



Targeting of Children Starts

January 2017

President Trump takes office on January 20th and issues Executive Order 13767 which categorizes unaccompanied children in need of protection as opportunistic and laws designed to give the children a fair chance to have their stories heard by our legal system as loopholes.



Representation Project Ends

June 2017

The Department of Justice (DOJ) terminates the justice AmeriCorps (jAC) program that provided counsel for unaccompanied children. The program aimed to improve court efficiency in a cost-effective manner and to identify children who had been victims of human trafficking or abuse and, as appropriate, refer them to others to assist in the investigation and prosecution of those who perpetrate such crimes.



Targeting of Sponsors

June 2017

U.S. Immigration and Customs Enforcement (ICE) begins targeting the parents and relatives of unaccompanied immigrant children for deportation and, in some cases, criminal prosecution. Described as an effort to disrupt smuggling networks and protect children, this targeted enforcement instead only endangers and re-traumatizes children by separating them from loved ones who stepped forward to care for them as they go through the court process.



Courts Re-defining UAC

September 2017

The Executive Office for Immigration Review (EOIR) issues a memo stating it is no longer legally bound by DHS's determinations regarding whether a child meets the definition of an "unaccompanied alien child (UAC)". This memo invites immigration judges to re-evaluate a child's unaccompanied status and significantly changes the way a child's case is processed mid-way through the child's legal case, which would strip the child of more child-appropriate procedures and protections.



Less Child-Friendly Courts

December 2017

EOIR issues memo to its immigration judges with changes in how to proceed with cases in court involving children. The revised guidance weakens the use of child-friendly practices for unaccompanied children and makes courts that are naturally adversarial even more so. It also instructs judges to be more skeptical of these particularly vulnerable children as they try to explain the harrowing experiences at the core of their claims for U.S. protection.

Government Agency Color Code

President (Executive Order)	Department of Justice (DOJ)
Department of Homeland Security (DHS)	Department of Health and Human Services (HHS)

Family Separation Begins at Border

March 2017



The Department of Homeland Security (DHS) first publicly contemplates the separation of parents and children as a means of deterring future asylum-seeking children and families from asking for protection.

Child Releases Slowed

June 2017



The Office of Refugee Resettlement (ORR)'s Director of Children's Services is now required to personally approve the release of children who are placed in, or who have ever been placed in, a staff secure or secure facility for safety concerns for themselves or others - even though ORR bases its release decisions on the expert opinions of its staff and thorough background checks. Children likely will be held longer in detention as a result of this policy change, including children who pose no risk to themselves or to the communities in which they would be released.

New Hurdles to Asylum

August 2017



U.S. Citizenship and Immigration Services (USCIS) modifies its review of affirmative asylum applications by requesting that adjudicators refer certain proposed grants of relief to the agency's asylum headquarters for review. This practice, which is typically used in novel or high-profile cases or those with national security concerns, is now required for cases in which an adjudicator proposes to grant asylum to an adult or child with alleged past or current gang affiliation, or to someone previously detained in secure or staff secure facilities. These allegations are often based on unreliable evidence such as a child's clothing or the neighborhood in which the child lives.

Child Refugee Program Terminated

March 2017



The Administration terminates a lifesaving refugee program designed to protect children in danger living in Central America. The Central American Minors (CAM) Program had been in existence since 2014 and allowed children to apply for refugee status from their countries of origin. This enabled children to make their claims for protection without having to undergo the dangerous journey to the U.S. border. The abrupt termination of the program left **more than 4,000** children who applied without even the chance to have an interview.

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Critical Decisions Reconsidered

March 2018

Attorney General Jeff Sessions certifies a number of cases to himself for review. These referrals effectively allow him to reconsider old decisions and make binding authority in cases previously decided by the Board of Immigration Appeals (BIA). These cases address issues of critical importance to the adjudication of children's claims, including the ability of immigration judges to grant continuances or administrative closure, the availability of asylum to those seeking protection based on membership in a "particular social group," and the ability of asylum applicants to provide oral testimony in support of their applications.



Family Separations Mount

April 2018

More than 700 children are reported to have been taken away from their parents from October 2017 - April 2018, according to the **New York Times**, including 100 children under the age of 4.



