

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' FIFTH 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 Fifth Quarterly Report, attached hereto, regarding the  
4 CAM Parole Program.

5  
6 DATED: June 30, 2020

Respectfully submitted,

7 DAVID L. ANDERSON  
8 United States Attorney

9 /s/ Wendy M. Garbers  
10 WENDY M. GARBERS  
11 Assistant United States Attorney  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## **CAM Parole Status Report (July 1, 2020)**

Pursuant to paragraph 9 of the April 12, 2019, Memorandum of Agreement (MOA), USCIS submits this “fifth quarterly report” of its implementation progress. Unless otherwise noted, the information in this report is current as of June 22, 2020.

### Note: Impact of coronavirus on CAM processing:

In mid-March, the coronavirus disease (COVID-19) outbreak resulted in airport closures in Guatemala City, San Salvador, and Tegucigalpa. On or around March 15, 2020, shortly prior to the airport closures, flight cancelations began to affect CAM parolees, causing IOM to cancel planned CAM flights on March 17 and 19 and additional flights after that date. National governments in El Salvador, Guatemala, and Honduras also declared mandatory stay at home orders. The stay at home orders are still in effect for Honduras and Guatemala and cessation of commercial flights are still in effect for all three countries, with some restrictions on travel across departments and municipalities.

On June 13, 2020 the Government of El Salvador announced a five phased re-opening of the nation’s economy, with industries related to foods and construction opening on June 16. The later phases gradually open different sectors of society and the airport is scheduled to reopen in Phase 4 on August 6, 2020. As of June 16, 2020, the panel physicians have resumed medical screening. There are also a limited number of repatriation flights organized primarily for U.S. citizens and U.S. Lawful Permanent Residents. A small number of CAM beneficiaries in El Salvador were approved for travel on the repatriation flights based on availability of space on those flights. They were selected based on their location within the country and their medical exam expiration date. Two beneficiaries departed the week of June 1, 2020 and another six traveled to the U.S. the week of June 15, 2020. These beneficiaries were prioritized for travel over others based on medical exam expiration dates.

The Government of Guatemala has declared that the “state of calamity” has been extended to July 5, 2020. The airports in Guatemala continue to be closed to commercial flights, but there are a limited number of repatriation flights for U.S. citizens and others. A national curfew of 6:00 p.m. to 5:00 a.m. is in effect until at least June 29, 2020, with a prohibition on travel between departments in the country. However, the panel physicians are available for medical examinations. The proposed date for reopening the airport to commercial flights is August 15, 2020. However, certain public health benchmarks must be met in order for that to happen. Cases cleared for travel in Guatemala have medical exams valid until September 2020, and their travel will be organized by IOM in the near future, to the extent there is space on repatriation flights or flight restrictions are lifted.

The Government of Honduras has instituted a curfew for the entire country until at least June 28, 2020, with restricted movement allowed for essential services. The government has suspended a Phase 1 reopening for the Central District, while in the rest of the country some businesses are allowed to reopen under Phase 1. Only one panel physician is available to perform medical examinations, with very limited capacity. Some international flights during this period will be allowed at the airports in Tegucigalpa and San Pedro Sula, but are subject to restrictions. Cases cleared for travel in Honduras have medical exams valid until September 2020, and their travel will be organized by IOM in the near future, to the extent there is space on repatriation flights or flight restrictions are lifted.

USCIS staff in El Salvador and Guatemala are working from home and continue to process parole cases, but locally employed USCIS staff are not reporting to work during this time and do not have telework capability. USCIS staff are unable to issue travel letters, withdrawal or closure notices while working from home, though certain preliminary tasks can be completed from home. In El Salvador the Field Office Director (FOD) and

International Adjudications Officer (IAO) only work from the office for a few hours a week on non-overlapping days given the U.S. embassy's current limitations to on-site presence. The Guatemala City FOD is also able to work at the embassy for limited periods of two days per week.

The initial review of completed medicals may also be delayed due to limitations of available personnel resources. The validity period of medical exams is determined by the Centers for Disease Control (CDC). Since the beginning of the restrictions in March, 157 medical exams have expired, all related to the suspension of activities due to COVID-19. It is expected that additional medical exams will expire until restrictions are eased and processing capacity increases. The philanthropic foundation funding parolee travel continues to be able to provide funding for repeat medical exams for individuals whose medical exams expire during the lapse in flights to the U.S.

IOM Operations staff continue to telework and are electronically processing already completed medical exams. IOM staff may also go to the office or assist with parolee departures on an as needed basis. In El Salvador, the panel physicians resumed examinations the week of June 16, 2020 with limited capacity and IOM has begun scheduling appointments. In Guatemala, panel physicians are working but the only case pending medicals is unable to be scheduled due to the guardian's inability to accompany the child.

### **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, such as the closures due to the COVID-19 pandemic.

### **Timeline Updates**

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

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.

