

IN-COUNTRY REFUGEE PROCESSING IN CENTRAL AMERICA

A Piece of the Puzzle



By Faye Hipsman and Doris Meissner

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Executive Summary

In December 2014, the Obama administration established the Central American Minors (CAM) Refugee/Parole Program, an in-country refugee processing program for minors in El Salvador, Guatemala, and Honduras. An element of the government's response to the 2014 surge in arrivals at the U.S.-Mexico border of unaccompanied children (UACs) from Central America, the CAM program seeks to provide certain minors with a legal, safe alternative to undertaking dangerous, unauthorized journeys to the United States. CAM will enable minors affected by violence in Central America to legally reunite with their parents who are living lawfully in the United States.¹ To be admitted, children must meet the statutory definition of a refugee, or if found ineligible for refugee status, be granted humanitarian parole on a case-by-case basis.²

Estimating overall demand for the CAM program or how many Central American children will be admitted depends on the number of eligible U.S.-based parents and qualifying minors in Central America. Both are unknown, but the numbers will likely be limited. Accordingly, participation in the CAM program during its first months has been modest. A total of 3,344 applications had been submitted as of mid-August (2,859 applications of Salvadoran nationals, 426 Honduran, and 59 Guatemalan).³

In-country processing has been a part of the U.S. refugee admissions system for several decades. Beginning in 1979, in-country processing has been administered through special programs for select countries during periods of political repression, in the aftermath of wars, and in response to other humanitarian crises. These programs include Vietnam from 1979-2009, Haiti from 1992-1995, and Cuba from 1987 to the present. A long-standing designation for certain groups of individuals in the

Participation in the CAM program during its first months has been modest.

Eurasia and the Baltic states (formerly labeled Soviet Union, then former Soviet Union) still exists, in addition to a recent, narrowly focused program in Iraq since 2008.

In general, in-country programs aim to improve access to humanitarian protection and regulate refugee and humanitarian admissions to the United States under conditions of extreme danger and sizeable flows. However, in-country programs have been controversial throughout their history, and have been strongly criticized by even some immigrant- and human-rights advocates. Several key factors determine how effective in-country programs are and how they are viewed—the reason for establishing the program, the admissions criteria, how the application process is structured, how long it takes for cases to be adjudicated, and whether the program can adequately protect applicants.

There are mixed reactions to the CAM program. Those who favor increased restrictions on immigration argue that the program condones the recent surge of unauthorized Central American arrivals and rewards individuals who have violated U.S. immigration law by allowing them to bring their children to the United States.⁴ Some have also expressed concern that gang members could seek admission through

1 U.S. Department of State (DOS), Bureau of Population, Refugees, and Migration, "In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras With Parents Lawfully Present in the United States" (fact sheet, November 2014), www.state.gov/j/prm/releases/factsheets/2014/234067.htm.

2 In general, the Department of Homeland Security (DHS) has authority to parole otherwise inadmissible individuals into the United States for urgent humanitarian reasons; see *Immigration and Nationality Act* (INA) § 212(d)(5)(A).

3 Data provided to the Migration Policy Institute (MPI) by State Department officials via email, August 10, 2015. Information on file with authors.

4 In addition to unaccompanied minors, family units from Central America also arrived in large numbers during the spring and summer 2014 migration surge. In fiscal year (FY) 2014, 68,000 migrants traveling as family units were apprehended when they arrived at the border, a 361 percent increase from FY 2013. See U.S. Customs and Border Protec-



the program. And others have taken issue with a recent announcement that certain previously deported minors may be eligible for in-country processing if they obtain an inadmissibility waiver from the Department of Homeland Security.⁵

Immigrant-rights advocates and human-rights organizations have lauded the CAM program as an important component of the U.S. effort to stem child migration from Central America by providing safe access to the United States for those subject to danger and persecution in their home countries. Supporters argue that the program will lessen the pressure for unauthorized child migration by opening new legal channels for youth with valid humanitarian protection claims who are seeking to reunify with their families in the United States.

CAM may provide an alternative to dangerous journeys for some unaccompanied children, but it is not likely to do so at a scale that can significantly reduce child migrant flows to the United States at this time. Questions that cannot yet be answered about program implementation will further determine whether it succeeds in attracting significant numbers of applicants. Overall, in-country programs have helped and can help many people. But they have inherent limitations that make them inadequate—as stand-alone programs—to counteract dire humanitarian circumstances. Absent reforms to the U.S. immigration system and structural changes in conditions that underlie regional migration dynamics, children and families are likely to continue to arrive at the border in search of safety and secure futures.

*CAM may provide an alternative to dangerous journeys ...
but it is not likely to do so at a scale that can
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I. Introduction

In December 2014, the Obama administration established the Central American Minors (CAM) Refugee/Parole Program, an in-country refugee processing program for minors in El Salvador, Guatemala, and Honduras deemed deserving of humanitarian protection in the United States. An element of the government's response to the 2014 surge in arrivals at the U.S.-Mexico border of unaccompanied children (UACs) from Central America, the CAM program seeks to provide certain minors with a legal, safe alternative to undertaking dangerous, unauthorized journeys to the United States. Participation in the CAM program during its first months has been modest. A total of 3,344 applications had been submitted as of mid-August: 2,859 applications of Salvadoran nationals, 426 Honduran, and 59 Guatemalan.⁶

In fiscal year (FY) 2014, almost 69,000 unaccompanied minors seeking entry into the United States were apprehended by the U.S. Border Patrol, up from 39,000 in FY 2013 and 24,000 the prior year (see Figure 1). Unlike in prior years, when Mexico was the top sending country, the majority (76 percent) of unaccompanied children in 2014 came from Central America's Northern Triangle countries of El Salvador, Guatemala, and Honduras.⁷ The 2014 surge—concentrated from March through July—overwhelmed government capacity, sparking a political crisis for the Obama administration and a firestorm of public

tion (CBP), "Southwest Border Unaccompanied Alien Children," accessed June 11, 2015, www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children; Rep. Bob Goodlatte, "Goodlatte: New Obama Administration Policy Is a Government-Sanctioned Border Surge," (press release, November 14, 2014), <http://judiciary.house.gov/index.cfm/press-releases?id=A58096D2-836D-4A71-BA14-3988B771F9C5>.

5 Ryan Lovelace, "Previously Deported Immigrants Can Now Enter the U.S. on Taxpayers' Dime," *National Review*, April 7, 2015, www.nationalreview.com/article/416545/previously-deported-immigrants-can-now-enter-us-taxpayers-dime-ryan-lovelace.

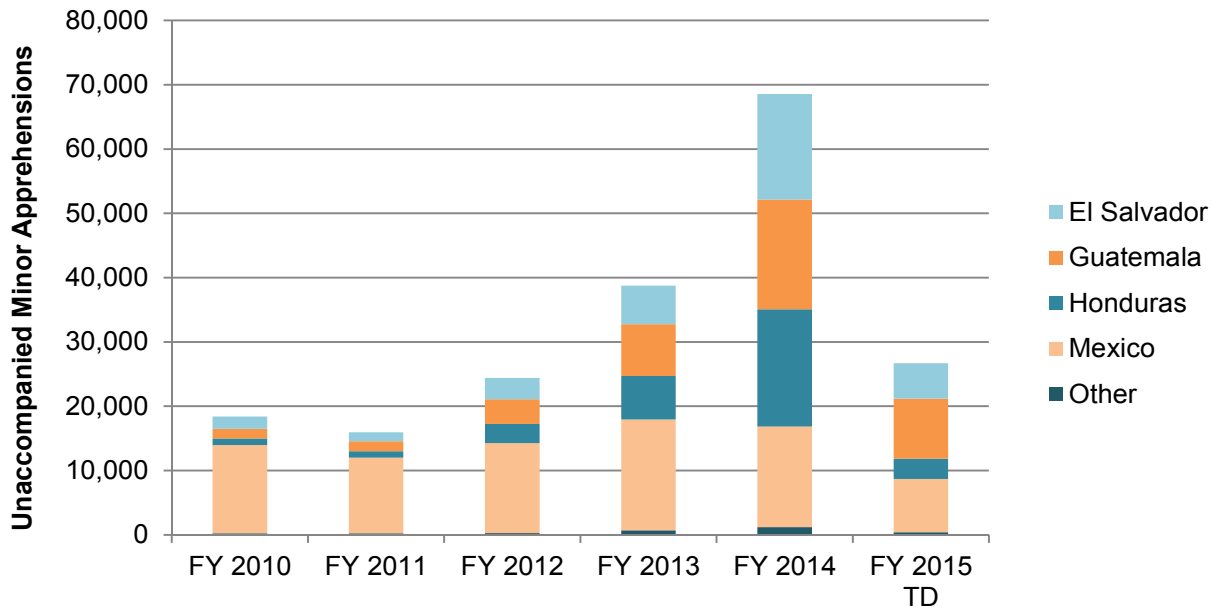
6 Data provided to MPI by State Department officials via email, August 10, 2015.