Family Separation as U.S. Policy

May 2018

Attorney General Sessions announces "zero tolerance" policy requiring DHS to refer all immigrants apprehended crossing the U.S. border for criminal charges, which means that if an adult crosses with a child, the child will be taken from the adult, even if the adult is the child's parent, and placed in detention, rendering the child unaccompanied. The adult will be placed in adult detention to await criminal proceedings. This will result in children being detained alone, which is not only traumatic, but places an enormous strain on the ORR care and custody system, which otherwise would not have to house children arriving to the U.S. with their parents.



Asylum Definition Narrows

June 2018

Attorney General Sessions rules on Matter A-B and narrows the ability of victims of severe violence, including domestic and gang violence and human trafficking, to access asylum in the U.S. The decision casts aside years of settled case law on what constitutes a "particular social group" – the category that forms the basis of many children's asylum claims, and when persecution by non-governmental actors gives rise to eligibility for asylum. In July 2018, USCIS issues guidance to asylum officers on implementation of this decision, which limits protections for the most vulnerable.

New Barriers for Abused Children



Winter 2018

DHS starts narrowing longstanding legal protections for children. These changes include a more limited interpretation of who can qualify for Special Immigrant Juvenile Status (SIJS) by denying recent applications for relief for children between the ages of 18-21 and rescinding previous approvals for children in that age group. Rescinding previously granted protection is devastating to these children and young people who are child survivors of abuse, abandonment, neglect, and for whom it was not in their best interest to return to their country.

ICE Detention After 18th Birthday



March 2018

ICE begins to transfer children to ICE custody shortly after they turn 18, and in some cases, on their 18th birthday. This despite the Trafficking Victims Protection Reauthorization Act of 2013 which states that when children in ORR custody turn 18, ICE shall consider placement in the least restrictive setting available after taking into account the child's danger to self, the community, and risk of flight. Congress mandated that ORR and ICE consider alternatives to detention for these teens, instead of automatically locking them up in adult prisons.

ORR Collaborates with ICE



April 2018 - Dec 2018

ORR finalizes a written memorandum of agreement with ICE outlining policies and procedures for conducting background checks on potential sponsors for children that will result in many undocumented sponsors, including parents, either not being eligible for sponsorship or discouraged from applying out of fear of deportation. ORR has traditionally considered the safety of the home paramount in considering the release of a child. As in many other examples, immigration enforcement prevails over child protection. In the face of unprecedented numbers of unaccompanied children in ORR custody, ORR issues a new operational directive in **December 2018** modifying fingerprinting procedures for vetting potential sponsors of unaccompanied children.

New Restrictions for Judges



May 2018

Attorney General Sessions ends the ability of immigration judges to temporarily close cases. Judges now cannot administratively close a case, and are required to meet case completion guidelines that tie their hands in allowing fair adjudications of applications for humanitarian protection. Judges will not be able to allow their government colleagues an opportunity to review a child's case to determine if that child would be in danger if returned to their home country. Children may now be ordered deported even though they may have a valid claim for protection that is still in process.

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Expanding Authority to Initiate Removal Proceedings

July 2018

USCIS issues **guidance** substantially expanding its authority to place applicants for a visa, green card, or citizenship in removal proceedings. USCIS will be more likely to issue a Notice to Appear (NTA) when the agency denies a person's claim to obtain lawful status. The NTA is the first step in immigration removal proceedings. As a result, immigrants without permanent status will be less likely to apply to regularize their status, and deportations could increase significantly.



Forcing Judges into Rushed Decisions

April 2018

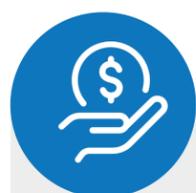
For the second time this year, Attorney General Sessions removes discretion for judges to manage their own case dockets by curtailing judges' ability to grant continuances. In **Matter of L-A-B-R-**, Sessions ruled that immigration judges may only grant continuances in very limited situations. As a result, children now may be deported before they are able to fully pursue other forms of immigration relief. The hasty trials further erode due process protections for families in immigration courts.



