

1 STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney
2 MICHELLE LO (NYRN 4325163)
Chief, Civil Division
3 WENDY M. GARBERS (CABN 213208)
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
5 San Francisco, California 94102-3495
6 Telephone: (415) 436-7073
7 FAX: (415) 436-7234
wendy.garbers@usdoj.gov

8 Attorneys for the Federal Defendants

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

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

16 Plaintiffs,

17 v.

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

25 Defendants.

Case No. 18-CV-03539 LB

**DEFENDANTS' TENTH 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 Tenth Quarterly Report, attached hereto, regarding the
4 CAM Parole Program.

5
6 DATED: October 4, 2021

Respectfully submitted,

7 STEPHANIE M. HINDS
Acting United States Attorney

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

CAM Parole Status Report (October 1, 2021)

Pursuant to paragraph 9 of the April 12, 2019, Memorandum of Agreement (MOA), USCIS submits this “tenth quarterly report” of its implementation progress. Unless otherwise noted, the information in this report is current as of September 10, 2021.

Reopening of the CAM Refugee and Parole Program

On March 10, 2021 the Departments of State and Homeland Security announced that the Central American Minors (CAM) Refugee and Parole program would be restarted and improved. The reopened CAM program will include both refugee and parole components.

The State Department’s Bureau of Population, Refugees, and Migration (PRM) and DHS’s U.S. Citizenship and Immigration Services (USCIS) have been processing and interviewing Phase One cases, which include cases where a CAM Affidavit of Relationship (AOR) had previously been filed but the applicants had not been interviewed.

On September 14, 2021 the CAM program began accepting new applications via Phase Two of the reopening. Per a June 15, 2021 joint statement by Secretaries Blinken and Mayorkas, eligible petitioners now include legal guardians who are lawfully present in the United States, in addition to the previously accepted qualifying parents. In addition, this expansion of petitioner eligibility will now include U.S.-based parents or legal guardians who have a pending asylum application or a pending U visa application petition filed before May 15, 2021.

Changes to CAM processing under this MOA

As part of the reopening of the CAM Refugee and Parole program, USCIS decided to increase the length of the initial parole period to three years instead of two years under the reopened CAM program for new cases being authorized parole under CAM. In line with that decision, USCIS determined to authorize three years of parole initially also for the cases remaining to be processed under this settlement agreement, rather than two years. USCIS notified plaintiffs’ counsel in advance of this positive change affecting the cases remaining under this settlement. USCIS then notified CBP of this change in an updated CAM Memorandum sent on July 12, 2021. As of that date, USCIS has implemented this change and is now authorizing the initial period of parole for three years for individuals authorized parole under this settlement.

Impact of Coronavirus on CAM Processing

Per Centers for Disease Control (CDC) requirements, travelers to the United States, including CAM beneficiaries, must undergo COVID-19 testing. The International Organization for Migration (IOM) has agreements with authorized laboratories in the three countries to perform COVID-19 antigen tests for CAM beneficiaries 48 hours prior to departure. Those who report COVID-19 symptoms to IOM or test positive for COVID-19 face delays in medical examinations or travel to the United States.

El Salvador does not have a curfew and has reopened its economy, with no limitation on travel. In El Salvador, there are two panel physicians available for CAM beneficiaries, with 50 appointments available per week. Each panel physician allows for five appointments per day and 25 beneficiaries per week.

Due to increases in COVID-19 infections in Guatemala, public transportation is currently operating at 50 percent maximum occupancy. Businesses can operate with limited hours and with social distancing. The Guatemalan government maintains location-specific restrictions on freedom of movement and activities based on a tiered health alert system.

The Government of Honduras maintains a curfew in place for the entire country from 10:00 p.m. to 5:00 a.m., extended until October 3, 2021. Shopping is allowed outside of curfew hours, but many categories of businesses continue to be prohibited from being open. Travel outside of curfew hours is allowed for health and emergency reasons and for other prioritized activities.

The U.S. Embassies in El Salvador and Guatemala continue with limited on-site work, though the local USCIS field offices are not yet open to the public. In El Salvador locally employed staff (LES) work in the office on a full-time basis five days a week. Direct hire USCIS staff in El Salvador are also working from the office on a full-time basis, five days a week. The USCIS office in El Salvador has recently conducted CAM parole re-interviews at their office.

At the U.S. Embassy in Guatemala personnel are encouraged to continue telework whenever possible. Offices are instructed to limit personnel on-site, taking into consideration social distancing and private offices. The Embassy observes alternating schedules and LES are limited to two days per week in the office on an as needed basis. They are not allowed to work a full eight-hour workday in the office, unless absolutely required. The USCIS office in Guatemala City is not conducting biometrics or re-interviews in the office.

Cases that are pending biometrics collection or a re-interview are currently limited in their ability to be processed due to COVID-19 restrictions. A limited number of CAM refugee cases are being interviewed remotely from the United States using video conferencing (VTEL) technology, which requires some in-person biometrics collection by Field Office Directors (FODs). USCIS is using this biometric collection for refugee cases to also collect biometrics for a limited number of CAM parole cases when possible and hopes to continue this in the future. These applicants are hosted at the Resettlement Support Center (RSC) offices. The USCIS office in El Salvador is able to conduct re-interviews and biometric collection in their office, but they are still operating with reduced capacity due to COVID-19 precautions. The USCIS office in Guatemala City has been able to request that refugee case adjudicators assist with a limited number of CAM parole re-interviews at RSC facilities.

