



## **Biden expands program for Central American minors, but border challenges persist**

Stephen Loiaconi

June 16, 2021

The Biden administration has expanded a program allowing some Central American children to apply for resettlement in the United States without leaving their home country, but it is unclear if that change will have much impact on either the strain on federal resources at the southern border or the political burden a surge of migration has created for the White House.

President Joe Biden revived the Obama-era Central American Minors (CAM) program in March, processing applications that were pending when it was shut down by the Trump administration in 2017. Officials announced Tuesday eligibility for the program—which unites children from the Northern Triangle countries of El Salvador, Guatemala, and Honduras with legal guardians living lawfully in the U.S.—would “dramatically expand.”

“We are firmly committed to welcoming people to the United States with humanity and respect, as well as providing a legal alternative to irregular migration,” Secretary of State Antony Blinken and Homeland Security Secretary Alejandro Mayorkas said in a joint statement, touting the administration’s efforts to promote “safe, orderly, and humane migration.”

The original incarnation of the program was available to children who had a parent living in the U.S. as a permanent resident or under temporary protected status. Based on the new criteria, some children whose parents or legal guardians have visa or asylum cases pending could also be allowed entry.

Administration officials have said about 40% of the children from the Northern Triangle who arrived at the border this year had at least one parent in the U.S., so many of them would potentially qualify for the expanded program. Some immigration rights activists applauded the policy shift.

“This is exactly what America should be doing,” said Frank Sharry, executive director of America’s Voice. “The Biden-Harris administration is significantly expanding a life-saving program for kids fleeing violence.”

The earlier version of the program had little effect on migration flows, but experts say that was partly because it required parents to already have long-term legal status, which can take many years to attain. The expansion of eligibility might decrease incentives to put children at risk to bypass the process.

“This is a great improvement over the current system, which requires children to cross the border illegally and pass through the hands of smugglers and be arrested and incarcerated and everything that goes along with that process,” said David Bier, a research fellow at the Cato Institute.

However, whether having a safer option will dissuade families from sending minors north to the U.S.-Mexico border remains to be seen. Also, children account for only a fraction of Border Patrol encounters, which have climbed to a 20-year high since Biden took office.

Total border apprehensions continued to rise in May, but the number of unaccompanied children attempting to cross the border has declined after hitting the highest level on record in March. The overall increase in recent months has largely been driven by single adults, most of whom are immediately expelled under public health authority due to the coronavirus pandemic.

After two days of meetings with top officials in Mexico City Tuesday, Secretary Mayorkas highlighted the legal pathways the administration is opening for Central Americans and echoed Vice President Kamala Harris’ recent warning not to come to the border. He said the U.S. and Mexico are working together to stem the flow of migrants traveling from the Northern Triangle.

“We have challenged one another with respect to what more can each of us do to address the level of irregular migration that has persisted for several months,” Mayorkas said.

The White House released a fact sheet boasting of steps taken to rebuild the immigration system “after four years of chaos and mismanagement” and pointing to progress in speeding the processing of unaccompanied children since March. Those measures include removing barriers to uniting children with parents and sponsors, improving protocols for processing families and adults, expanding lawful options for entry to the U.S., and devoting more resources to managing migration and combating human trafficking.

Republicans have scoffed at those efforts, insisting Biden must reimpose President Donald Trump's stricter immigration policies to get control of the border. Progressives and immigration advocates have complained Biden is turning away too many migrants and sending too harsh of a message to those fleeing violence in the Northern Triangle.

The expansion of CAM is unlikely to lift pressure on the administration from the right or the left to adjust its trajectory on immigration and the border. Dan Stein, president of the Federation for American Immigration Reform, dismissed the move as "open borders without the bad optics."

"Today's announcement is a blatant attempt by the Biden administration to end the horrifying spectacle of children being smuggled to our border by criminal cartels that have been emboldened and enriched by the policies of this administration by having the United States government act as the delivery agent," Stein said Tuesday.

Amid reports that Biden was considering changes to the Central American Minors program last week, Sen. Chuck Grassley, R-Iowa, the ranking Republican on the Senate Judiciary Committee, sent a letter to Blinken and Mayorkas seeking detailed information on both the previous iteration of CAM and potential reforms. He warned against creating a "back door into the United States" for categories of migrants who otherwise wouldn't qualify for visas.

"I'm worried that this effort is going to be somehow passed off as an effort to address the number of migrants at the southern border when it does nothing to stem the flow or address the crisis created by this administration," Grassley said in a statement.

CAM does not apply to unaccompanied children from Mexico, a category that includes about 20% of the minors been taken into custody at the border since January. Amnesty International estimated 95% of them had been returned to Mexico under Title 42, despite assertions they are fleeing violence and trying to reunite with family members in the U.S.

"These are dangerous and unconscionable policies," Erika Guevara-Rosas, Americas director for Amnesty International, said in a statement last week. "The United States and Mexico must stop denying unaccompanied children their universal human rights to seek asylum and to family unity, no matter where they're from."

Dissatisfaction with Biden's border policies has grown since he entered the White House with a wave of executive actions reversing Trump-era initiatives. Polls show most voters believe Biden has made it too easy to get into the U.S. illegally, presenting a possible political liability for Democrats heading toward the 2022 midterms.

Demands for Biden or Vice President Harris to visit the southern border are certain to persist, and they are not only coming from Republicans. Rep. Henry Cuellar, D-Texas, who represents a border community, sent a letter to the vice president Tuesday urging her to travel with him to observe "the ongoing humanitarian crisis."

“The situation on the border will only worsen, as more migrants are expected to arrive,” Cuellar wrote. “The Administration needs to take a proactive approach to create a sustainable system of humanitarian aid and relieve everyday Americans of that responsibility.”

During her visit to Latin America last week, Harris seemingly dismissed the relevance of traveling to the border in an interview with NBC News, but she later said she planned to do so eventually. No date has been set, and her office has not responded publicly to Cuellar’s letter.

Former President Trump announced Tuesday he intends to visit the border with Texas Gov. Greg Abbott on June 30. In a statement, Trump accused the current administration of engaging in “a grave and willful dereliction of duty” on immigration.

Regardless of the Biden administration’s handling of unaccompanied children, other significant challenges for border policy lie ahead. Officials have acknowledged they may soon have to lift Title 42 authority that enables them to turn away adult migrants and some families, but Mayorkas said Tuesday DHS would be prepared to address that when it happens.

According to Bier, the expansion of CAM could reduce migration from adults who might travel north with children who are extended family members. However, it will do nothing about the adult migration that is currently driving the vast majority of border encounters.

“This is not a solution for that, and that’s not the purpose of it,” Bier said.

Migrant deaths on the border have tripled from the same time last year

There are also some lingering questions about the legality of the Central American Minors program that remain unsettled. Trump’s stated reason for ending CAM in 2017 was that it usurped congressional authority, and the Biden administration and congressional Democrats had proposed a new version of it as part of a comprehensive immigration reform package earlier this year.

“CAM represents a flagrant abuse of the executive branch’s parole authority by asserting that the president and his appointees have virtually unlimited authority to permit entry of broad categories of foreign nationals who are otherwise inadmissible under federal law,” Stein said.

If the Central American Minors program is implemented as intended, the long-term ramifications are difficult to predict. It could eventually encourage more children to migrate from the Northern Triangle than otherwise would have, but they would have the opportunity to do so safely and legally without overwhelming border resources.

“Anytime you make it easier to immigrate, more people are going to want to do that,” Bier said. “The question is ultimately one of policy, and whether your main interest is keeping kids safe or reducing immigration. It seems the administration is casting its lot with keeping kids safe.”