7 CBP, "Southwest Border Unaccompanied Alien Children," accessed May 15, 2015.



attention. A confluence of complex push-and-pull factors is responsible for the dramatic increase in unaccompanied minors, including rising gang violence and crime in Central America, weak economic conditions in the region, sophisticated smuggling operations creating new markets, U.S. policies toward child migrants, and the desire within binational families for reunification.⁸

Figure 1. Apprehensions of Unaccompanied Minors, FY 2010-15*



* The FY 2015 data are for October 1, 2014 through June 30, 2015.

Sources: U.S. Customs and Border Protection (CBP), "Southwest Border Unaccompanied Alien Children," accessed June 11, 2015, www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children; U.S. Border Patrol, "Total Monthly UAC Apprehensions by Month, by Sector (FY 2010 - FY 2014)," www.cbp.gov/sites/default/files/documents/BP%20Total%20Monthly%20UACs%20by%20Sector%2C%20FY10.-FY14.pdf.

The growing power of gangs and organized-crime groups, as well as rising rates of homicide, drug trafficking, human trafficking, and gender-based violence in the region are well documented. According to the United Nations, more than one in seven homicide victims globally is a young male aged 15-29 living in the Americas. The Central American region is home to some of the world's highest homicide rates: 90.4 per 100,000 residents in Honduras (the world's highest), 41.2 per 100,000 in El Salvador, and 39 per 100,000 in Guatemala—compared to the global average of 6.2 per 100,000.⁹ The new in-country processing program aims to provide minors affected by violence in Central America the ability to legally reunite with parents living lawfully in the United States.¹⁰

This report provides an overview of the CAM program and its operations, and describes which minors might benefit from it. It also reviews the history of in-country processing and the issues such programs have raised about goals, participation rates, and the process for in-country admissions.

8 For a fuller discussion, see Muzaffar Chishti and Faye Hipsman, "The Child and Family Migration Surge of Summer 2014: A Short-lived Crisis with a Lasting Impact," *Columbia Journal of International Affairs* vol. 68 no. 2 (2015).

9 United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013* (Vienna: UNODC, 2014), 40, www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf; UNODC, "UNODC Homicide Statistics 2013," accessed May 15, 2015, www.unodc.org/gsh/en/data.html.

10 Parents considered to be residing lawfully in the United States for the Central American Minors (CAM) Refugee/Parole Program include lawful permanent residents (LPRs), holders of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED), parolees, deferred action recipients, or withholding of removal grantees. DOS, Bureau of Population, Refugees, and Migration, "In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States" (fact sheet, November 2014), www.state.gov/j/prm/releases/fact-sheets/2014/234067.htm.



II. The Basics of the CAM Program

Under the CAM program, certain parents who are lawfully present in the United States can request that their children resident in El Salvador, Guatemala, or Honduras be admitted to the United States as refugees. A refugee is defined by U.S. and international law as “a person who is outside his or her country of nationality 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.”¹¹ Under a lesser-known provision of the *Immigration and Nationality Act* (INA), the president in special circumstances may specify that any person within his or her country of nationality may also meet the refugee definition.¹²

For the CAM program, qualifying U.S.-resident parents must be age 18 or older and must be considered lawfully present—a status they meet if they are lawful permanent residents (LPRs, also known as green-card holders), holders of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED), parolees, deferred action recipients, or withholding of removal grantees.¹³ Qualifying children must be under the age of 21, unmarried, and nationals of El Salvador, Guatemala, or Honduras still resident in their home country. (See Box 1 for more detail.)

To benefit from the CAM program children must meet the statutory definition of a refugee; or if found ineligible for refugee status, they can be considered for humanitarian parole on a case-by-case basis.¹⁴ To be eligible for parole, the minor must demonstrate risk of harm. In addition, certain family members of qualifying minors may also be eligible for protection in the United States (either as derivative beneficiaries or by establishing their own protection claims), including a second parent who lives with the minor in Central America and is married to the United States-based parent, their unmarried children under 21, and any unmarried children of the qualifying minor.

To apply for the program, the U.S.-based parent must seek assistance from a refugee resettlement agency in the United States to file a petition with the State Department for his or her child.¹⁵ Once an application is accepted, the International Organization for Migration (IOM), an intergovernmental body funded by the State Department to assist with refugee resettlement, prescreens each child and prepares the case for an interview in his or her home country with a refugee officer from U.S. Citizenship and Immigration Services (USCIS), an agency in the Department of Homeland Security (DHS).

Prior to the USCIS interview, parents and children are required to pay for and submit DNA testing results that prove their relationship.¹⁶ Once the biological or other relationship is confirmed, the refugee officer

11 *Immigration and Nationality Act* (INA) § 101(a)(42).

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

13 Because existing law already permits U.S. citizens to bring their minor unmarried children to the United States relatively quickly, they are not eligible for the new program.

14 In general, DHS has authority to parole otherwise inadmissible individuals into the United States for urgent humanitarian reasons; see INA § 212(d)(5)(A). Applying for humanitarian parole after denial for refugee status under the CAM program does not require a separate application.

15 The “DS-7699 Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras” application form must be used; there is no filing fee. According to DOS, there are nearly 350 resettlement agency affiliates, which are located in more than 180 communities throughout the United States. See U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), “Find Resources and Contacts in Your State,” accessed June 12, 2015, www.acf.hhs.gov/programs/orr/state-programs-annual-overview.

16 If the claimed biological relationship is substantiated by DNA testing, the parent will be reimbursed by DOS for the testing costs. A qualifying minor may also be a stepchild or legally adopted child. Adopted children must have been in the legal custody of and resided with the adopting parent or parents for at least two years and be legally adopted before their



I. CAM In-Country Program Eligibility Requirements

Qualifying minors must be:

1. under the age of 21
2. unmarried
3. resident in El Salvador, Guatemala, or Honduras
4. the child of a qualifying parent per the *Immigration and Nationality Act* (biological, stepchild, or legally adopted)
5. meet the definition of a refugee or be eligible for humanitarian parole

Qualifying U.S.-based parents must be:

1. lawfully present (includes lawful permanent residents [LPRs], Temporary Protected Status [TPS] or Deferred Enforced Departure [DED] grantees, parolees, recipients of deferred action such as the Deferred Action for Childhood Arrivals [DACA] program, and recipients of a withholding of removal grant.) Those with deferred action or humanitarian parole status must have held that status for a minimum of one year to apply.
2. Over the age of 18

Qualifying “add-on” parents must:

1. reside in El Salvador, Guatemala, or Honduras in the same household as the qualifying child
2. be part of the same economic unit as the child (i.e. within the household, providing support and care for the qualifying child)
3. be married to the U.S.-based parent at the time the application is filed
4. continue to be married to the U.S.-based parent
5. meet the definition of a refugee or be eligible for humanitarian parole
6. Unmarried children under 21 of the qualifying “add-on” parent may also be included.

Derivative children* of the qualifying minor must be:

1. under the age of 21
2. unmarried
3. the child of a qualifying minor

* derivative children derive refugee status from the qualifying minor and do not have to independently establish a persecution claim

Sources: MPI analysis of Department of State (DOS), Bureau of Population, Refugees, and Migration, “In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras” (fact sheet, November 2014), www.state.gov/j/prm/releases/factsheets/2014/234067.htm; DOS, DS-7699 “Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras.”

interviews the child to determine whether he or she meets the definition of a refugee and is admissible to the United States. Applicants are required to undergo background checks and get medical clearance. Children who are resettled in the United States with their parent(s) are eligible for a green card after one year.

To be granted humanitarian parole under the CAM program, the U.S.-based parent must demonstrate that he or she can financially support the child. Parolees must also undergo background checks and medical clearance. The program grants parole status and work authorization for a period of two years, subject to renewal.¹⁷

¹⁶th birthday. Parents must include adoption papers with Form DS 7699 and are given an opportunity to describe any nontraditional relationships that may require an explanation.

¹⁷ DOS, “In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras With Parents Lawfully Present in the United States.” While humanitarian parole does not confer a direct path to lawful permanent residency, some parole recipients may be eligible to adjust to permanent residency from within the United States if they are sponsored by a



III. The CAM Program's Possible Scope

A basic question about the CAM program concerns how many people could benefit from it. A combination of program implementation guidelines and characteristics of Central Americans in the United States and abroad will determine the potential scope of the program; as yet, key elements are unknown.

