

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney
2 SARA WINSLOW (DCBN 457643)
Chief, Civil Division
3 WENDY M. GARBERS (CABN 213208)
Assistant United States Attorney
4 ALISON E. DAW (CABN 137026)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
Telephone: (415) 436-7073
7 FAX: (415) 436-7234
alison.daw@usdoj.gov

8 Attorneys for the Federal Defendants

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 S.A.; J.A.; A.B.; R.C., on behalf of himself and
as Guardian Ad Litem for J.C., a minor child;
14 M.C.; D.D.; G.E., on behalf of himself and as
Guardian Ad Litem for B.E., a minor child; J.F.
15 on behalf of himself and as Guardian Ad Litem
for H.F. and A.F., minor children, on behalf of
16 themselves and on behalf of a class of all
similarly situated individuals, and CASA,

17 Plaintiffs,

18 v.

19 DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
20 DEPARTMENT OF HOMELAND
SECURITY; U.S. CITIZENSHIP AND
21 IMMIGRATION SERVICES; U.S.
DEPARTMENT OF STATE; KEVIN K.
22 McALEENAN, in his capacity as Acting
Secretary of Homeland Security; MICHAEL R.
23 POMPEO, in his official capacity as Secretary
of State; KENNETH T. CUCCINELLI, II, in
24 his official capacity as Acting Director of U.S.
Citizenship and Immigration Services; UNITED
25 STATES OF AMERICA,

26 Defendants.
27
28

Case No. 18-CV-03539 LB

DEFENDANTS' THIRD QUARTERLY REPORT

Honorable Laurel Beeler

1 Pursuant to the parties' Binding Memorandum of Agreement of April 11, 2019 (ECF 90), the
2 Court's order of April 12, 2019 (ECF 91), and the Stipulated Final Judgment and Order for Permanent
3 Injunction (ECF 99), Defendants submit their Third Quarterly Report, attached hereto, regarding the
4 CAM Parole Program.

5
6 DATED: December 27, 2019

Respectfully submitted,

7 DAVID L. ANDERSON
United States Attorney

8 /s/ Wendy M. Garbers
9 WENDY M. GARBERS
Assistant United States Attorney

CAM Parole Status Report (January 1, 2019)

Pursuant to paragraph 9 of the April 12, 2019, Memorandum of Agreement (MOA), USCIS submits this “third quarterly report” of its implementation progress. Unless otherwise noted, the information in this report is current as of December 19, 2019.

Note: Update on Paragraph 7 Plaintiffs

Further to paragraph 7 of the MOA, USCIS agreed to re-open two Plaintiff family cases and consider them for parole, specifically, the beneficiaries (1) A.B.’s son; (2) A.B.’s son’s child; (3) H.F.; (4) A.F.; and (5) H.F. and A.F.’s mother. USCIS reopened their cases and has issued them all advance parole documents. A.B.’s son traveled to the U.S. on October 23, 2019. He opted not to take his child. A.F., H.F., and A.F. were issued their transportation letters, but have yet to travel because they are awaiting required travel authorization from the non-present parent, a requirement of the Honduran government.

Note: Update on Paragraph 9 for third quarterly report only:

USCIS agreed to report on (1) *the number of beneficiaries for whom the U.S.-based parent did not respond to USCIS contact efforts* and (2) *the number of beneficiaries who did not respond to USCIS contact efforts*. USCIS issued written notices to all U.S.-based parents about the court order and continued case processing. USCIS received returned from the USPS as undeliverable 301 notices, representing 190 petitioners, but of those 190 petitioners, USCIS was later able to locate most of those petitioners and/or their beneficiaries by phone and/or email. At this point in time, USCIS has been unable to contact 33 U.S. based parents, or petitioners, and their 50 beneficiaries about the court order and continued processing.

The re-opening notice sent to U.S.-based parents provided contact information for USCIS and instructions to provide USCIS with updated contact information about beneficiaries if the previous information had changed. It did not specifically require that affected individuals respond to USCIS in order to “opt in” to the settlement agreement. IOM calls all eligible beneficiaries to schedule updated medical examinations and, when necessary, schedule fingerprinting appointments. IOM completes these calls on a rolling basis, based on how many additional individuals IOM is able to process operationally at a given time. Four individuals have declined to move forward with case processing. Two hundred and seventy applicants are currently being processed. Sixty eight have already traveled to the U.S. and been paroled. No cases that were re-opened have been denied.

