

Legal definitions of a child and related terms may vary across domestic and international law and may also differ from the phrases used to describe children in the media or popular culture. The following list of terms offers a shared starting point for understanding the existing framework of domestic and international immigration protections for children, as well as terms relevant to the U.S. immigration system.

INTERNATIONAL

A **child** as defined in Article 1 of the Convention on the Rights of the Child (CRC), means “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.” (Note: the U.S. is a signatory but has not ratified the CRC).

A **child on the move** is an umbrella term that refers to a child moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement—while it may provide opportunities—may place them at increased risk of economic or sexual exploitation, abuse, neglect, and violence. This definition highlights how children may be on the move for various reasons, often move in and out of different legal categories within the same journey or over time and, as such, need protection and support mechanisms that are holistic, coherent and coordinated within and between countries.

A **migrant** is someone who is moving or has moved from their place of usual residence to another area within their country or across international borders. There is no internationally accepted legal definition of a migrant. However, the term is frequently used to describe someone who moves either temporarily or permanently for better opportunity, better living conditions, or economic reasons. Migration is generally considered to have an element of choice, whereas “forced migration” refers to circumstances such as persecution, violence, war, or natural disasters in which flight is the only viable alternative. In many cases, a variety of factors may influence the act of migration; and new crises, such as climate change or the economic collapse of a country, often make it difficult to categorize intentions. In addition, migrants may relocate with or without the formal permission of the home or receiving country; migration outside of recognized legal channels generally presents significant risks along the journey and once in the receiving country.

A **refugee** as defined in Article 1A of the 1951 Refugee Convention, is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside their country of nationality and is unable to or, owing to such fear, unwilling to avail themselves of the protection of that country.

An **asylum seeker or person seeking asylum** is someone who fled their country and is seeking international protection from persecution. A person found eligible for refugee status while outside the country of destination is classified as a refugee; a person found eligible for refugee status while inside the country of destination is classified as an asylee.

An **internally displaced person (IDP)** is someone who has been forced to flee their home but has not crossed an international border. Unlike refugees, IDPs are not protected by international law or eligible to receive many types of aid because they legally remain under the protection of their own government.



KIND client at a shelter in Mexico/Brett Gundlock



Children at the U.S.-Mexico Border/Brett Gundlock

UNITED STATES

A **child** as defined by law (INA 101(b) (1), 8 U.S.C. 1101(b)(1)) is an unmarried person under 21 years of age.

An **unaccompanied child** (UC) or **unaccompanied minor**, for immigration purposes, refers to the statutory definition of an “unaccompanied alien child (UAC),” which is a technical term defined by law (6 USC § 279(g)(2)) as a child who (A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom - (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.

A **separated child** more generally refers to a child who arrives in the U.S. with a parent or other primary caregiver but who is involuntarily removed from the custody of the parent/caregiver or accidentally separated during the migration journey.

An **immigrant** is a person who comes to a country with the intention of settling there. U.S. law distinguishes between immigrant and non-immigrant visas. A visitor for business or pleasure, for example, or an international student, is a non-immigrant who intends to return to their home country. Both immigrants and non-immigrants may face “removal” from the United States if they violate the conditions and terms of their visa or are in the U.S. without permission.

A **lawful permanent resident (LPR)**, also commonly referred to as a **green card holder**, is a non-citizen who has been granted the right to live permanently in the U.S. The Immigration and Nationality Act (INA) provides several classes of admission for individuals to gain LPR status, but the annual number of visas available in each category is limited by statute. An LPR can apply to become a citizen through the naturalization process.

A **citizen** is a person who, by place of birth, nationality of one or both parents, or naturalization is granted full rights and responsibilities as a member of a nation. A “naturalized citizen” is an LPR who has become a U.S. citizen after fulfilling statutory eligibility requirements. Naturalized citizens have the same rights as those citizens born in the U.S., such as the right to vote, the right to travel with a U.S. passport, and the opportunity to sponsor relatives for immigration to the U.S.