Refugees admitted through the program count toward the U.S. Refugee Admissions Program regional allocation for Latin America and the Caribbean. That regional allocation is 4,000 resettlements out of a worldwide ceiling of 70,000 refugee admissions to the United States for FY 2015. These levels, which have changed little in recent years, are set annually through a process of consultation with Congress resulting in an annual presidential determination for different regions as well as an unallocated reserve. (See Table 1.)

Table 1. U.S. Refugee Admission Ceilings by Region, FY 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

Source: White House, Presidential Memorandum, "FY 2015 Refugee Admissions," September 30, 2014, www.whitehouse.gov/the-press-office/2014/09/30/presidential-memorandum-fy-2015-refugee-admissions.

Given the CAM program's December 2014 launch and the time it takes to process refugee cases, only a small number of CAM minors were part of the FY 2015 Latin America allocation. Regional allotments, it should be noted, are not hard caps. Numbers from the unallocated reserve or other regions can be used to accommodate unforeseen refugee admission demands, and the State Department has stated that there is flexibility for higher-than-anticipated numbers of refugees from Latin America this year.¹⁸ The number of individuals who can be admitted through humanitarian parole is not subject to refugee program limits.

*Only a small number of CAM minors were part of the
FY 2015 Latin America allocation.*

Estimating overall demand for the CAM program and how many Central American children will actually be admitted depends on the number of eligible U.S.-based parents and qualifying minors in Central America—both of which are unknown. The United States is home to an estimated 1.3 million Salvadoran, 902,000 Guatemalan, and 534,000 Honduran immigrants.¹⁹ A majority of these immigrants

relative and are in valid parole status.

18 Ibid.

19 See MPI Data Hub, "Countries of Birth for U.S. Immigrants, 1960-Present," accessed May 15, 2015, www.migrationpolicy.org/



are unauthorized and unlawfully present and therefore could not meet the program's lawful presence requirement for parents.

LPRs and TPS recipients constitute the two largest groups of lawfully present Central American noncitizens (see Table 2). Currently, an estimated 330,000 Salvadorans, 190,000 Guatemalans, and a smaller population of Hondurans have LPR status.²⁰ An additional 204,000 Salvadorans and 61,000 Hondurans have TPS status; Guatemala is not designated for TPS.²¹ To date, most CAM program applicants have been TPS beneficiaries.²²

The share of each eligible group with qualifying children still living in El Salvador, Guatemala, or Honduras is...unknown.

Estimates of potentially eligible parolees, holders of DED status, and withholding of removal grantees are not known. These groups account for small numbers, however. In the future, recipients of deferred action could also comprise a sizeable number of eligible parents if the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program surmounts the legal challenges that have stalled its implementation.²³

The share of each eligible group with qualifying children still living in El Salvador, Guatemala, or Honduras is also unknown. Notably, the largest eligible group, LPRs, can already sponsor their children for immigrant visas under U.S. law. Although this visa category faces a current backlog of about two years, it is likely that most LPRs wishing to bring their children to the United States already have done so or are in the process under criteria that are less rigorous than refugee protection requirements.

[programs/data-hub/us-immigration-trends#source.](#)

- 20 Hondurans are not one of the top ten nationalities of LPRs and are therefore not included in DHS annual LPR estimates. However, for comparison, on average, 22,000 Salvadorans, 15,000 Guatemalans, and 7,000 Hondurans have become LPRs annually over the past decade; see DHS, *Yearbook of Immigration Statistics 2013* (Washington, DC: DHS, 2014), [www.dhs.gov/yearbook-immigration-statistics-2013-lawful-permanent-residents](#); DHS, Office of Immigration Statistics (OIS), *Estimates of the Legal Permanent Resident Population in 2012* (Washington, DC: DHS, OIS, 2013), [www.dhs.gov/sites/default/files/publications/ois_lpr_pe_2012.pdf](#).
- 21 TPS is a form of temporary humanitarian relief granted to individuals from certain countries that have experienced armed conflict or natural disasters. TPS beneficiaries are protected from deportation and permitted to gain work authorization in the United States, but are not permanent residents and cannot sponsor their relatives to immigrate to the United States. See U.S. Citizenship and Immigration Services (USCIS), "Extension of the Designation of El Salvador for Temporary Protected Status," 80 *Federal Register* 893 (7 January 2015, corrected 14 January 2015), [https://federalregister.gov/a/2015-00031](#); USCIS, "Extension of the Designation of Honduras for Temporary Protected Status," 79 *Federal Register* 62170 (16 October 2014), [https://federalregister.gov/a/2014-24559](#).
- 22 Testimony of Simon Henshaw, Principal Deputy Assistant Secretary of State, Bureau of Population, Refugees, and Migration, before the Senate Committee on the Judiciary, "Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program," 114th Cong., 1st sess., April 23, 2015, [www.judiciary.senate.gov/meetings/eroding-the-law-and-diverting-taxpayer-resources-an-examination-of-the-administrations-central-american-minors-refugee/parole-program](#).
- 23 The Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, announced in November 2014, would offer protection from deportation and work authorization to unauthorized immigrants who are parents of a U.S. citizen or LPR and who have resided in the United States for five years or more. The program's implementation has been temporarily enjoined by a U.S. district court judge in Texas in a lawsuit brought by a coalition of 26 states. MPI estimates that 213,000 unauthorized immigrants from Guatemala, 92,000 from El Salvador, and 69,000 from Honduras are potentially eligible for DAPA. Some DAPA-eligible immigrants may have children still in Central America. In addition, 24,000 Salvadorans, 16,000 Guatemalans, and 16,000 Hondurans had been granted deferred action under the 2012 Deferred Action for Childhood Arrivals (DACA) program as of April 2015. DACA provides deferred action and work authorization to certain unauthorized immigrants who arrived in the United States before the age of 16 and who meet certain educational enrollment or attainment criteria. The majority of DACA recipients likely did not have children before arriving in the United States, although it is possible that a small number of DACA beneficiaries could seek access to the CAM program. See USCIS, "Executive Actions on Immigration," last updated April 15, 2015, [www.uscis.gov/immigrationaction](#).

**Table 2. Estimates of Parents Potentially Qualifying under CAM Program Rules, and Populations Ineligible for CAM***

	LPRs	TPS Holders	DAPA Recipients**	Unauthorized Immigrants Lacking Qualifying Status
El Salvador	330,000	204,000	92,000	436,000
Guatemala	190,000	Not Applicable	213,000	704,000
Honduras	Not Available	61,000	69,000	317,000

* Various years.

** The Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program announced by President Obama in November 2014 was the subject of legal challenge and had not been implemented at this writing.

Note: Estimates cannot be provided for holders of Deferred Enforced Departure (DED) status, withholding of removal grantees, or humanitarian parole recipients.

Sources: For unauthorized immigrant estimates, Migration Policy Institute (MPI) Data Hub, “Profile of the Unauthorized Population: United States,” accessed June 15, 2015, www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US; for estimates of Lawful Permanent Residents (LPRs), Nancy Rytina, *Estimates of the Legal Permanent Resident Population in 2012* (Washington, DC: Department of Homeland Security, Office of Immigration Statistics, 2013), www.dhs.gov/sites/default/files/publications/ois_lpr_pe_2012.pdf; for Temporary Protected Status (TPS) estimates, see U.S. Citizenship and Immigration Services (USCIS), “Extension of the Designation of El Salvador for Temporary Protected Status,” 80 *Federal Register* 893, January 7, 2015, corrected January 14, 2015, <https://federalregister.gov/a/2015-00031>; USCIS, “Extension of the Designation of Honduras for Temporary Protected Status,” 79 *Federal Register* 62170, October 16, 2014, <https://federalregister.gov/a/2014-24559>.

Who Might Meet the Refugee Definition?

Another fundamental question is whether significant numbers of Central American minors can meet the statutory definition of refugee. Although many Central American youth are threatened by gang violence and have clear protection needs, being forced to join a gang or experiencing violence do not generally qualify as a basis for refugee status or fall readily into one of the refugee definition categories.²⁴ Thus, the availability and use of parole to address serious cases may be an especially important element of the CAM program, and will depend in particular on USCIS criteria for determining whether a minor is “in danger.”

Despite the uncertainty about numbers and potential eligibility, recent research establishing family reunification as a key driver of unaccompanied minor migration suggests that demand for the program could be high. As mentioned earlier, tens of thousands of unaccompanied minors have migrated to the United States in recent years. Forty-one percent of Central American migrant minors surveyed by the United Nations High Commissioner for Refugees (UNHCR) reported that one or both of their parents were living in the United States.²⁵ Additionally, researchers have recently found that child migration is strongly tied to parents’ migration histories and is virtually nonexistent when parents have no U.S. experience.²⁶ The same study attributes the recent increase in Central American child migration to a manifestation of long-established migration networks between the United States and immigrants’ home countries.