More Restrictions for Judges

September 2018

Following on an earlier decision in May 2018 restricting the ability of immigration judges to temporarily close immigration court cases, the Attorney General decided that judges similarly lack the authority to terminate or dismiss removal proceedings, except in very limited circumstances. As a result, immigration judges can no longer end the removal proceedings of children applying for humanitarian protection before USCIS, including children who have been abused, abandoned, or neglected, and found eligible for Special Immigrant Juvenile relief, but who are waiting for visas to become available to finalize their status. Consequently, children may be ordered deported to danger or harm.



Restrictions to Fee Waivers

October 2018

USCIS proposes revisions to the form for requesting waivers of filing fees associated with many applications for immigration benefits and relief. The proposed revisions would impose new documentation requirements that would make it more difficult for vulnerable populations, including unaccompanied children, to obtain fee waivers. These changes would exacerbate the vulnerability of survivors of violence, trafficking, and abuse, and deter children from applying for measures that can provide critical stability and safety, such as adjustments to their immigration status and authorization to work.

"Ending" Family Separation & Increasing Detention

June 2018



President Trump's Executive Order on the family separation policy does not end separations. Instead, it leaves the "zero tolerance" policy intact, resulting in parents seeking asylum still being criminally prosecuted at the border, and provides for the expanded use of family detention. The Order also announces the government's intent to eliminate standards governing DHS's holding of immigrant children in custody. DHS's own internal watchdog has since **released a report** that identifies the systematic failures that exacerbated the harm to children from this separation policy.

Denials for Minor Mistakes

July 2018



USCIS issues **guidance** authorizing dismissal of claims if immigrants do not file all their paperwork correctly and on time. Previously, USCIS would issue Requests for Evidence or Notices of Intent to Deny that would allow immigrants to amend their case if information was insufficient or missing. Now, even a minor mistake in the complex immigration filing system can result in an outright denial. This policy is especially harmful for children, who often may not have access to all the documentation needed to support their applications.

Attacking Flores Protections

September 2018 - Sept 2019



DHS and HHS propose **new regulations** that would provide only minimal protections for children in federal immigration detention and would decimate the protections provided by the Flores Settlement Agreement. The proposed rules would lower the minimum standards the government must meet when detaining children with their parents and for children who arrive unaccompanied. They would also strip children of critical and long-standing protections and greatly curtail their access to both due process and humanitarian protection. In **August 2019**, the Trump Administration finalizes these regulations largely as proposed. In **September 2019**, a federal judge blocks implementation of the final regulations through a permanent injunction and orders the government to continue to comply with the Flores settlement. The final regulations, which would drastically alter Flores protections, remain the subject of litigation.

Pressuring Judges to Expedite Case Closures

October 2018



As a result of Attorney General Sessions' new performance **criteria** for immigration judges, judges now must clear 700 cases a year to receive a "satisfactory" performance rating – the first time performance will be measured by sheer volume of cases moved through the system. Judges are penalized for scheduling hearing dates too far apart or taking more than a day to decide a case. The blanket case completion metrics are unprecedented. The rushed, one-size-fits-all approach to justice endangers children's opportunities for full and fair hearings. In addition, cases could be closed by DOJ before USCIS has a chance to adjudicate the claims, denying children's full access to the U.S. immigration system and the protections provided by law.



Removing Protections for Turning 18

October 2018

In **Matter of M-A-C-O-**, the Board of Immigration Appeals (BIA) rules that an unaccompanied child who turns 18 before filing her asylum application may have to face an adversarial hearing in immigration court instead of being allowed to make her claim in a non-adversarial interview before an asylum officer. Allowing children who come alone to the U.S. to present their case one-on-one in a private setting makes it easier for these uniquely vulnerable children to share their experiences of persecution and trauma with a stranger. Without this procedural protection, children are less likely to fully explain their reasons for flight. Their case will not then be fairly adjudicated.



Continuing to Expand Authority to Remove

November 2018

USCIS issues new **guidance** extending its July 2018 Notice to Appear (NTA) removal policy to a wide range of humanitarian visas. Although previously specifically exempted, humanitarian visas used most by children and crime victims are specifically targeted. These include trafficking (T) visas, U visas (for crime victims), and Special Immigrant Juvenile Status (for abused, abandoned, or neglected children). As a result, immigrant children may be less likely to apply for these critical humanitarian protections.



