



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

January 24, 2018

Mr. Felipe González Morales
Special Rapporteur on the human rights of migrants

Mr. Nils Melzer
Special Rapporteur on torture and other cruel,
inhuman or degrading treatment or punishment

Dear Mr. González Morales and Mr. Melzer:

Thank you for your letter of August 29, 2017, expressing your concern regarding the termination of the Central American Minors (CAM) Parole Program. Please find the U.S. response attached.

Sincerely,

A handwritten signature in black ink, reading "Jason Mack".

Jason R. Mack
U.S. Deputy Permanent
Representative to the UN Human
Rights Council

SUBJECT: U.S. Response to joint SR letter regarding Central American Minors (CAM) Parole Program

- 1. Please provide any additional information and any comment you may have on the above-mentioned allegations.**

The Department of Homeland Security (DHS) terminated the CAM Parole program, discontinuing the automatic consideration of parole for all individuals found ineligible for refugee status under the in-country refugee program in Guatemala, Honduras, and El Salvador. However, the termination of the CAM Parole program does not affect the current period of parole for individuals who have already been paroled into the United States. Moreover, the CAM Parole program's termination does not preclude such individuals from applying for re-parole consideration independent of the CAM Parole program.

If CAM parolees wish to remain in the United States after their current parole period expires, they may apply for re-parole following the standard parole application process which requires filing of Form I-131, Application for Travel Document, consistent with the instructions for that form. Parole will only be issued on a case-by-case basis and only where the applicant demonstrates an urgent humanitarian or a significant public benefit reason for parole and that the applicant merits a favorable exercise of discretion.

More information can be found at

<https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-individuals-outside-united-states>.

- 2. Please provide specific details about how your Government intends to observe the above mentioned provisions of the relevant international human rights instruments and apply them to the new criteria for the renewal of paroles, notably for the children who are currently under parole in the United States.**

With certain exceptions, irrespective of immigration status, any alien who is physically present in the United States may apply for asylum. Regardless of whether an individual can apply for asylum, the U.S. government is committed to the principle of *non-refoulement*, as set forth in Article 33 of the 1951 Convention Relating to the Status of Refugees and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Accordingly, the U.S. government will not return an individual to a country in which his or her life or freedom would be threatened, except where permitted under U.S. law in accordance with United States' obligations under international law, including under the 1967 Protocol to the 1951 Refugee Convention and the Convention Against Torture.

3. Please provide information on any measures taken to offer another pathway to residency for children already under the CAM Parole Program in the United States.

Parole itself does not lead to permanent residency or immigration status, although it does allow an individual to enter and stay temporarily in the United States and to apply for work authorization while present lawfully.

With respect to individuals who were paroled into the United States under the CAM Parole program, they will remain paroled until the expiration of that period of parole, unless there are other grounds for termination of parole, including a departure from the United States.

Parole does not preclude individuals from pursuing pathways to permanent residency. For possible ways in which parolees may become eligible for lawful permanent residence, please see <https://www.uscis.gov/greencard/eligibility-categories>.

4. Please provide information on any measures taken to guarantee the safety of family members who were granted conditional approval under the CAM program but will no longer be permitted entry into the United States.

USCIS has issued notices to individuals conditionally approved for parole under the CAM Parole program, but who had not yet traveled or did not have travel scheduled prior to January 25, 2017, notifying them that the CAM Parole program has been terminated and their conditional approval of parole has been rescinded. Individuals who had not yet submitted a Request for Review of the denied refugee claim underlying their parole consideration have 90 days from the date that the conditional offer of parole was rescinded to submit a Request for Review of their denied refugee claim. Persons wishing to immigrate to the United States may also have other options, including humanitarian parole. Please refer to www.uscis.gov for information on these options.

The United States also encourages States to vigorously enforce laws to hold accountable those responsible for crimes, including kidnapping, extortion, robbery, sexual assault, trafficking in persons, murder, hate crimes, or other crimes, and raise awareness about victim identification and also to support efforts by local governments, civil society, and the private sector to discourage xenophobia, and intolerance against migrants, and to combat discrimination.

5. Please indicate what measures your Government intends to take in line with target 10.7 of the sustainable development agenda, by which States commit to facilitate orderly, safe, and responsible migration and mobility of people.

The United States is a global leader on international migration and refugee matters. Our diplomacy and foreign assistance programs encourage migration practices based on immigration policies that are safe, regular, and orderly, while simultaneously providing access to international protections and assistance to refugees and internally displaced persons. We seek to protect our borders, citizens, and labor force and production while addressing migration challenges, such as worker rights violations, migrant smuggling, and human trafficking. As we help nations develop well-managed migration capacities, we facilitate entry of legal investors and workers who create jobs, innovation, and bolster workforces. This discourages irregular migration by reducing poverty,

supporting inclusive development, and decreasing instability in fragile states. We also encourage other governments to do more, more quickly, to assist refugees, internally displaced persons, vulnerable migrants, and victims of human trafficking through our international partners to reduce our burden of doing so. The United States promotes safe, humane, and orderly migration policies and practices that safeguard human rights and respectful, dignified treatment of migrants, irrespective of migration status. We encourage States to prevent, investigate, and prosecute migrant smuggling and human trafficking as serious organized crime threats that undermine our common security and well-being, as well as to examine the drivers of irregular migration – including corruption, crime, violence, and lawlessness in source and transit countries. Further, the United States continues to provide appropriate procedural safeguards for all migrants, including asylum seekers.

6. What orderly, safe, and responsible channels are available for family reunification, including for migrants with family members living in the United States with a temporary residence permit?

The U.S. immigration system allows certain categories of immigrants to have family members join them in the United States. While U.S. citizens, lawful permanent residents, refugees, and asylees may petition to have certain foreign national family members join them in the United States; other non-immigrants are not eligible petitioners. For additional information on immigration to the United States based on a family member, please visit <https://www.uscis.gov/family> and <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration.html>.

7. What orderly, safe, and responsible channels are available for particularly vulnerable migrants, fleeing poverty, discrimination, violence, conflict, political upheaval, and poor governance in their countries of origin, to enter the United States?

The United States is the most generous nation in the world when it comes to providing protection, assistance, and durable solutions to refugees, which promotes our humanitarian interests. The United States Refugee Admissions Program (USRAP) plays a crucial role in these efforts.

In order to qualify as a refugee in the USRAP, an individual must meet the definition of a refugee under section 101(a)(42) of the Immigration and Nationality Act and must be eligible for refugee resettlement. To qualify as a refugee, the applicant must establish that he or she experienced past persecution or has a well-founded fear of persecution on account of one of the five protected grounds – race, religion, nationality, membership in a particular social group, or political opinion.

All refugees entering the United States are subject to stringent security checks and are admitted only after successfully completing that screening process. During its history, the USRAP has responded to changing humanitarian needs. Today, USCIS officers often conduct refugee applicant interviews in remote locations and focus on the individuals and populations who most need third country resettlement opportunities.