24 A survey by the United Nations High Commissioner for Refugees (UNHCR) found that 56 percent of unaccompanied children from Northern Triangle countries have potential international protection needs—72 percent from El Salvador, 38 percent from Guatemala, and 57 percent from Honduras. See UNHCR, *Children on the Run* (Washington, DC: UNHCR, 2014), www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf; Marc R. Rosenblum, *Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention* (Washington, DC: MPI, 2015), www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention.

25 UNHCR, *Children on the Run*.

26 Katharine M. Donato and Blake Sisk, “Children’s Migration to the United States from Mexico and Central America: Evidence from the Mexican and Latin American Migration Projects,” *Journal on Migration and Human Security*, vol. 3 no. 1 (2015), <http://jmhs.cmsny.org/index.php/jmhs/article/view/43>.



IV. The History of In-Country Processing Programs

The CAM program is just the latest in a series of in-country processing programs the United States has undertaken. Beginning in 1979, the United States has administered in-country processing through special programs for select countries during periods of political repression, in the aftermath of wars, and in response to other humanitarian crises. The most notable examples are Vietnam, Haiti, and Cuba (the latter still ongoing).

A. In-Country Program Processing Basics

The United States processes all refugees—whether in countries of first asylum or in-country—according to a priority scheme set by the executive branch each year. Currently, the three priority groups are:

- **Priority 1:** Open to all nationalities for individuals referred by UNHCR, a U.S. embassy, or a designated nongovernmental organization (NGO). These cases are seen as the most urgent and often involve people in imminent danger or with “compelling protection needs.” As a result, there is an emphasis on processing these cases most quickly.
- **Priority 2:** Covers specific groups of “special humanitarian concern” to the United States such as certain nationalities, clans, or ethnic groups, or those living in specific locations.
- **Priority 3:** Open only to 22 designated nationalities. Refugees and asylees already living in the United States are permitted to apply for certain close relatives (spouses, unmarried children under 21, and parents) to be admitted as refugees.

Groups that are eligible for in-country refugee processing—including Central American minors—fall under Priority 2. In designating a new Priority 2 group, federal agencies typically consult with stakeholders and experts to define the group and its shared characteristics, and to develop eligibility criteria. In the past, such criteria have been based both on humanitarian grounds (e.g., political prisoners, members of persecuted religious minorities, human-rights activists, or former U.S. government employees), and on family reunification grounds (e.g., Amerasians or family members of persons in the United States currently eligible for immigrant visas). Eligibility criteria also have been adjusted over the course of particular in-country refugee programs to better reach certain groups.

Most in-country programs, including CAM, employ a processing model called “direct access,” in which individuals who believe they meet the criteria can present themselves and begin the application process.²⁷ Applicants who come forward are typically prescreened to determine whether they qualify and should advance in the application process. The process is usually handled by Resettlement Support Centers (RSCs), which are funded and managed by the State Department but often operated by contracted NGOs.²⁸ A second, more structured processing model is called “predefined group access.” Under this model, UNHCR typically recommends that a specific group be designated, and refers eligible individual applicants to the refugee program based on the eligibility criteria federal agencies have set.

B. Overview of Individual In-Country Refugee Processing Programs

Beyond the Vietnam, Haiti, and Cuba in-country processing programs, the United States has a long-standing designation for certain groups of individuals in Eurasia and the Baltic states (formerly labeled Soviet Union, then former Soviet Union) that still exists, as well as a narrowly focused program in Iraq

²⁷ DOS, DHS, and HHS, *Proposed Refugee Admissions for Fiscal Year 2015*, Report to the Congress (Washington, DC: DOS, DHS, and HHS, 2014), www.state.gov/documents/organization/232029.pdf.

²⁸ Ibid.



in operation since 2008.²⁹ The following is an overview of in-country refugee processing programs in Vietnam, Cuba, Eurasia and the Baltics, Haiti, and Iraq:

- **Vietnam:** The United States designated Vietnam for in-country processing from 1979 through 2009, with the program passing through several different phases. In-country processing began with the Orderly Departure Program (ODP), created in response to a massive exodus of “boat people” fleeing post-Vietnam War upheaval. ODP initially extended an “automatic presumption of refugee status,” which allowed almost all applicants to qualify for admission to the United States and resettlement.³⁰ In 1988, the program was restricted to family members of those already in the United States and eligible for immigrant visas, former U.S. government employees, and others closely associated with the U.S. presence in Vietnam before 1975, including Amerasians and their family members.³¹ Those found ineligible for refugee status were eligible to enter the United States as Public Interest Parolees, a humanitarian program implemented in 1989.³² In total, the ODP processed more than 523,000 individuals for admission to the United States as refugees, immigrants, and parolees. After the ODP ended in 1999, Vietnam remained designated for in-country processing and the criteria came to encompass “re-education center” detainees and adult children whose parents were Vietnamese re-education camp survivors.³³
- **Cuba:** Cuba’s in-country program began in 1987 and is still operational.³⁴ It was established to stem illegal migration by boat, which has occurred in sizeable waves since the 1959 Cuban revolution. Originally designed for former political prisoners, the program was broadened in 1994 and currently includes former political prisoners, members of persecuted religious minorities, human-rights activists, forced labor conscripts (from the 1965-68 era), those deprived of their professional credentials or subjected to other harsh or discriminatory treatment because of their political or religious beliefs, and others who face persecution.³⁵ Since 1995, approximately 3,300 Cubans have arrived each year through the in-country processing program.³⁶
- **Eurasia and the Baltics:** Originally designated through the Lautenberg Amendment, the in-country processing program for Eurasia and the Baltics (previously labeled the Soviet Union and then the former Soviet Union) was created in 1989 to offer humanitarian protection to religious minorities. The in-country designation, which remains active, extends to those covered by the Lautenberg Amendment, including Jews, evangelical Christians, and Ukrainian

29 Other countries that have been designated for in-country processing at various points include El Salvador, Guatemala, Laos, and Romania. A category known as “countries in Latin America and the Caribbean” was also designated during the 1980s and early 1990s.

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

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

32 The Vietnamese Public Interest Parole, similar to parole elements of the CAM program, was available to those able to prepay their travel expenses and obtain affidavits of support from sponsors in the United States.

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

34 The program had originally opened in 1984 but was suspended later that year and resumed in 1987. While now in place for nearly three decades, the December 2014 agreement and ongoing negotiations between the United States and Cuba to normalize diplomatic relations may prompt changes to the United States’ in-country processing program for Cuban refugees in the future.

35 DOS, Department of Justice (DOJ), and HHS, *Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1995* (Washington, DC: DOS, DOJ, and HHS, 1994), http://dosfan.lib.uic.edu/ERC/population/1995_Refugee_report.html.

36 MPI analysis of data from Ruth Ellen Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, DC: Congressional Research Service, 2009), www.fas.org/sgp/crs/row/R40566.pdf; DOS, Bureau of Population, Refugees, and Migration, “Refugee Arrivals by Processing Country, All Nationalities, for the Reporting Period of October 1, 2013 through September 30, 2014,” [www.wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map\(10.6.2014\).pdf](http://www.wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map(10.6.2014).pdf).



Catholic and Orthodox religious adherents who also have close family in the United States.³⁷ Pursuant to the amendment, these individuals are considered for refugee status under a reduced evidentiary standard for establishing a “well-founded fear of persecution.”³⁸

- **Haiti:** Haiti’s in-country resettlement program, which operated from 1992 to 1995, was created in response to a military coup d’état in 1991 that prompted thousands of Haitians to flee by boat amid deteriorating human-rights conditions. The United States, which was the prime destination for the boat migrants, opened application centers in three locations in Haiti. The program initially applied to former political prisoners, human-rights activists, those subjected to harsh or discriminatory treatment because of political beliefs or activities, those fearing persecution because of their leadership roles in political or religious organizations, former government officials, those in fields that may be targeted (such as journalism), dissidents, and other refugees of compelling concern to the United States. The criteria were periodically revised over the course of the program. Nearly 6,000 Haitians had been resettled through the program by 1994, out of 55,000 applications covering more than 106,000 people.³⁹
- **Iraq:** Iraq’s in-country refugee processing program began in 2008; the country remains designated in order to offer protection to Iraqis who worked with or were associated with the U.S. government during the Iraq War and U.S. military involvement there from 2003-11. U.S. government employees, U.S. government-funded contractors or grantees, those working in Iraq for U.S.-based media or NGOs, certain family members of such employees, those with certain close U.S. citizen or LPR relatives living in the United States with approved immigrant visa petitions, and members of religious or minority communities with a close relative in the United States, or other persecuted groups designated by the Secretary of State are eligible.⁴⁰ In FY 2014, approximately 10,000 individuals arrived as refugees from Iraq through the in-country program.⁴¹

C. Similarities and Differences between Programs

In general, the past and continuing programs have differed in key ways, among them widely different admissions numbers—from a few thousand to hundreds of thousands of beneficiaries. These different outcomes are in part the result of the nature of the flows and eligibility criteria that have been broadly and narrowly drawn, reflecting distinct program and policy goals that are tailored to the countries and humanitarian circumstances of concern to the United States.