<b>Compliance Plan filed on April 18, 2019</b>			<b>Status updates for June 22, 2020 Parole Status Report*</b> <i>*Unless otherwise noted, information current as of June 22, 2020</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, 2019.	<p>Completed – prior notes below:</p> <p>On May 30, 2019, 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 on his medical exams. Therefore, there are 11 parents for whom USCIS cannot confirm lawful presence. Additional attempts have been made to confirm lawful presence, though case closure notices have not yet been issued for any of these cases.</p>

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, 2019.	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, 2019.	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, 2019, USCIS posted basic information about the court order to the USCIS website in English and Spanish.  On June 18, 2019, USCIS posted further information about the settlement and permanent injunction online in English and Spanish. See <a href="https://www.uscis.gov/humanitarian/humanitarian-parole/central-american-minors-cam-information-parole-applicants">https://www.uscis.gov/humanitarian/humanitarian-parole/central-american-minors-cam-information-parole-applicants</a>  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 information for family members in the United States and their beneficiaries,	June 3, 2019 - TBD		Completed on May 28, 2019.	Completed - Prior notes below:  There is a CAM-dedicated email address attached to the program notices and available

including an email address.				online. USCIS has received and timely responded to inquiries through this email address since the notices were mailed in late May 2019, 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, 2019.	<p>Completed - Prior notes below:</p> <p>In May 2019, USCIS searched AR-11 holdings to ensure that USCIS had the latest addresses of record associated with CAM participants.</p> <p>On May 31, 2019, USCIS completed mailing all notices to qualifying family members in the United States.</p> <p>As of August 23, 2019, USCIS had received 301 notices, representing 190 petitioners, that USPS returned as undeliverable. Of the 190 petitioners, USCIS contacted 153 by phone and/or email.</p> <p>IOM now oversees notifications and returns undeliverable notices to USCIS.</p>
USCIS will re-establish a contract with IOM for in-country assistance	Discussions have begun – TBD	A new or updated contract and procurement package will need to be cleared by DHS and IOM; for reference, standing up CAM initially took several months of negotiation	Completed on September 25, 2019.	<p>Completed - Prior notes below:</p> <p>In anticipation of the finalization of the contract, USCIS was in communication with IOM to update them on</p>

		with IOM and this timeframe may be shorter		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, 2019.	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 1,505 letters since they signed the Statement of Work on September 26, 2019. As of June 22, 2020, a total of 1,936 beneficiaries have been notified by USCIS and IOM.
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 12, 2020, USCIS had identified 119 beneficiaries who require(d) fingerprints, some of which were later closed. Of these 119 individuals, 60 have undergone biometrics and 27 open cases still require biometrics.  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		Currently on hold due to pandemic related closures.	Since June 21, 2019, USCIS has been taking required fingerprints. USCIS cannot conduct biometrics appointments currently due to the pandemic closures.
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	In process.	In July 2019, USCIS began providing applicants with the option to schedule medical exams and pay the panel physician

		<p>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.</p>		<p>directly. 431 applicants had been given an instruction sheet by USCIS on how to schedule their own appointments. IOM has now assumed this task. IOM has already contacted 1,399 applicants for payment of their medical exams as of June 22, 2020. This number includes individuals who have been contacted for payment, whose medical payment has been completed, and those whose medical exam has been scheduled.</p> <p>Note: The number above has decreased from the last report as IOM had previously been including follow-up medical treatment payments, but IOM is now only counting initial medical exam payments. IOM made this change on April 17, 2020 and previously included follow-up payments were from their reporting.</p>
<p>USCIS will begin to receive submitted medical exams, required for all beneficiaries</p>	<p>Estimated September 9, 2019.</p>	<p>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 report is sent to USCIS in batches.</p>	<p>In process.</p>	<p>USCIS has received 1,116 completed medical exams as of June 12, 2020. The first medical exam results were received on July 29, 2019.</p>
<p>USCIS and IOM will begin to schedule interviews with USCIS as needed, depending on any new information.</p>	<p>Estimated September 9, 2019.</p>	<p>Depending on any new information resulting from medical exams or security checks, a new interview may be scheduled for individual beneficiaries.</p>	<p>Conducting interviews is currently on hold due to pandemic-related closures.</p>	<p>As of June 12, 2020, USCIS has identified 113 cases that will require re-interviews. Of those, 44 re-interviews have already been completed and 69 are pending re-interview.</p>

				USCIS is unable to conduct re-interviews currently in all three CAM countries due to the pandemic restrictions.
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 collected money for travel from 98 applicants as of December 23, 2019. IOM has not collected additional money for travel as a philanthropic foundation, the Shapiro Foundation, is funding parolee travel. Parolees who had already paid for travel were issued refunds.
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 to issuance of the I-512L.  USCIS has cleared 991 cases for travel as of June 12, 2020.
For cases with final approval, USCIS will print a travel document that is valid through the valid period of the beneficiary's medical exam.	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 357 travel documents as of June 12, 2020 (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 343 travel documents to IOM as of June 12, 2020. 21 travel documents have not been issued due to COVID-19 related flight cancellations.
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 338 applicants on their travel day as of June 22, 2020. IOM counsels, houses and escorts applicants to the airport on their designated date of travel.  338 applicants have traveled to the United States as of June 22, 2020. While many others are now cleared to travel, see above, the majority will be unable to do so until commercial flights resume.