Narrowing Asylum Based on Family Ties

July 2019

In **Matter of L-E-A-**, Attorney General Barr undermines the ability of asylum seekers to seek protection based on fear of persecution on account of their family ties. Bucking long-standing precedent, the Attorney General's decision expresses skepticism that families will generally be able to meet the criteria for "membership in a particular social group," one of the five grounds for applying for asylum. Although the decision underscores that courts must review cases on an individual basis, it threatens to disproportionately affect access to protection by unaccompanied children, who are often targeted for violence and persecution by gangs and other criminal organizations on the basis of their family member's refusal to join a gang or comply with its demands. The decision remains the subject of litigation.



Delaying Access to Support and Stability

September 2019

USCIS proposes a rule to eliminate a 30-day deadline for issuing decisions on initial applications for employment authorization by asylum seekers, including unaccompanied children. If finalized, the proposed rule would allow the government to delay indefinitely children's access to lawful employment and increase the vulnerability of unaccompanied children by hindering their ability to support their basic needs. For many children, a work permit provides a critical form of government-issued identification that is necessary to access education, childcare, training programs, and other support services. In June 2020, DHS issues a final rule eliminating the 30-day processing requirement for initial work authorization applications, the rule becomes effective on August 21, 2020. DHS also issues a separate final rule that erects further hurdles for asylum seekers seeking work authorization. **In September 2020**, a federal court preliminarily blocks implementation of the rules for clients of two organizations who had filed suit. These rules remain the subject of litigation.

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Limiting Asylum Claims

November 2018

In tandem with a Presidential Proclamation, DHS and DOJ issue a **new rule** barring eligibility for asylum for anyone who enters the U.S. outside of an official port of entry. Under longstanding law that is a bedrock of our asylum system, anyone on U.S. soil has been able to apply for asylum, regardless of how they entered the U.S. By only allowing asylum seekers to request protection at already overburdened ports of entry, the new rule erects unlawful barriers to protection in violation of both U.S. and international law. The rule, which has been enjoined by a federal court, poses particular impacts for unaccompanied children, who often have little to no control over where they enter the U.S.

Stripping Children of UAC Protections

May 2019



USCIS issues a memo reversing prior agency policy on asylum applications made by UACs. The memo instructs USCIS to determine whether to exercise initial jurisdiction over an asylum application by determining whether the applicant met the statutory definition of "unaccompanied alien child" at the time of first filing of the asylum application. UACs who have subsequently turned 18 or reunified with a parent would lose important procedural protections and their asylum application would be adjudicated by an immigration judge in an adversarial hearing. In October 2019, a federal court preliminarily blocks implementation of the new procedures. The policy remains the subject of litigation.

Barring Asylum Claims

July 2019



DHS and DOJ issue an interim rule, known as the Third Country Transit Bar, that forecloses U.S. asylum protection for those who travel through another country in their journey to safety and do not claim asylum there first. The interim rule ignores the dangers that unaccompanied children face, including extortion, trafficking, and sexual violence, and run counters to both international and U.S. law. In September 2019, the Supreme Court permits the government to move forward with implementing the interim rule while litigation is ongoing. In July 2020, two federal courts find the rule unlawful. A federal district court vacates the rule due to the government's failure to provide sufficient notice and opportunity for the public to comment on the regulation, as federal law requires.

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Imposing Fees for Work Permit & Asylum Applications

November 2019

In November 2019, USCIS proposes new and higher fees for various immigration-related applications, erecting significant barriers for unaccompanied children and others seeking to access protection, support, and stability. The proposed rule would require asylum seekers, including unaccompanied children, to pay \$490 in order to receive work authorization while their asylum applications are pending and would eliminate the availability of fee waivers commonly granted to unaccompanied children. Work permits often provide children with a vital form of identification that may be necessary to access basic services such as housing, education, and health care. The proposed rule would also assess a \$50 fee on applications for asylum. **In August 2020**, USCIS issues a final fee rule. **In September 2020**, two federal courts block the government from implementing the rule through nationwide preliminary injunctions. The policy remains the subject of litigation.