At the same time, there are important similarities among the programs. They have been authorized by Congress either through explicit direction or the annual refugee consultation process. Most have been of long duration, due to the intractability of the underlying conditions causing protection needs. Many have also undergone adjustment to program criteria over time, the result of on-the-ground experience and changes in humanitarian circumstances. And in each program, with the exception of Iraq, there has been supplementary use of parole to admit persons with compelling humanitarian claims who are not

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

38 Andorra Bruno, *Refugee Admissions and Resettlement Policy* (Washington, DC: Congressional Research Service, 2015), www.fas.org/sgp/crs/misc/RL31269.pdf.

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

40 DOS, DHS, and HHS, *Proposed Refugee Admissions for Fiscal Year 2014*, Report to the Congress (Washington, DC: DOS, DHS, and HHS, 2013), www.state.gov/documents/organization/219137.pdf.

41 Refugee Processing Center, “Map Arrivals by Processing Country and Nationality,” accessed January 5, 2015, www.wrapsnet.org/Reports/AdmissionsArrivals/tabid/211/Default.aspx.



eligible for refugee status, though use of parole in later programs has been more limited.⁴² (See Appendix for greater detail about several of the in-country programs listed above.)

V. Lessons for the CAM Program: In-Country Processing Challenges and Solutions

In-country processing programs aim to improve access to humanitarian protection and regulate refugee and humanitarian admissions under conditions of extreme danger, loss of life, and sizeable numbers. They have, however, proved controversial throughout their history.

Refugee policy experts and human-rights professionals—including UNHCR and the responsible U.S. government agencies—have been hesitant to establish in-country programs because, although statutorily authorized in U.S. law, the premise for them is at odds with international convention principles that a refugee is someone outside his or her country escaping persecution. In addition, it is difficult to reach and protect people within their countries who may be at serious risk. Thus, these programs have been established only under extreme circumstances in an attempt to provide an alternative to dangerous outflows.

In practice, in-country processing programs aimed at responding to large outflows typically have been implemented in combination with tough enforcement initiatives intended to curtail sizeable, dangerous flows, as was the case in Cuba, Haiti, and Vietnam. Similarly, in the Central American case, the United States and Mexico initially responded to the migrant surge in spring and summer 2014 by quickly stepping up anti-smuggling measures, migrant interdictions, and deportations, while the in-country program has taken longer to stand up (it did not become operational until December 2014). Critics argue that such a policy response wrongly prioritizes stanching outflows and restoring orderly processes, outweighing the stated goals of rescue and protection. Others see in-country programs, even if a partial response to discourage mass outflows, as providing protection through safer, more orderly processes, albeit for limited numbers.

These programs have been established only under extreme circumstances in an attempt to provide an alternative to dangerous outflows.

In-country programs have been established for two overarching reasons: when policymakers are under severe operational and public pressure to respond to unmanageably large, life-threatening flows, as in the cases of Haiti and Central America, or to advance broader geopolitical or foreign policy goals, as in the cases of the former Soviet Union and Iraq. Programs may also reflect a combination of these goals, as in the cases of Vietnam and Cuba. What the United States seeks to accomplish with an in-country program plays a primary role in shaping it, influencing admissions criteria and program structure.

⁴² Parole authority was tightened by Congress under the 1996 *Illegal Immigration Reform and Immigrant Responsibility Act* (IIRIRA). Prior to the 1996 law, the standard to grant humanitarian parole was “for emergent reasons or for reasons deemed strictly in the public interest.” IIRIRA changed the standard to “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” See *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. 104–208, 110 Stat., <https://epic.org/privacy/e-verify/iirira-program.pdf>.



A. Admissions Criteria

Admissions criteria in some programs have been criticized as too focused on certain subsets while excluding others who are in as much, if not more, need of protection. The human-rights community argues this was particularly true in the case of Haiti, when refugee admission criteria favored the Haitian elite (journalists, activists, and former government officials) and denied access to thousands of lower-class Haitians also suffering from persecution. As a result, the Haitian program resulted in fewer than 6,000 resettlements out of more than 100,000 requests. The guidelines for the Vietnam and former Soviet Union programs, on the other hand, were quite broad, including eligibility for those who were relatives of prior arrivals, a presumption of refugee status, and a reduced evidentiary standard for establishing a fear of persecution—all leading to far greater numbers of refugee admissions.

In the Central American case, the guidelines have been restricted to those with parents who are lawfully present in the United States, potentially excluding a large share of potential applicants. Yet by including the parents and children of primary CAM beneficiaries, the program may have a broader impact than these initial numbers suggest. The CAM guidelines also permit using humanitarian parole, which may encompass vulnerable individuals who are exposed to violence but do not meet the stricter refugee requirements. Ultimately, how many Central Americans may benefit from CAM will depend to a large degree on how USCIS administers the program's parole provisions, which allow for a broader degree of discretion.

B. Application Process

The application process also may be an important determinant of how effectively an in-country processing program provides an alternative to desperate departures. This involves what steps potential refugees must go through to access the program and how long cases take to be adjudicated. Applying for refugee resettlement from within one's own country can expose already vulnerable people to more danger absent safeguards. In current and prior in-country programs, the application centers where applicants are required to appear in person to submit documents and attend interviews have been located in busy areas of major cities. For potential refugees in dangerous countries, traveling long distances and appearing at known application centers can pose major risks.

In addition, lengthy processing times and case adjudication can take months, if not years, undermining the goal of refugee protection. For a host of reasons, refugee processing has become an increasingly drawn-out procedure that involves multiple interviews, security and medical clearances, and DNA testing to validate family relationships. For in-country programs, six months for a case would be fast and close to a year more likely. This may be particularly the case with applicants who are minors. Thus, the very people for whom the programs are intended may be at serious risk trying to take advantage of them.

Applying for refugee resettlement from within one's own country can expose already vulnerable people to more danger absent safeguards.

Experts argue that if an in-country refugee processing program does not ensure the safety and confidentiality of applicants and takes unduly long to complete, people in danger are unlikely to come forward and those facing extremely dire situations will bypass the in-country application option and flee. For these reasons, in-country processing has been criticized as “orderly departure programs for immigration rather than protection for persons fleeing persecution.”⁴³

⁴³ Norman L. Zucker and Naomi Flink Zucker, *Desperate Crossings: Seeking Refuge in America* (New York: Routledge, 1996), 139.



Such difficulties can be mitigated. Safeguards include placing application centers in locations throughout the country so potential refugees do not have to travel far distances to apply; locating application centers in buildings where other activities are taking place or conducting interviews in a variety of locations so that applicants cannot be easily identified; community outreach by NGOs to refer eligible applicants for resettlement so they do not have to appear in person; streamlined application and interview procedures designed to limit the number of times an applicant must appear; prudent fraud prevention measures; and timely security clearances and fast transfer to the United States.⁴⁴

The CAM program addresses some of these factors by providing for applications to be initiated in the United States by an applicant's parent(s) and by making humanitarian parole available in compelling cases that are not eligible for refugee status. Additionally, the State Department can, in some circumstances, expedite processing for applicants who report protection concerns.

VI. Conclusion

Unaccompanied minors arriving at the U.S.-Mexico border constitute a “mixed” flow, some with legitimate humanitarian protection claims, others seeking to migrate to reunify with family members or for economic reasons. Beyond heightened gang violence and family separation, the classic drivers of migration—strong economic differentials between countries and the desire to improve one's well-being—continue to propel illegal immigration from the region.

The Central American Minors Refugee/Parole Program may alleviate the unaccompanied minor flows to an extent. But the program's limited numbers and narrow eligibility criteria are not likely to constitute a realistic alternative at a scale that can significantly reduce these flows to the United States. Whether the program ultimately will provide humanitarian protection to sizeable numbers turns on questions that cannot yet be answered about decision-making on refugee and humanitarian parole standards, the application process, case adjudication times, and program safeguards.

Whether the program ultimately will provide humanitarian protection to sizeable numbers turns on questions that cannot yet be answered.

Overall, in-country programs have been the pathways to protection for hundreds of thousands of people and can help many more. But they have inherent limitations that make them inadequate—standing alone—to counteract dire humanitarian circumstances. As such, the CAM program should be seen as but one component of the multifaceted response that is needed to address and manage the flows of unaccompanied minors from Central America. Improvements in economic and security conditions in Central America; reforms to the U.S. apprehension, detention, and removal system; timely, fair procedures for adjudicating humanitarian claims; and legal channels to better enable the reunification of binational families are also critical to addressing and taming illegal flows from Central America. Absent such reforms and structural changes in the conditions that underlie migration dynamics, unaccompanied minors will continue to arrive at the border seeking safety and secure futures.