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, such as for airport assistance for beneficiaries on the day of departure. There is currently no projected date for their return to work in their offices. Additionally, the parole medical assistants visit the office two times per month to archive physical medical files.

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 circumstances, 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.

Compliance Plan filed on April 18, 2019			Status updates for October 1, 2021 Parole Status Report* <i>*Unless otherwise noted, information current as of September 10, 2021</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. Additional attempts have been made to confirm lawful presence. Two qualifying parents responded and continued to be eligible for the program and six have not responded and their cases remain pending. Two cases have been administratively closed because the qualifying</p>

				parents were living in El Salvador. One case was administratively closed as the child had traveled to the United States outside of the program.
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 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.

<p>USCIS will establish mechanism to accept updated contact information for family members in the United States and their beneficiaries, including an email address.</p>	<p>June 3, 2019 - TBD</p>		<p>Completed on May 28, 2019.</p>	<p>Completed - Prior notes below:</p> <p>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 2019, including updated contact information for impacted individuals and many other questions related to the CAM program.</p>
<p>USCIS will begin notifying qualifying family members in the United States of the court order and continued case processing</p>	<p>June 3, 2019 - TBD</p>	<p>Timeframe includes drafting of notice, AR-11 verification of addresses, and printing and mailing.</p>	<p>Completed on May 31, 2019.</p>	<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 with IOM and this timeframe may be shorter	Completed on September 25, 2019.	Completed - Prior notes below: In anticipation of the finalization of the 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 also tracked information for each beneficiary, including when they received their medicals and whether they will need to be interviewed. Now that the contract is signed, this information has been provided to IOM.
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 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	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

		have the necessary staffing in place.)		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 1,607 letters since they signed the Statement of Work on September 26, 2019. As of September 10, 2021, a total of 2,038 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.	Currently there is a limited ability to conduct biometrics collection for litigation related CAM parole cases. Please see pg. 2 for additional information.	As of September 28, 2021, there are no cases that require biometrics collection.
USCIS will begin appointments to collect biometrics if necessary	Estimated July 29, 2019		Currently there is a limited ability to conduct biometrics collection for litigation related CAM parole cases. Please see pg. 2 for additional information.	Since June 21, 2019, USCIS has been taking required fingerprints. As of September 29, 2021, the USCIS field office in El Salvador has a reduced capacity for biometrics collection in their office, but there are currently no cases there that require biometrics collection. While USCIS Guatemala is still unable to collect biometrics at their office due to the pandemic closure, there are no Guatemalan cases that

				<p>currently need biometrics collection.</p> <p>A limited number of CAM refugee cases were being interviewed remotely from the United States using video teleconferencing (VTEL) technology. This process still required some in-person biometrics collection by Field Office Directors (FODs). USCIS used this biometric collection for refugee cases to also collect biometrics for a limited number of CAM parole cases when possible. These applicants were hosted at the Resettlement Support Center (RSC) offices.</p>
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. 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 contacted 1,533 applicants for payment of their medical exams as of September 10, 2021. This number includes individuals who have been contacted for payment, whose medical payment has been completed, and those with medical payments pending.

<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 1,836 completed medical exams as of September 27, 2021.</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>Currently there is a limited ability to conduct CAM parole reinterviews. Please see pg. 2 and the pg. 8 biometrics updates for additional information.</p>	<p>As of September 23, 2021, USCIS has 110 CAM parole cases pending re-interview. USCIS San Salvador is now able to conduct in person CAM Parole re-interviews. USCIS Guatemala City is still unable to conduct CAM parole re-interviews at its office.</p> <p>While USCIS does not have an office in Honduras, USCIS was able to conduct some in person CAM re-interviews there in August and September 2021 when a TDY refugee team was in country conducting refugee interviews.</p>
<p>USCIS will begin to review eligibility for CAM parole on a case by case basis, assuming all information has been submitted.</p>	<p>Estimated September 10, 2019.</p>	<p>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.</p>	<p>In process.</p>	<p>USCIS is actively reviewing cases for eligibility on an ongoing basis.</p>
<p>USCIS will inform Customs and Border Protection that its officers will begin to see CAM parolees at ports of entry</p>	<p>Estimated September 10, 2019</p>	<p>Disseminate memo to CBP regarding CAM parolee travel and expected timeframe for travel</p>	<p>Completed on October 11, 2019.</p>	<p>Completed - Prior notes below:</p> <p>USCIS sent the memo to CBP on October 11, 2019.</p> <p>USCIS sent an updated memo to CBP on July 12, 2021 to inform CBP that the CAM program</p>

				has reopened and that the initial parole periods for all CAM parolees going forward including under this settlement will be three years.
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 1,628 cases for travel as of September 27, 2021.
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 1,548 travel documents as of September 27, 2021 (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 1,524 travel documents to IOM as of September 24, 2021.
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 1,524 applicants on their travel day as of September 24, 2021. IOM counsels, houses, and escorts applicants to the airport

				<p>on their designated date of travel.</p> <p>1,524 applicants have traveled to the United States as of September 24, 2021.</p>
--	--	--	--	---