



## 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 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.

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President EO	DOJ
DHS	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

November 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.

## 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.



## 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.

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## 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 (updated December 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.

## "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.



## 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 August 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.



## 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.



## 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.

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## 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

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.

## Pressuring Judges to Expedite



October 2018

## Case Closures

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.

## Continuing to Expand Authority



November 2018

## to Remove

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.



## Limiting Asylum Claims

November 2018

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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.

May 2019

## Stripping Children of UAC Protections



USCIS issued a memo in May 2019 that reverses 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. Therefore, UACs who have subsequently turned 18 or reunified with a parent will lose important procedural protections and their asylum application will be adjudicated by an immigration judge in an adversarial hearing.

## More Harmful Changes to Come

The Administration is working towards numerous other actions that would decimate protection for unaccompanied children. They include:

- 1** Rolling back the TVPRA for children from non-contiguous countries and subject all unaccompanied children to the narrower protections and cursory screening procedures currently provided to unaccompanied children from Mexico and Canada.
- 2** Eliminating the opportunity for unaccompanied children to have their asylum applications first heard in a non-adversarial setting.
- 3** Negotiating a policy that would deny asylum seekers entry to the U.S. and require them to make their requests for U.S. protection from Mexico, where they would be required to remain for the duration of their U.S. immigration proceedings. The "Remain in Mexico" proposal would place already vulnerable populations at increased risk of harm in dangerous border regions, and deprive asylum seekers of meaningful access to counsel and due process.