

**This timeline presents a brief overview of international and domestic agreements, laws and policies shaping the U.S. response to children on the move.** Under current immigration laws, children’s access to immigration status and benefits is most often tied to their status as dependents. Laws governing unaccompanied children are an exception to this rule, but generally, immigration systems are not designed to meet children’s unique needs and demand that they conform to laws that were created for adults.

**1952**

**The Immigration & Nationality Act (INA) is codified**

The INA contains most provisions of immigration law, from admissions and benefits to citizenship and loss of status, penalties, and removal from the U.S. At the time of passage, it ended racial restrictions on citizenship and established immigration quotas for all countries. It has been amended numerous times, often in response to growing awareness of issues such as trafficking and refugee protection, but also reflecting stricter measures to prevent unlawful entry, greater penalties for violation of civil immigration laws, and efforts to combat terrorism and other possible threats to national security.

**1960**

**Operation Pedro Pan and the Cuban Children’s Program (CCP) are set up to protect Cuban children**

Over 14,000 unaccompanied Cuban children were brought to the U.S. through Operation Pedro Pan, a covert program of the Catholic Welfare Bureau to protect Cuban children whose parents were being targeted following the Cuban Revolution of 1959. The Cuban Children’s Program was developed with the help of the U.S. government to provide foster care for unaccompanied children. The Eisenhower administration provided visa waivers and funding to operate the program.

**1980**

**The Refugee Act of 1980 is passed with strong bipartisan support**

The bipartisan Refugee Act of 1980 codified the U.S.’s international obligations under the 1967 Protocol, adopting a definition of “refugee” consistent with the treaty, and establishing formal mechanisms for admitting refugees, addressing asylum claims from persons within the U.S., and creating a pathway to citizenship for refugees and asylees. It also established the Office of Refugee Resettlement (ORR) to support the placement and integration of refugees within the U.S.

**1954**

**UN Convention Relating to the Status of Refugees entered into force**

Also known as the 1951 Refugee Convention, the international agreement defines the term “refugee,” sets out the rights of the displaced, and describes the legal protection that nations and states must provide. The core principle is “non-refoulement,” which asserts that refugees should not be returned to a country where they face serious danger of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. The Convention was initially limited to protecting European refugees in the aftermath of World War II. Commentaries and subsequent guidance based on the Convention specifically address state obligations to protect refugee minors.

**1967**

**Protocol Relating to the Status of Refugees entered into force**

The 1967 Protocol expanded the scope of the 1951 Refugee Convention by removing geographic and temporal limits and expanding the obligations of countries. Although not a signatory to the 1951 Refugee Convention, the United States is a party to the 1967 Protocol, to which it acceded in 1968.

**1986**

**The Immigration Reform and Control Act (IRCA) is passed**

The bipartisan IRCA allowed nearly 3 million long-term residents without immigration status to receive legal permanent residence. The legislation did not account for most spouses and children who were also residing in the U.S. without authorization. In 1987, President Ronald Reagan issued the “Family Fairness” executive action to defer deportation of children of parents who legalized under IRCA. In 1990, President George H. W. Bush expanded the policy to include most spouses. The Immigration and Nationality Act of 1990 (IMMACT) codified the Family Unity Provision.

● Policy Milestones

● International Laws

1990

### UN Convention on the Rights of the Child (UNCRC) entered into force

UNCRC is a legally binding international agreement that sets out children's rights. It includes provisions that consider the protection of children on the move and affirms that the best interests of the child should be a primary consideration in all actions related to children. It has been ratified by 195 countries, making it the most widely ratified human rights treaty in history. Although the U.S. is a signatory, it has not to date ratified the treaty.

1990

### Temporary Protected Status (TPS) created through IMMACT

IMMACT also authorized a new form of temporary residence designed to provide protection to nationals of foreign countries who could not return to their homes because of extreme events such as natural disasters or civil conflict. Currently, the DHS Secretary, in consultation with the Secretary of State, may designate TPS under specific circumstances and for limited periods of time consistent with relevant country conditions. Although TPS does not provide a pathway to permanent residence, it allows grantees to remain in the U.S. and receive work authorization for the duration of the TPS designation.