The 270 cases currently being processed include individuals contacted for medical payment, individuals whose medical payment is complete, individuals with scheduled medicals, individuals contacted for travel payment, and individuals whose travel payment is complete.

Assumptions:

As noted previously in the USCIS operational compliance plan, USCIS will leverage IOM’s expertise and resources as it did when the CAM Parole program was previously operating. The submitted timeline represented the *fastest* estimated process assuming all external parties met the estimated milestones, but will be updated as more information becomes available. The estimated timeline was also based on previous CAM parole adjudications, and does not account for unforeseen differences.

Timeline Updates

Steps: Estimated timelines are approximate and may shift depending on unforeseen factors as well as those noted above.

It is important to note that in addition to assisting with the processing of the CAM parole cases, IOM has had to re-establish contact with the local government partners such as the Ministry of External Relations and Salvadoran Immigration (DGME), as well as hire additional staff to manage the workload.

Further to paragraph 8 of the MOA, USCIS notes the following progress on the Compliance Plan. For reference, USCIS has reproduced the tasks, estimated timeline and comments from the Compliance Plan, and provided a status update and date of completion on each tasking.

Compliance Plan filed on April 18, 2019			Status updates for January 1, 2019 Parole Status Report*	
			<i>*Unless otherwise noted, information current as of December 19, 2019</i>	
<i>Task</i>	<i>Estimated Completion Timeline</i>	<i>Comments</i>	<i>Actual Completion Date</i>	<i>Comments</i>
USCIS will verify lawful status of all qualifying family members in the United States	March 21 - April 8, 2019	Completed initial verification for approximately 1,670 qualifying family members in the United States	Completed on May 20.	<p>Completed – prior notes below:</p> <p>On May 30, USCIS issued Requests For Evidence of lawful presence to family members (to 17 parents, representing 28 cases) without a record of current qualifying lawful presence, requesting evidence of lawful presence.</p> <p>As of September 23, 2019, USCIS had attempted to contact all 17 remaining parents via phone (and email, when available) in addition to the mailed RFEs. Of the 17 parents contacted by RFE, phone, and email, when available, 3 submitted proof of lawful status and 1 additional parent was verified by USCIS when the beneficiary appeared to receive information</p>

				on his medical exams. Therefore, there are 11 parents for whom USCIS cannot confirm lawful presence.
USCIS will update automated security checks for all beneficiaries	March 25 - April 12, 2019	Completed initial security checks for approximately 2,700 individuals; does not include resolution of adverse information.	Completed on April 23.	Completed - Prior notes below: Additional checks will be conducted during later stages of processing.
USCIS will update automated security checks for all qualifying family members in the United States	April 15-23, 2019	Approximately 1,670 qualifying family members in the United States	Completed on April 23.	Completed - Prior notes below: Additional checks will be conducted during processing.
USCIS will post updated materials to the USCIS website, as necessary about court order and ongoing compliance	May 6, 2019 – TBD, ongoing as necessary	Basic information about court order can be posted by May 6. More information about case processing to be posted as notification to impacted family members is sent.	Completed. See status update for dates of completion.	Completed - Prior notes below: On May 21, USCIS posted basic information about the court order to the USCIS website in English and Spanish. On June 18, USCIS posted further information about the settlement and permanent injunction online in English and Spanish. See https://www.uscis.gov/humanitarian/humanitarian-parole/central-american-minors-cam-information-parole-applicants USCIS also developed and posted on June 18 an online-self-check eligibility tool so that petitioners and beneficiaries could instantly find out if their case is part of the settlement.
USCIS will establish mechanism to accept updated contact	June 3, 2019 - TBD		Completed on May 28.	Completed - Prior notes below:

