evidence about gang affiliation, and the USCIS's decision on refugee or parole status.
2. GAO informed my staff that gang-affiliated individuals on the application are not barred from parole status.<sup>18</sup> Has this policy changed? Please explain the factors that USCIS considers in evaluating applicants confirmed to have gang affiliations.
3. Please explain how USCIS evaluates applicants for potential gang affiliations other than an applicant's self-admittance during the interview process.
4. The GAO report indicates that 14 percent of CAM applicants had been put on hold for possible gang affiliations between December 2014 and March 2017.<sup>19</sup>
  - a. How many of those CAM applicants currently remain on hold?
  - b. What will happen with the CAM applicants remaining on hold in light of the Acting Secretary's decision to terminate the prior parole program?
5. Please produce all memoranda of understanding between USCIS and other federal entities concerning the CAM parole process or the processing of CAM applicants.
6. Please produce the documents supporting DHS's decision to terminate the CAM parole programs.

Please provide this information as soon as possible but no later than 5:00 p.m. on October 4, 2017.

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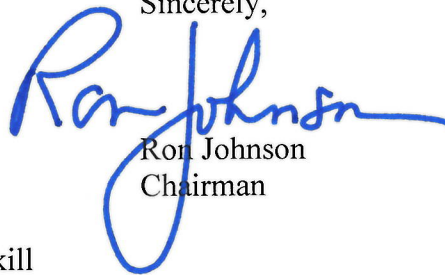
<sup>18</sup> Comm. staff telephone meeting with GAO (Sept. 13, 2017).

<sup>19</sup> *Id.*

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government,”<sup>20</sup> Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine “the efficiency and economy of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices . . . .”<sup>21</sup>

Thank you for your attention to this matter. If you have any questions about this request, please contact Amber Selig or Brian Downey of the Committee staff at (202) 224-4751.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Claire McCaskill  
Ranking Member

Enclosure

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<sup>20</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>21</sup> S. Res. 62 § 12, 115th Cong. (2017).