1997

### The Flores Settlement Agreement (FSA) is signed

In 1985, several advocacy groups filed a class-action lawsuit on behalf of Jenny Flores, an unaccompanied child detained by the Immigration and Naturalization Service (INS), challenging the conditions in which she and other children were held and their barriers to release. In 1997, the federal government signed the FSA, which sets forth foundational standards and critical protection regarding the care, custody, and release of immigrant children in federal custody.

1990

### Special Immigrant Juvenile (SIJ) classification created through IMMACT

SIJ Status, also known as "SIJS," is a form of humanitarian protection that may be granted to a child who has been abandoned, abused, neglected, or suffered similar harm by a parent and for whom a state court has found that it is not in the child's best interest to return to the country of origin. The 1991 INA amendment gave SIJS children a pathway to permanent residence (a green card). The law has evolved over time to offer broader protection for children who have suffered abandonment, abuse, and neglect and SIJS has become a critical protection pathway for unaccompanied children.

1996

### Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) is passed

This series of immigration reforms reorganized the deportation system, created expedited removal and other forms of accelerated removal proceedings, significantly increased penalties for immigration violations, reduced access to relief from removal, and placed additional limitations on access to asylum. Notably, by law and policy, children are excluded from some restrictions, such as expedited removal and a one-year filing deadline for asylum applications. IIRIRA, however, frequently disrupted family structure and made it more difficult to access family reunification measures.

2000

### The Trafficking Victims Protection Act (TVPA) is enacted and the Violence Against Women Act (VAWA) is reauthorized

The TVPA provided the national framework for the federal response to human trafficking. The Violence Against Women Act of 1994 created the VAWA self-petitioning process, which allows non-citizen victims of domestic violence, child abuse, or elder abuse to obtain immigration relief. The 2000 reauthorization of VAWA created specific immigration benefits, including the T-visa for victims of human trafficking and the U-visa for victims of certain types of criminal activity. In cases where unaccompanied children have been victims of trafficking or certain crimes, they may qualify for these visas. T- and U-visa recipients may later qualify to adjust their status to lawful permanent resident.

● Policy Milestones

● International Laws

2002

**Creation of the Department of Homeland Security (DHS) and the Unaccompanied Children (UC) Program through the Homeland Security Act of 2002**

The Homeland Security Act (HSA) combined multiple agencies to establish the Department of Homeland Security (DHS). It abolished the Immigration and Naturalization Service (INS) and dispersed the INS' duties within DHS across multiple agencies, including Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS). The HSA also set forth a legal definition of an "Unaccompanied Alien Child" (UAC) and established the UC Program by transferring responsibilities for the care and placement of unaccompanied children from the INS to ORR, to move away from the adult detention model.

2008

**The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) is passed with strong bipartisan support**

The TVPRA of 2008, signed by President George W. Bush, strengthened federal trafficking laws and created procedures for processing cases of unaccompanied children, recognizing the vulnerability of children traveling alone to human trafficking and other forms of exploitation. The TVPRA requires that unaccompanied children from contiguous countries (Mexico and Canada) be screened for human trafficking. It added language to the INA asylum provisions that addressed asylum applications by unaccompanied children. It also required HHS to ensure "to the greatest extent practicable" that unaccompanied children in and previously released from DHS and HHS custody have legal counsel for their immigration proceedings.

2012

**Deferred Action for Childhood Arrivals (DACA) program announced**

President Barack Obama created DACA, a program that granted certain young undocumented individuals temporary protection from removal if they arrived in the U.S. as children prior to 2012 and meet additional requirements. DACA does not provide a pathway to citizenship, but recipients are granted employment authorization documents (EADs), which often serve not only as a means of accessing employment opportunities but also as proof of lawful presence or identification.

2014

**Central American Minors (CAM) program announced**

The number of unaccompanied children apprehended crossing the border increased by 77% in 2014. Most children were from El Salvador, Guatemala, and Honduras. In response to the rise in migration, the Obama administration created CAM as an alternative mechanism to reduce the need for children in danger to embark on a perilous migration journey to the U.S. CAM gives children in El Salvador, Guatemala, and Honduras the opportunity to apply for refugee status without leaving their home country. Children who were not eligible for refugee status were considered for immigration "parole," giving them permission to enter the United States temporarily and the ability to travel there safely. CAM was discontinued during the Trump administration and restarted during the Biden administration.