information for family members in the United States and their beneficiaries, including an email address.				There is a CAM-dedicated email address attached to the program notices and available online. USCIS has received and timely responded to inquiries through this email address since the notices were mailed in late May, including updated contact information for impacted individuals and many other questions related to the CAM program.
USCIS will begin notifying qualifying family members in the United States of the court order and continued case processing	June 3, 2019 - TBD	Timeframe includes drafting of notice, AR-11 verification of addresses, and printing and mailing.	Completed on May 31.	<p>Completed - Prior notes below:</p> <p>In May, USCIS searched AR-11 holdings to ensure that USCIS had the latest addresses of record associated with CAM participants.</p> <p>On May 31, USCIS completed mailing all notices to qualifying family members in the United States.</p> <p>As of August 23, 2019, USCIS has received 301 notices, representing 190 petitioners, that USPS returned as undeliverable. USCIS continues to track returned notices and to attempt to locate qualifying family members through alternative contact information of record. Of the 190 petitioners, USCIS contacted 153 by phone and/or email.</p>
USCIS will re-establish a contract with IOM for in-country assistance	Discussions have begun – TBD [Estimated	A new or updated contract and procurement package will need to be cleared by DHS and IOM; for reference,	Completed on September 25.	<p>Completed - Prior notes below:</p> <p>In anticipation of the finalization of the</p>

	mid September /October 2019]	standing up CAM initially took several months of negotiation with IOM and this timeframe may be shorter		contract, USCIS was in communication with IOM to update them on what steps in the process have been completed thus far and how the agency has communicated with the applicants. USCIS has also tracked information for each beneficiary, including when they have received their medicals and whether they will need to be interviewed. Now that the contract is signed, this information will be provided to IOM to assure a smooth transition.
Department of State and USCIS will re-negotiate with consulate and panel physicians to determine how many CAM applicants can be processed each month.	Estimated early July 2019.	Under the program as previously constituted, the Embassy negotiated for panel physicians to accept as many as 5 per day (25 per week per physician.)	Completed on June 28.	Completed - Prior notes below: USCIS and Department of State have held discussions with panel physicians about how many CAM applicants they can process. The panel physicians in El Salvador, Guatemala and Honduras will be able to accept up to 10 CAM applicants a day. There are currently 5 panel physicians in El Salvador, 4 in Guatemala, and 3 in Honduras.
IOM will begin notifying beneficiaries abroad of continued case processing;	Estimated July 15, 2019, assuming completion of prior steps.	Actual timeframe is dependent on how much time IOM might need to build up staffing abroad. (Current estimate allows IOM only one month following the finalized contract to ensure they have the necessary staffing in place.)	In process.	While the completion of the IOM contract was pending, USCIS began the process of notifying beneficiaries in Guatemala and El Salvador, since the agency has offices in these countries. A total of 431 notices were hand-delivered to the beneficiaries in person at

				the overseas USCIS offices. These applicants were also given instructions for scheduling their medical exams. IOM has delivered a total of 521 letters since they signed the Statement of Work on September 26, 2019.
USCIS will schedule biometrics appointments when necessary.	TBD	Fingerprints will be collected by USCIS for any beneficiaries who turned 14 years old following the CAM Parole program termination. Fingerprints do not need to be collected again for conditional parolees who already had them collected prior to termination of program; instead, their fingerprints on file will be re-run for checks.	In process.	As of June 4, 2019, USCIS identified 89 beneficiaries who require fingerprints. Since June 13, 2019, USCIS scheduled biometrics appointments in El Salvador, Honduras and Guatemala.
USCIS will begin appointments to collect biometrics if necessary	Estimated July 29, 2019		In process.	Since June 21, 2019, USCIS has been taking required fingerprints. Of the 89 cases that were identified (77 <i>Salvadorans</i> , 10 <i>Hondurans</i> , and 2 <i>Guatemalans</i>), 41 cases have been completed in El Salvador, 5 in Honduras and 2 in Guatemala. In total, 48 out of the 89 identified cases have completed biometrics. USCIS made attempts to reach the beneficiaries using all available contact information from the file and USCIS systems, including phone numbers and email addresses of the lawfully present parents

