

112TH CONGRESS
1ST SESSION

H. R. 2235

To provide for enhanced protections for vulnerable unaccompanied alien children and female detainees.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2011

Ms. ROYBAL-ALLARD introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for enhanced protections for vulnerable unaccompanied alien children and female detainees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Trafficking Vic-
5 tims Protection Act”.

1 **SEC. 2. ENHANCED PROTECTIONS FOR VULNERABLE UNAC-**
2 **COMPANIED ALIEN CHILDREN AND FEMALE**
3 **DETAINEES.**

4 (a) **MANDATORY TRAINING.**—The Secretary of
5 Homeland Security, in consultation with the Office of Ref-
6 ugee Resettlement of the Department of Health and
7 Human Services and independent child welfare experts,
8 shall mandate live training of all personnel who come into
9 contact with unaccompanied alien children (as defined in
10 section 462 of the Homeland Security Act of 2002 (6
11 U.S.C. 279)) in all relevant legal authorities, policies, and
12 procedures pertaining to this vulnerable population.

13 (b) **CARE AND TRANSPORTATION.**—Notwithstanding
14 any other provision of law, the Secretary of Homeland Se-
15 curity shall ensure that all unaccompanied children who
16 will undergo any immigration proceedings before the De-
17 partment of Homeland Security and the Executive Office
18 for Immigration Review are duly transported and placed
19 in the care and legal and physical custody of the Office
20 of Refugee Resettlement within a maximum of 72 hours
21 of their apprehension absent narrowly defined exceptional
22 circumstances, including a natural disaster or comparable
23 emergency beyond the control of the Secretary of Home-
24 land Security or the Office of Refugee Resettlement. The
25 Secretary of Homeland Security shall ensure that female
26 officers are responsible and at all times present during the

1 transfer and transport of female detainees who are in the
2 custody of the Secretary of Homeland Security.

3 (c) QUALIFIED RESOURCES.—For purposes of this
4 section, the Secretary of Homeland Security shall provide
5 adequately trained and qualified staff resources at each
6 major port of entry (as defined by the U.S. Customs and
7 Border Protection station assigned to that port having in
8 its custody over the past two fiscal years an average per
9 year of 50 or more unaccompanied alien children (as de-
10 fined in section 462 of the Homeland Security Act of 2002
11 (6 U.S.C. 279))), including U.S. Customs and Border
12 Protection agents charged primarily with the safe, swift,
13 and humane transportation of unaccompanied alien chil-
14 dren to Office of Refugee Resettlement custody and inde-
15 pendent licensed social workers dedicated to ensuring the
16 proper temporary care for the children while in Depart-
17 ment of Homeland Security custody prior to their transfer
18 to the Office of Refugee Resettlement, who will ensure
19 that each child—

20 (1) receives emergency medical care;

21 (2) receives mental health care in case of trau-
22 ma and has access to psychosocial health services;

23 (3) is provided with a pillow, linens, and suffi-
24 cient blankets to rest at a comfortable temperature,

1 a bed, and a mattress placed in an area specifically
2 designated for residential use;

3 (4) receives adequate nutrition;

4 (5) enjoys a safe and sanitary living environ-
5 ment;

6 (6) receives educational materials; and

7 (7) has access to at least three hours per day
8 of indoor and outdoor recreational programs and ac-
9 tivities.

10 (d) NOTIFICATION.—The Secretary of Homeland Se-
11 curity shall immediately notify the Office of Refugee Re-
12 settlement of an unaccompanied alien child in the custody
13 of the Department of Homeland Security to effectively and
14 efficiently coordinate the child’s transfer to and placement
15 with the Office of Refugee Resettlement.

16 (e) NOTICE OF RIGHTS AND ACCESS TO COUNSEL.—
17 The Secretary of Homeland Security shall ensure that an
18 independent licensed social worker, as described in sub-
19 section (c), provides all unaccompanied alien children upon
20 apprehension with both a video orientation and oral and
21 written notice of their rights under the Immigration and
22 Nationality Act including their rights to relief from re-
23 moval and their rights to confer with counsel (as guaran-
24 teed under section 292 of such Act), family, or friends
25 while in the Department of Homeland Security’s tem-

1 porary custody and relevant complaint mechanisms to re-
2 port any abuse or misconduct they may have experienced.
3 The Secretary of Homeland Security shall ensure that the
4 video orientation and written notice of rights is available
5 in English and in the five most common native languages
6 spoken by the unaccompanied children held in custody at
7 that location during the preceding fiscal year, and that
8 the oral notice of rights is available in English and in the
9 most common native language spoken by the unaccom-
10 panied children held in custody at that location during the
11 preceding fiscal year.

12 (f) CONFIDENTIALITY.—The Secretary of Health and
13 Human Services shall maintain the privacy and confiden-
14 tiality of all information gathered in the course of pro-
15 viding care, custody, placement and follow-up services to
16 unaccompanied alien children, consistent with the best in-
17 terest of the unaccompanied alien child, by not disclosing
18 such information to other government agencies or non-
19 parental third parties. The Secretary may share informa-
20 tion when authorized to do so by the child and when con-
21 sistent with the child’s best interest. The Secretary may
22 provide information to a duly recognized law enforcement
23 entity, if such disclosure would prevent imminent and seri-
24 ous harm to another individual. All disclosures shall be
25 duly recorded in writing and placed in the child’s files.

1 (g) OTHER POLICIES AND PROCEDURES.—The Sec-
2 retary shall further adopt fundamental child protection
3 policies and procedures—

4 (1) for reliable age determinations of children
5 which exclude the use of fallible forensic testing of
6 children’s bone and teeth developed in consultation
7 with medical and child welfare experts;

8 (2) to ensure the safe and secure repatriation
9 and reintegration of unaccompanied alien children to
10 their home countries through specialized programs
11 developed in close consultation with the Secretary of
12 State, the Office of the Refugee Resettlement and
13 reputable independent child welfare experts includ-
14 ing placement of children with their families or non-
15 governmental agencies to provide food, shelter and
16 vocational training and microfinance opportunities;

17 (3) to utilize all legal authorities to defer the
18 child’s removal if the child faces a risk of life-threat-
19 ening harm upon return including due to the child’s
20 mental health or medical condition; and

21 (4) to ensure that unaccompanied alien children
22 (as defined in section 462 of the Homeland Security
23 Act of 2002 (6 U.S.C. 279)) are physically sepa-
24 rated from any adult who is not an immediate fam-
25 ily member and are separated by sight and sound

1 from immigration detainees and inmates with crimi-
2 nal convictions, pretrial inmates facing criminal
3 prosecution, children who have been adjudicated
4 delinquents or convicted of adult offenses or are
5 pending delinquency or criminal proceedings, and
6 those inmates exhibiting violent behavior while in de-
7 tention as is consistent with the Juvenile Justice
8 and Delinquency Prevention Act of 1974 (42 U.S.C.
9 5601 et seq.).

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