⁴⁴ Wendy Young, “Resettlement and Processing of Haitian Refugees,” *Refuge*, vol. 21, no. 4 (2003): 63-65, <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21309/19980>.



Appendix: In-Country Processing Select Case Studies

A. Vietnam: 1979-2009

In the late 1970s, in the wake of the Vietnam War, hundreds of thousands of Vietnamese fled upheaval in the country by boat, many perishing at sea. Those who survived arrived in overwhelming numbers in neighboring countries. Amid a broader Indochinese refugee crisis that taxed the global protection system, the international community intervened in 1979, and the UN High Commissioner for Refugees (UNHCR) negotiated an in-country refugee processing program with Vietnam and several western countries. The Orderly Departure Program (ODP) aimed to facilitate safe and organized emigration from Vietnam.⁴⁵ The Vietnamese government agreed to undertake meaningful efforts to stop illegal departures and authorize exits, and western countries—including the United States—agreed to resettle immediate and future refugees. That year, an ODP office was established in Ho Chi Minh City. From 1979 to 1999, the program operated there and from the U.S. Embassy in Bangkok, Thailand, with UNHCR playing a key coordinating role.⁴⁶

When ODP began, there was an “automatic presumption of refugee status,” allowing almost all applicants to qualify for resettlement. After new criteria were issued in 1989,⁴⁷ ODP grant rates fell from 100 percent to 36 percent.⁴⁸ While the ODP program formally ended in 1999, Vietnam remained designated for in-country processing until 2009, with the basis for the designation amended several times by the executive branch and by Congress.⁴⁹

It is difficult to estimate the number of Vietnamese admitted as refugees to the United States under ODP. The State Department reports that 523,000 Vietnamese were admitted through the program as refugees, immigrants, and parolees, but refugees are not disaggregated within that total.⁵⁰

B. Cuba: 1987-Present

Cuba’s in-country program began in 1987 and remains operational.⁵¹ Unauthorized boat migration, which occurred at various points after the Cuban revolution in 1959, surged dramatically in 1980 when President Fidel Castro temporarily permitted anyone wishing to emigrate to depart from Mariel, a Cuban port. An estimated 125,000 Cubans left as a result.

While the United States has historically welcomed political refugees fleeing communist Cuba, U.S. policy

⁴⁵ At the time, Cambodia and Laos were also experiencing an exodus of boat people. UNHCR estimates that nearly 3 million people fled Vietnam, Cambodia, and Laos from 1975 to 1995. See DOS, Bureau of Population, Refugees, and Migration, “Refugee Admissions Program for East Asia” (fact sheet, January 2004), <http://2001-2009.state.gov/g/prm/rls/fs/2004/28212.htm>.

⁴⁶ Ibid.

⁴⁷ In a policy shift in 1989, the Orderly Departure Program (ODP) developed three categories of people eligible to be admitted. The criteria included family reunification and post-Vietnam War circumstances, and family members of those already in the United States and eligible for immigrant visas; former U.S. government employees, and others closely associated with the U.S. presence in Vietnam before 1975, including Amerasians and their family members. Amerasians are individuals who were born in certain Asian countries to U.S.-citizen fathers between 1951 and 1982.

⁴⁸ Most applicants denied refugee status after 1989 were offered admission into the United States as public interest parolees.

⁴⁹ The designation changes made by the executive branch or Congress later came to include Vietnamese re-education camp detainees, and adult children whose parents were Vietnamese re-education camp survivors. For example, in July 1989 Vietnam and the United States negotiated an agreement that “re-education center” detainees would be eligible to apply for refugee status from within Vietnam. The designation was expanded by Congress in 1997 to also include adult children whose parents were Vietnamese re-education camp survivors, but the provision was repealed in 2009. Following the fall of Saigon and defeat of the South Vietnamese government in 1975, the socialist government established re-education camps where many former military and government officials of the Government of South Vietnam were detained in prison or labor-camp-like conditions.

⁵⁰ DOS, “Refugee Admissions Program for East Asia.”

⁵¹ The program had originally opened in 1984 but was suspended later that year. It resumed in 1987.

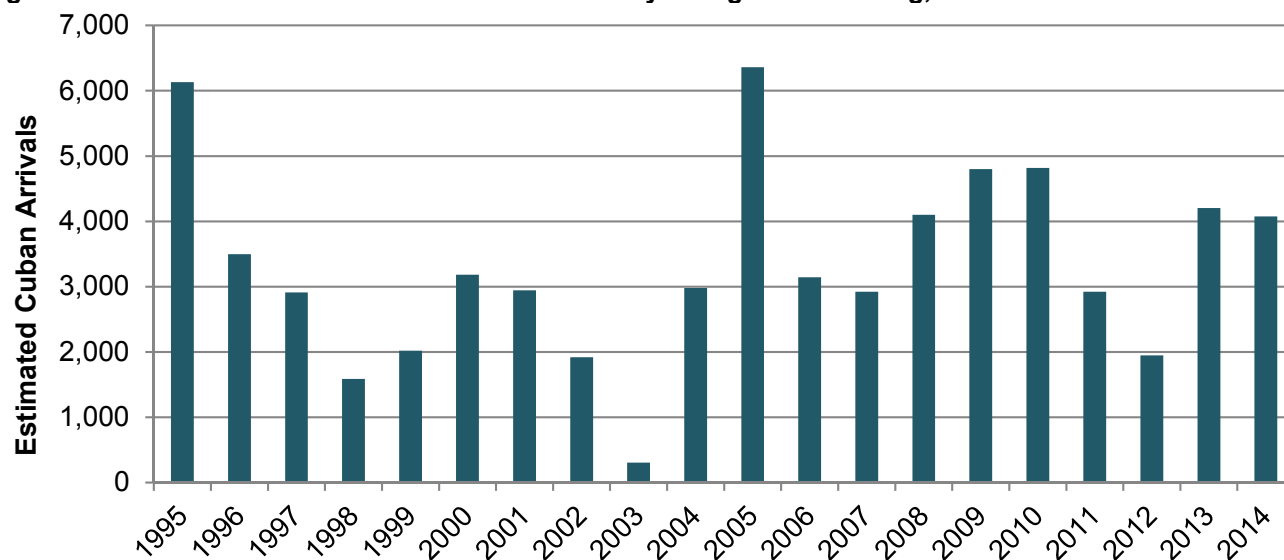


has also been accompanied by strong efforts to control illegal boat flows. Currently, under the so-called wet foot/dry foot policy, Cuban nationals interdicted by the U.S. Coast Guard are returned to Cuba if they have no asylum claim, while Cubans who reach U.S. soil are permitted to stay and become eligible for a green card after one year, in accord with the *Cuban Adjustment Act*. This favorable treatment is unique to Cuban nationals.

The Cuban in-country refugee admissions program was originally limited to former political prisoners. By 1991, that group's needs had been largely met and eligibility parameters were expanded in 1994.⁵²

To be admitted under Cuba's in-country program, applicants must submit a preliminary questionnaire to the U.S. Interests Section in Havana, are prescreened by a State Department caseworker, and then interviewed by a Department of Homeland Security (DHS) refugee officer to determine eligibility for refugee status and admission. According to the State Department, a large number of Cubans seek refugee status through the program each year, but the share of qualified applicants is shrinking alongside a growing share of fraudulent applications.⁵³ Since 1995, an average of approximately 3,300 Cubans have arrived each year through the in-country processing program, as shown in Figure A-1.⁵⁴

Figure A-1. Estimated Arrivals from Cuban In-Country Refugee Processing, 1995-2014



Sources: Ruth Ellen Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, DC: Congressional Research Service, 2009), www.fas.org/sgp/crs/row/R40566.pdf; MPI analysis of U.S. Department of State, WRAPS, "Arrivals by Processing Country and Nationality," [www.wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map\(10.6.2014\).pdf](http://www.wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map(10.6.2014).pdf); Department of Homeland Security (DHS), *Yearbook of Immigration Statistics*, 2011 and 2013 (Washington, DC: DHS, 2012 and 2014), www.dhs.gov/yearbook-immigration-statistics.

⁵² DOS, Bureau of Population, Migration, and Refugee Affairs, DOJ, and HHS, *FY 2005 Proposed Refugee Admissions* (Washington, DC: DOS, DOJ, and HHS, 1994), <http://2001-2009.state.gov/g/prm/asst/rl/rpts/36116.htm>. The current criteria include former political prisoners; members of persecuted religious minorities; human-rights activists; forced labor conscripts (from 1965-68 era); those deprived of their professional credentials or subjected to other harsh or discriminatory treatment because of their political or religious beliefs; and others who face persecution; DOS, DOJ, and HHS, *FY 2005 Proposed Refugee Admissions*.