Fingerprinting of Unaccompanied Youth

January 2020

ICE issues field guidance to its juvenile coordinators directing them to work with ORR to obtain fingerprints from unaccompanied children in ORR facilities who are 14 and older. This practice raises concerns that children may be intimidated by the presence of immigration officers in child care shelters and that fingerprinting could take place without notice to or the presence of children's attorneys.



Proposing High Fees that Block Access to Judicial Review

February 2020

EOIR proposes a new rule that would impose staggering fee increases on forms used to appeal or seek reconsideration of decisions by the immigration courts. For example, the form to appeal an immigration judge's decision would be hiked from \$110 to \$975. Forms to reopen or reconsider court decisions could be as high as \$895. A fee would attach to asylum applications. The proposed increases, a dramatic departure from fees in place for more than 30 years, would undermine the ability of unaccompanied children to obtain review of erroneous or incomplete decisions and heighten the risk that children will be deported to harm.

Undermining Protection for Abused & Neglected Children



October 2019

USCIS reopens for public comment a September 2011 proposed rule related to application and eligibility requirements for Special Immigrant Juvenile Status (SIJS). SIJS provides a path to legal status for children who cannot be reunited with one or both of their parents because of abuse, abandonment, neglect, or a similar basis and whose best interests are not served by being returned to their home country. While providing some clarity on earlier regulations, the proposed rule diverges from federal law and policy in ways that threaten to undermine access to this critical form of humanitarian protection.

Ongoing Family Separation



January 2020

In the years following a nationwide injunction blocking the government's policy of separating migrant and refugee children from their parents, the Administration separates more than **1,000** children, including more than **200** who are younger than five years old. Amid continuing litigation, the Administration continues to separate families, often providing little to no information about its reasons for doing so.

Accelerating Cases of Detained Children



January 2020

EOIR advises immigration judges that the cases of unaccompanied children in federal custody should be considered according to a 60-day completion goal. The 60-day deadline, which was included in a 2018 EOIR memorandum announcing case priorities and performance measures for immigration courts, dramatically increases the likelihood that children will face deportation as a result of being unable to secure counsel and adequately prepare and present their cases for protection.

Sharing Children's Confidential Information



February 2020

Media reports highlight ORR's practice of sharing clinical notes from unaccompanied children's confidential counseling sessions with ICE, which may use them against children in immigration removal proceedings. Mental health services are critically important for unaccompanied children, many of whom have survived horrific violence and trauma. In addition to presenting ethical concerns for therapists and providers, the sharing of confidential mental health information hinders children's access to therapeutic treatment and increases the risk that they will be deported to harm.



Expanding Remote Hearings for Children

March 2020

EOIR begins new pilot programs under which unaccompanied children in ORR custody must appear by video teleconference (VTC) before immigration judges. Thousands of children are affected, including extremely young children and those with known special needs. VTC hearings present troubling due process concerns and drastically undermine the fairness of proceedings for children. In addition to a host of technical problems, VTC hearings impede children’s ability to understand and participate in proceedings as well as their access to counsel. Despite these concerns, the Administration increases its use of VTC and expands this practice across the country as mounting health risks and restrictions create additional barriers. These efforts are further steps toward the Administration’s creation of a national VTC docket for all detained unaccompanied children.



Deporting Unaccompanied Children without Due Process

March 2020

As part of the Administration’s Remain in Mexico policy (or Migrant Protection Protocols or “MPP”), announced in January 2019, the U.S. sends more than **60,000** asylum seekers, including at least **16,000** children, to Mexico to wait for proceedings in their U.S. asylum cases. Although the policy exempts unaccompanied children, widespread danger and violence in Mexican border towns renders hundreds of children unaccompanied after a parents’ disappearance or threats to their lives. Contrary to federal law, many children are being ordered removed for failing to appear for hearings in their MPP cases while in federal immigration custody pursuing protection as unaccompanied children. DHS deports several unaccompanied children without full proceedings in their cases or efforts to ensure their safety and well-being, contrary to the Trafficking Victims Protection Reauthorization Act.