				and beneficiaries in country. USCIS was unable to contact 22 cases for fingerprinting because the agency had no updated contact information (19 Salvadoran and 3 Honduran). There are also 19 applicants who were contacted but were unavailable for fingerprinting appointments, as they are not currently living in El Salvador or Honduras (17 Salvadoran, 2 Honduran).
IOM will begin to collect money and schedule new medical exams for all beneficiaries	Estimated August 26, 2019.	Actual timeframe depends on the family's ability to produce the money for the fee and the limited availability of physicians. There are five panel physicians in El Salvador, where the vast majority of beneficiaries will seek a new medical exam. There are four in Guatemala and three in Honduras. Last time, it took approximately one month for IOM NY to collect payment from parents in the United States.	In process.	In July 2019, USCIS began providing applicants with the option to schedule medical exams and pay the panel physician directly. To date, 431 applicants have been given an instruction sheet by USCIS on how to schedule their own appointments. IOM has now assumed this task. IOM has already contacted 210 applicants for payment of their medical exams as of December 23, 2019. This number includes individuals who have been contacted for payment, whose medical payment has been completed, and those whose medical exam has been scheduled.
USCIS will begin to receive submitted medical exams, required for all beneficiaries	Estimated September 9, 2019.	Actual timeframe of medical exam results will depend on available physicians. The results of medical exams are sent to IOM within two weeks and then the scanned	In process.	USCIS has received 403 completed medical exams as of December 23, 2019. The first medical exam results were received on July 29, 2019

		report is sent to USCIS in batches.		
USCIS and IOM will begin to schedule interviews with USCIS as needed, depending on any new information.	Estimated September 9, 2019.	Depending on any new information resulting from medical exams or security checks, a new interview may be scheduled for individual beneficiaries.	In process.	As of Dec. 23 2019, USCIS has so far identified 43 cases that will require interviews. Of those 37 have already been interviewed.
USCIS will begin to review eligibility for CAM parole on a case by case basis, assuming all information has been submitted.	Estimated September 10, 2019.	Case by case review can begin as soon as a beneficiary has submitted medical exams and an officer can review the relevant security checks. Actual date depends on IO office closures and restructuring.	In process.	USCIS is actively reviewing cases for eligibility on an ongoing basis.
USCIS will inform Customs and Border Protection that its officers will begin to see CAM parolees at ports of entry	Estimated September 10, 2019	Disseminate memo to CBP regarding CAM parolee travel and expected timeframe for travel	Completed on October 11, 2019.	Completed - Prior notes below: USCIS sent the memo to CBP on October 11, 2019.
IOM will collect money for plane tickets.	Estimated beginning October 14, 2019.	Following case review, USCIS notifies IOM that they can begin to arrange travel. The actual timeframe depends on the individual's ability to pay. IOM NY took usually one month to collect payment from parents in the United States.	In process	IOM has begun collecting money for travel. They have collected money for 98 applicants as of December 23, 2019.
For eligible cases, USCIS will complete final security checks and re-verify that the qualifying family member in the United States still has lawful presence before issuing the travel document.	Estimated beginning October 17, 2019.	When a travel date is confirmed, USCIS conducts final checks. This must be done within a 48-hour period before issuing the I-512L travel document.	In process.	USCIS will complete security checks upon notification of the applicant's travel date and 48 hours prior issuance of the I-512L. USCIS has cleared 67 cases for travel as of December 23, 2019.
For cases with final approval, USCIS will print a travel document that is valid through	Estimated beginning October 17, 2019.		In process.	The first group traveled to the U.S. on October 15, 2019. USCIS has printed a total of 67

the valid period of the beneficiary's medical exam.				travel documents as of December 23, 2019 (excluding the named plaintiffs).
USCIS will provide IOM with USCIS issued travel documents, valid through the valid period of the beneficiaries' medical exams.	Estimated beginning October 18, 2019.		In process.	USCIS has provided 67 travel documents to IOM as of December 23, 2019.
IOM will provide the USCIS issued travel document to the travelling beneficiaries with final approval.	Estimated beginning October 23, 2019.	Actual timeline may depend on the beneficiary's schedule and readiness to depart. In certain cases, IOM will escort beneficiaries for their travel.	In process.	IOM has provided travel documents to 67 applicants on their travel day as of December 23, 2019. IOM counsels, houses and escorts applicants to the airport on their designated date of travel.