⁵³ DOS, DHS, and HHS, *Proposed Refugee Admissions for Fiscal Year 2015*.

⁵⁴ MPI analysis of data from Wasem, *Cuban Migration to the United States: Policy and Trends*; DOS, Bureau of Population, Refugees and Migration, "Refugee Arrivals by Processing Country, All Nationalities, for the Reporting Period of October 1, 2013 through September 30, 2014."



C. Haiti: 1992-95

Haiti's in-country processing program was a response to a military coup d'état in 1991 that led to deteriorating conditions. By 1992, the U.S. Coast Guard was intercepting record numbers of Haitian nationals at sea (almost 38,000 in fiscal year 1992, compared to 23,000 for the entire 1981-90 period).⁵⁵ In the early days of the exodus, all interdicted Haitians were interviewed for asylum claims aboard Coast Guard ships.⁵⁶ But the influx soon prompted the United States to bring the migrants to the Guantanamo Bay naval base in Cuba for processing.⁵⁷

Haiti's in-country processing program was a response to a military coup d'état in 1991 that led to deteriorating conditions.

In May 1992, citing perceptions that processing at Guantanamo was acting as a magnet for dangerous journeys, the United States began returning interdicted Haitian nationals without asylum interviews or screening and established an in-country refugee processing program for Haitians.⁵⁸ Coupling the policies was intended to deter illegal and risky mass boat migration while providing those in danger with a safe and legal avenue to humanitarian protection.

The first in-country refugee resettlement application center was established in Port-au-Prince in 1992, and two more opened in 1993 in the cities of Les Cayes and Cap Haitien. The initial criteria were periodically revised over the course of the program.⁵⁹

According to State Department officials, nearly 6,000 Haitians were settled through the program.⁶⁰ Grant rates, however, were low—more than 55,000 applications representing more than 106,000 people were filed as of 1994.⁶¹ By 1993, Coast Guard interdictions of Haitians had dropped to 4,270.

D. Iraq: 2008-Present

Iraq's in-country refugee processing program, which began in 2008, was established to offer protection to Iraqi nationals who had worked for the U.S. government during the Iraq War and were consequently targeted by Iraqi extremists and militia groups. In 2008, the Congressional Budget Office estimated there were approximately 76,000 Iraqi contractors supporting U.S. operations in the country, and according to the Center for American Progress, an estimated 30,000 to 100,000 U.S.-affiliated Iraqis were displaced

55 David E. Ralph, "Haitian Interdiction on the High Seas: the Continuing Saga of the Rights of Aliens Outside United States Territory," *Maryland Journal of International Law*, vol. 17, no. 2, Article 5, <http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1429&context=mjil>.

56 U.S. Coast Guard, "Alien Migrant Interdiction," last modified October 31, 2014, www.uscg.mil/hq/cg5/cg531/amio/amio.asp.

57 Small numbers were also brought to third-party countries including Belize, Honduras, Trinidad and Tobago, and Venezuela, which offered to temporarily provide safe haven for interdicted Haitians. See Ruth Ellen Wassem, *U.S. Immigration Policy on Haitian Migrants* (Washington, DC: Congressional Research Service, 2011), <http://fas.org/sgp/crs/row/RS21349.pdf>.

58 White House, Office of the President, "Executive Order 12997 of May 24, 1992, Interdiction of Illegal Aliens," *Federal Register* vol. 57, no. 105, June 1, 1992, www.uscg.mil/hq/cg5/cg531/amio/EO12807.pdf.

59 The initial criteria included formal political prisoners; human-rights activists; those subjected to harsh or discriminatory treatment because of their political beliefs or activities; those fearing persecution because of their leadership roles in political or religious organizations; former government officials or those in fields that may be targeted (such as journalism); dissidents; and other refugees of compelling concern to the United States.

60 Statement by Tarnoff and Oakley before the U.S. Senate Committee on the Judiciary, Subcommittee on Immigration.

61 Bill Frelick, "In-Country Refugee Processing of Haitians: The Case Against," *Refuge*, vol. 21 no. 4 (2003): 66-72, <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21310/19981>.



from their homes, either internally or in nearby countries.⁶²

Iraqi in-country processing initially began as an Obama administration policy, but Congress codified the program and the Priority 2 designation (thus eligibility criteria) for U.S.-affiliated Iraqis through the 2008 *Refugee Crisis in Iraq Act*. Admissions were initially low when the program was an executive-branch initiative, but Congress's passage of the 2008 law expanded the admission numbers and resources dedicated to implementation.⁶³ The program was temporarily suspended in summer 2014 due to security concerns at the U.S. embassy in Baghdad but has since resumed.⁶⁴ In FY 2014, 10,488 individuals arrived as refugees from Iraq, nearly all presumably through the in-country program.

Iraqi in-country processing initially began as an Obama administration policy, but Congress codified the program.

62 Natalie Ondiak and Brian Katulis, *Operation Safe Haven Iraq 2009: An Action Plan for Airlifting Endangered Iraqis Linked to the United States* (Washington, DC: Center for American Progress), https://cdn.americanprogress.org/wp-content/uploads/issues/2009/01/pdf/iraqi_refugees.pdf.

63 George Packer, "A Little Good News for Iraqi Refugees," *The New Yorker*, August 12, 2008, www.newyorker.com/news/george-packer/a-little-good-news-for-iraqi-refugees.

64 Iraqi Refugee Assistance Project, "Bipartisan Letter to Obama Urges Re-opening of In-country Refugee Processing in Iraq," October 3, 2014, <http://refugeerights.org/bipartisan-letter-to-obama-urges-re-opening-of-in-country-refugee-processing-in-iraq/>.



Works Cited

- Bruno, Andorra. 2015. *Refugee Admissions and Resettlement Policy*. Washington, DC: Congressional Research Service. www.fas.org/sgp/crs/misc/RL31269.pdf.
- Chishti, Muzaffar and Faye Hipsman. 2015. The Child and Family Migration Surge of Summer 2014: A Short-lived Crisis with a Lasting Impact. *Columbia Journal of International Affairs*, vol. 68 no. 2.
- Donato, Katharine M. and Blake Sisk. 2015. Children's Migration to the United States from Mexico and Central America: Evidence from the Mexican and Latin American Migration Projects. *Journal on Migration and Human Security*, vol. 3 no. 1. <http://jmhs.cmsny.org/index.php/jmhs/article/view/43>.
- Frelick, Bill. 2003. In-Country Refugee Processing of Haitians: The Case Against. *Refuge*, vol. 21 no. 4: 66-72. <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21310/19981>.
- General Accounting Office (GAO). 1990. *The Orderly Departure Program from Vietnam*, Report to the Chairman, Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary, House of Representatives. Washington, DC: GAO. <http://archive.gao.gov/t2pbat10/141353.pdf>.
- Goodlatte, Bob. 2014. Goodlatte: New Obama Administration Policy Is a Government-Sanctioned Border Surge. Press release, November 14, 2014. <http://judiciary.house.gov/index.cfm/press-releases?id=A58096D2-836D-4A71-BA14-3988B771F9C5>.
- Henshaw, Simon. 2015. Testimony of Principal Deputy Assistant Secretary of State, Bureau of Population, Refugees, and Migration before the Senate Committee on the Judiciary, Subcommittee on Immigration and the National Interest. *Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration's Central American Minors Refugee/Parole Program*, 114th Cong., 1st sess., April 23, 2015. www.judiciary.senate.gov/meetings/eroding-the-law-and-diverting-taxpayer-resources-an-examination-of-the-administrations-central-american-minors-refugee/parole-program.
- Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Public Law 104-208. 110 Stat. 3009-546. 104th Cong., 2nd sess., September 30, 1996.
- Iraqi Refugee Assistance Project. Bipartisan Letter to Obama Urges Re-opening of In-country Refugee Processing in Iraq. October 3, 2014. <http://refugeerights.org/bipartisan-letter-to-obama-urges-re-opening-of-in-country-refugee-processing-in-iraq/>.
- Lovelace, Ryan. 2015. Previously Deported Immigrants Can Now Enter the U.S. on Taxpayers' Dime. *National Review*, April 7, 2015. www.nationalreview.com/article/416545/previously-deported-immigrants-can-now-enter-us-taxpayers-dime-ryan-lovelace.
- Migration Policy Institute (MPI) Data Hub. N.d. Countries of Birth for U.S. Immigrants, 1960-2013. Accessed May 15, 2015. www.migrationpolicy.org/programs/data-hub/us-immigration-trends#source.
- Ondiak, Natalie and Brian Katulis. 2009. *Operation Safe Haven Iraq 2009: An Action Plan for Airlifting Endangered Iraqis Linked to the United States*. Washington, DC: Center for American Progress. https://cdn.americanprogress.org/wp-content/uploads/issues/2009/01/pdf/iraqi_refugees.pdf.
- Packer, George. 2008. A Little Good News for Iraqi Refugees. *The New Yorker*. August 12, 2008, www.newyorker.com/news/george-packer/a-little-good-news-for-iraqi-refugees.
- Ralph, David E. 1993. Haitian Interdiction on the High Seas: the Continuing Saga of the Rights of Aliens Outside United States Territory. *Maryland Journal of International Law*, vol. 17 no. 2: 227-51. <http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1429&context=mjil>.
- Refugee Processing Center. 2014. Refugee Arrivals by Processing Country, All Nationalities, for the Reporting Period of October 1, 2013 through September 30, 2014. Washington, DC: U.S. Department of State. www.refugeerights.org.



[wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map\(10.6.2014\).pdf](http://wrapsnet.org/Portals/1/Arrivals/Arrivals%20FY%202014/Arrivals%20by%20Processing%20Country%20and%20Nationality%20-%20Map(10.6.2014).pdf).

- _____. N.d. Map Arrivals by Processing Country and Nationality. Accessed April 15, 2015. www.wrapsnet.org/Reports/AdmissionsArrivals/tabid/211/Default.aspx.
- Rosenblum, Marc R. 2015. *Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention*. Washington, DC: Migration Policy Institute. www.migrationpolicy.org/research/unaccompanied-child-migration-united-states-tension-between-protection-and-prevention.
- Tarnoff, Peter and Phyllis Oakley. 1995. Statements of Acting Secretary of State and Assistant Secretary of State, Bureau of Population, Refugees, and Migration. Annual Refugee Consultation, 104th Cong., 1st sess., August 1, 1995. <https://archive.org/stream/annualrefugeecon00unit#page/4/mode/2up/search/Haiti>.
- U.S. Citizenship and Immigration Services (USCIS). 2011. Green Card for an Amerasian Child of a U.S. Citizen. Updated March 22, 2011. www.uscis.gov/green-card/other-ways-get-green-card/green-card-amerasian-child-us-citizen.
- _____. 2014. Extension of the Designation of Honduras for Temporary Protected Status. 79 *Federal Register* 62170, October 16, 2014. <https://federalregister.gov/a/2014-24559>.
- _____. 2015. Executive Actions on Immigration. Updated April 15, 2015. www.uscis.gov/immigrationaction.
- _____. 2015. Extension of the Designation of El Salvador for Temporary Protected Status. 80 *Federal Register* 893, January 7, 2015, corrected January 14, 2015. <https://federalregister.gov/a/2015-00031>.
- U.S. Coast Guard. 2014. Alien Migrant Interdiction. Updated October 31, 2014. www.uscg.mil/hq/cg5/cg531/amio/amio.asp.
- U.S. Customs and Border Protection (CBP). N.d. Southwest Border Unaccompanied Alien Children. Accessed June 11, 2015. www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children.
- U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR). N.d. Find Resources and Contacts in Your State. Accessed June 12, 2015. www.acf.hhs.gov/programs/orr/state-programs-annual-overview.
- U.S. Department of Homeland Security (DHS). 2013. *Estimates of the Legal Permanent Resident Population in 2012*. Washington, DC: DHS, Office of Immigration Statistics. www.dhs.gov/sites/default/files/publications/ois_lpr_pe_2012.pdf.
- _____. 2014. *Yearbook of Immigration Statistics 2013*. Washington, DC: DHS, Office of Immigration Statistics. www.dhs.gov/yearbook-immigration-statistics-2013-lawful-permanent-residents.
- U.S. Department of State (DOS). 2004. Refugee Admissions Program for East Asia. Fact sheet, January 2004. <http://2001-2009.state.gov/g/prm/rls/fs/2004/28212.htm>.
- _____. 2014. In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras With Parents Lawfully Present in the United States. www.state.gov/j/prm/releases/factsheets/2014/234067.htm.
- DOS, DHS, and HHS. 1994. *Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1995*. http://dosfan.lib.uic.edu/ERC/population/1995_Refugee_report.html.
- _____. 2004. *Proposed Refugee Admissions for FY 2005 -- Report to the Congress*. <http://2001-2009.state.gov/g/prm/asst/rl/rpts/36116.htm>.
- _____. 2013. *Report to the Congress on Proposed Refugee Admissions for Fiscal Year 2014*. www.state.gov/documents/organization/219137.pdf.



- _____. 2014. *Proposed Refugee Admissions for Fiscal Year 2015*. www.state.gov/documents/organization/232029.pdf.
- United Nations High Commissioner for Refugees (UNHCR). 2014. *Children on the Run*. Washington, DC: UNHCR. www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf.
- United Nations Office on Drugs and Crime (UNODC). 2014. *Global Study on Homicide 2013*. Vienna, Austria: UNODC. www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.
- _____. 2014. UNODC Homicide Statistics 2013. Accessed May 15, 2015. www.unodc.org/gsh/en/data.html.
- Wasem, Ruth Ellen. 2009. *Cuban Migration to the United States: Policy and Trends*. Washington, DC: Congressional Research Service. www.fas.org/sgp/crs/row/R40566.pdf.
- _____. 2011. *U.S. Immigration Policy on Haitian Migrants*. Washington, DC: Congressional Research Service. <http://fas.org/sgp/crs/row/RS21349.pdf>.
- White House, Office of the President. 1992. Executive Order 12997 of May 24, 1992, Interdiction of Illegal Aliens. *Federal Register* vol. 57, no. 105, June 1, 1992, www.uscg.mil/hq/cg5/cg531/amio/eo12807.pdf.
- _____. 2013. Refugee Admissions for Fiscal Year 2014. Presidential Memorandum, October 2, 2013. www.white-house.gov/the-press-office/2013/10/02/presidential-memorandum-refugee-admissions-fiscal-year-2014.
- Young, Wendy. 2003. Resettlement and Processing of Haitian Refugees. *Refuge*, vol. 21 no. 4: 63-65. <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21309/19980>.
- Zucker, Norman L. and Naomi Flint Zucker. 1996. *Desperate Crossings: Seeking Refuge in America*. New York, NY: Routledge Press.



About the Authors



Faye Hipsman is an Associate Policy Analyst with the U.S. Immigration Policy Program at the Migration Policy Institute (MPI), where her research areas include border and immigration enforcement and national immigration legislation. She regularly co-authors the Policy Beat, published monthly in the *Migration Information Source*, MPI's online journal.

Prior to joining MPI, she worked as a paralegal at an immigration and nationality law firm in Boston on a variety of deportation, family-based, and employment-based cases. She has also worked at the Brookings Institution and at Las Americas Immigrant Advocacy Center in El Paso, Texas.

She holds a BA in Latin American studies with minors in economics and history from Oberlin College.



Doris Meissner, former Commissioner of the U.S. Immigration and Naturalization Service (INS), is a Senior Fellow at MPI, where she directs the Institute's U.S. immigration policy work.

Her responsibilities focus in particular on the role of immigration in America's future and on administering the nation's immigration laws, systems, and government agencies. Her work and expertise also include immigration and politics, immigration enforcement, border control, cooperation with other countries, and immigration and national security.

From 1993-2000, she served in the Clinton administration as Commissioner of the INS, then a bureau in the U.S. Department of Justice. Her accomplishments included reforming the nation's asylum system; creating new strategies for managing U.S. borders; improving naturalization and other services for immigrants; shaping new responses to migration and humanitarian emergencies; strengthening cooperation and joint initiatives with Mexico, Canada, and other countries; and managing growth that doubled the agency's personnel and tripled its budget.

She first joined the Justice Department in 1973 as a White House Fellow and Special Assistant to the Attorney General. She served in various senior policy posts until 1981, when she became Acting Commissioner of the INS and then Executive Associate Commissioner, the third-ranking post in the agency. In 1986, she joined the Carnegie Endowment for International Peace as a Senior Associate. Ms. Meissner created the Endowment's Immigration Policy Project, which evolved into MPI in 2001.



The Migration Policy Institute is a nonprofit, nonpartisan think tank dedicated to the study of the movement of people worldwide. MPI provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic and thoughtful responses to the challenges and opportunities that large-scale migration, whether voluntary or forced, presents to communities and institutions in an increasingly integrated world.

www.migrationpolicy.org

1400 16th Street NW
Suite 300
Washington, DC 20036

Tel: 001 202-266-1940
Fax: 001 202-266-1900