Proposing Sweeping Barriers to Asylum

June 2020

DHS and EOIR propose new regulations that would decimate the U.S. asylum system by creating insurmountably high standards for protection and depriving asylum seekers of due process. The rule would foreclose nearly all protection claims based on gender-based violence, domestic violence, or violence by gangs and criminal organizations—threatening to return thousands of unaccompanied children and others to grave danger. Among myriad concerns, it would provide judges and asylum officers broad authority to deny asylum applications or to find them frivolous without a full hearing or interview, undermining critical procedural safeguards for unaccompanied children that help them to tell their stories.

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Expelling Unaccompanied Children at the Border

March 2020



Amid the Covid-19 pandemic, the Centers for Disease Control and Prevention (CDC) issues a new rule permitting the agency to block certain individuals from entering the U.S. in a purported effort to curtail the spread of communicable disease. The rule and related orders exempt “essential” travel and entry of citizens and lawful permanent residents but fail to explicitly provide exceptions for unaccompanied children and asylum seekers, contrary to the Trafficking Victims Protection Reauthorization Act and other federal and international laws. DHS does not systematically consider unaccompanied children an exception to the order and unlawfully expels or turns back thousands of unaccompanied children at the border within hours of their arrival to countries in which they may face risk of harm. No health or protection screenings are conducted to safeguard children’s wellbeing and ensure they are returned safely and protected from trafficking or harm.

Reviving Family Separation

May 2020



Two years after the Zero Tolerance Policy that forcibly separated thousands of migrant and refugee children from their parents the Administration revives family separation by forcing parents in family detention to make an impossible choice between allowing their child to be separated from them and released without them, or remaining indefinitely with the parent in ICE detention. DHS offers separation instead of choosing to release the families using an alternative to detention program.

Using Public Health as a Pretext to Bar Asylum Seekers

July 2020



DHS and DOJ propose a rule that would allow agency officials to classify asylum seekers as dangers to national security—and bar them from receiving asylum or withholding of removal—if they are believed to have symptoms of or have been exposed to certain communicable diseases. The proposed rule would be applied by immigration officers and judges without training in either medicine or public health, and could encompass a range of treatable illnesses not associated with widespread public outbreaks. The proposal fails to acknowledge critical legal protections for unaccompanied children provided under federal law, and could lead to the return of children and other asylum seekers to harm. Public health experts oppose the proposed rule on the grounds that it lacks a public health rationale.



Compromising Fair Processes in Immigration Court and on Appeal August 2020

DOJ proposes regulatory changes that would preclude adjudicators from temporarily suspending proceedings to allow USCIS to adjudicate a child’s application for humanitarian protection. If finalized, the proposed rule could lead to the return of children to harm or danger, despite their eligibility for legal protection. Among other changes that hinder the ability of the courts to run most efficiently, the proposed rule would also limit the ability of the Board of Immigration Appeals to reopen or reconsider cases in the interest of justice, shorten deadlines and available extensions for submitting appellate briefs, and reduce the independence of immigration judges and Board members.



Accelerating Court Deadlines October 2020

In October 2020, EOIR begins issuing orders setting forth new and accelerated deadlines by which some unaccompanied children must submit applications for asylum or other forms of relief to the immigration court or risk a removal order and deportation. These orders create additional barriers to due process and protection for children, who may face difficulty preparing their applications in mere weeks—and amid the COVID-19 pandemic—for hearings that were previously postponed or not scheduled to proceed for several months. The orders pose particular challenges for children who may be eligible or approved for Special Immigrant Juvenile (SIJ) status, or T or U visas--forms of humanitarian protection for survivors of abuse, neglect, human trafficking, and other crimes that are adjudicated not by the immigration courts, but by USCIS. If unable to receive reprieve from court deadlines to allow for consideration of their applications by USCIS, these children and others could face deportation to danger, despite their need and eligibility for legal protection.

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Proposing Sweeping Data Collection from Children September 2020



DHS proposes to dramatically expand the agency’s authority to collect personal biometric data such as DNA, palm prints, iris images, and voice prints from individuals applying for or associated with applications for immigration benefits or relief, including children as young as infants and toddlers. In addition to a host of privacy concerns, the proposed regulation overlooks research calling into question the reliability of biometric data from young children and the limited capacity of children to consent to collection of their personal data.