2017

**Policies that restrict access for asylum seekers at U.S.-Mexico border implemented**

In 2017, several organizations filed a lawsuit challenging CBP's use of "metering," an unlawful policy under which authorities at U.S. ports of entry limit processing of asylum seekers, who may be instructed to wait in Mexico or to add their name to a list to be afforded an opportunity to request U.S. protection. Although exempted from the metering policy, many unaccompanied children were nevertheless blocked from accessing the U.S. to request protection. The policy is later declared unlawful by a federal court.

2017

**Family separations begin at the border**

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 and commences a CBP pilot project in El Paso that results in the separation of some parents and children.

● Policy Milestones

● International Laws

2018

**Family Separation becomes U.S. policy**

Attorney General Sessions announced a “Zero Tolerance” policy requiring DHS to refer all immigrants apprehended crossing the U.S. border for criminal charges, which means that if a parent or legal guardian crosses with a child, the child will be taken from them, with the adult referred for prosecution and the child rendered unaccompanied and placed in ORR custody. In addition to being traumatic for children, such separations put an enormous strain on ORR’s capacity.

2020

**Title 42 is invoked, without special consideration of unaccompanied children**

In March 2020, the Centers for Disease Control and Prevention (CDC) issued an order limiting admission of non-citizens during the pandemic, leading to the expulsion of migrants at the border without offering them the opportunity to request asylum or other humanitarian protection. Known as the Title 42 policy, the order was based on an obscure provision of Title 42 of the U.S. Code that allows federal health authorities to prohibit certain individuals from entering the U.S. in order to prevent the introduction of contagious diseases. The rule and related DHS policies failed to explicitly provide exceptions for unaccompanied children and asylum seekers, contrary to TVPRA and other federal and international laws. No health or protection screenings were conducted to safeguard children’s well-being and ensure they are returned safely and protected from trafficking or harm. Thousands of unaccompanied children were turned back to Mexico or expelled to their country of origin prior to subsequent court rulings.

2019

**“Remain in Mexico” policy is announced**

DHS announced the “Migrant Protection Protocols” (MPP) or “Remain in Mexico” policy which forced asylum seekers to wait in Mexico for proceedings in their U.S. asylum cases. Although the policy exempted unaccompanied children, widespread danger and violence in Mexican border towns rendered hundreds of children unaccompanied after a parents’ disappearance or threats to their lives. Contrary to federal law, many children were being ordered removed for failing to appear for hearings in their MPP cases while in federal immigration custody pursuing protection as unaccompanied children.

2021

**Reversing policies harmful to children**

The Biden administration formally exempts unaccompanied children from Title 42 expulsions. The Justice Department announced the end of the “Zero Tolerance policy,” which separated thousands of children from their families. DHS restarted the CAM program and announced an end to MPP. The decision to end MPP was enjoined during federal court litigation, but in 2022, the Supreme Court ruled in favor of the government and DHS announced it would no longer enroll individuals in MPP.

2021

**Protections for Unaccompanied Afghan Minors**

As the Taliban regained control of Afghanistan, approximately 1,550 Unaccompanied Afghan Minors (UAMs) were paroled into the United States as part of Operation Allies Welcome. Congress subsequently authorized benefits to support all Afghan parolees and specifically recognized that Unaccompanied Afghan Minors should be accorded the same benefits as unaccompanied child refugees. The Department of State also listed the families of UAMs as priority candidates for subsequent relocation from Afghanistan.

2022

**Deferred Action for Special Immigrant Juveniles is announced**

USCIS announced a new policy that granted deferred action to children with SIJ status. Starting in 2016, the number of visas available to children found eligible for SIJ status began to be insufficient to meet the need, creating a backlog of thousands of cases in which children have been unable to adjust their status to lawful permanent resident and faced the risk of deportation, despite having been deemed eligible for SIJS. The new policy provides SIJ recipients protection from deportation and offers work authorization until a visa becomes available.

2022

**Continued uncertainty over Title 42**

Although the CDC terminated Title 42 in April 2022, litigation kept the policy in effect for the remainder of the year. In November 2022, a federal court ordered an end to the use of the Title 42 policy effective December 21, 2022, but the Supreme Court allowed a stay of the lower court’s ruling to remain in place during continued legal challenges to the termination of the policy.

● Policy Milestones

● International Laws