

112TH CONGRESS
1ST SESSION

H. R. 2607

To provide protection for children affected by the immigration laws of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2011

Ms. WOOLSEY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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 protection for children affected by the immigration laws of the United States, and for other purposes.

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 “Humane Enforcement
5 and Legal Protections for Separated Children Act” or the
6 “HELP Separated Children Act”.

7 **SEC. 2. DEFINITIONS.**

8 For the purposes of this Act:

1 (1) APPREHENSION.—The term “apprehen-
2 sion”, in the context of an immigration enforcement-
3 related activity, means government detention, arrest,
4 or custody, or any significant deprivation of an indi-
5 vidual’s freedom of action by government officials or
6 entities acting under agreement with the Depart-
7 ment of Homeland Security for suspicion of viola-
8 tions under the Immigration and Nationality Act (8
9 U.S.C. 1101 et seq.).

10 (2) IMMIGRATION ENFORCEMENT-RELATED AC-
11 TIVITY.—The term “immigration enforcement-re-
12 lated activity” means the questioning of, apprehen-
13 sion of, detention of, or request for or issuance of
14 a detainer for one or more individuals for suspected
15 or confirmed violations of the Immigration and Na-
16 tionality Act (8 U.S.C. 1101 et seq.) by the Depart-
17 ment of Homeland Security or cooperating entities.

18 (3) SSA.—The term “SSA” means the appro-
19 priate State or local social service agency, including
20 nongovernmental organizations, child welfare agen-
21 cies, child protective service agencies, school and
22 head start administrators, legal service providers,
23 and hospitals.

1 **SEC. 3. APPREHENSION PROCEDURES FOR IMMIGRATION**
2 **ENFORCEMENT-RELATED ACTIVITIES.**

3 (a) IN GENERAL.—Any immigration enforcement-re-
4 lated activity engaged in by the Department of Homeland
5 Security or by other entities under agreement with the De-
6 partment of Homeland Security for alleged violations
7 under the Immigration and Nationality Act (8 U.S.C.
8 1101 et seq.), which results in the apprehension of at least
9 one alien shall be carried out in accordance with the proce-
10 dures described in this section.

11 (b) APPREHENSION PROCEDURES.—The Secretary of
12 Homeland Security and entities under agreement with the
13 Department of Homeland Security shall—

14 (1) conduct an initial review of each individual
15 apprehended in an immigration enforcement-related
16 activity to ascertain whether such individual may be
17 a United States citizen, a lawful permanent resident
18 of the United States, or an alien lawfully present in
19 the United States;

20 (2) if an individual claims to be a United States
21 citizen, a lawful permanent resident of the United
22 States, or an alien lawfully present in the United
23 States, ensure that personnel of the Department of
24 Homeland Security investigate the individual's
25 claims and consider the individual for release under
26 section 4(c);

1 (3) notify SSAs of immigration enforcement-re-
2 lated activity not later than 24 hours before the
3 commencement of such activity, specifically notifying
4 the SSAs of—

5 (A) the specific area of the State that will
6 be affected; and

7 (B) the languages that may be spoken by
8 individuals at the targeted site;

9 (4) if such immigration enforcement-related ac-
10 tivities cannot be planned more than 24 hours in ad-
11 vance, notify SSAs in a timely fashion before the ac-
12 tivity commences or, if advance notification is not
13 possible, immediately following the commencement of
14 such activity;

15 (5) provide licensed social workers or case man-
16 agers employed or contracted by the SSAs with on-
17 going confidential access to each individual appre-
18 hended by the Department of Homeland Security or
19 any entity operating under agreement with the De-
20 partment of Homeland Security within six hours of
21 the individual's apprehension—

22 (A) to determine through screening and
23 interviewing if such individual is a member of
24 a vulnerable population as described in section
25 4(b) or for other humanitarian concerns; and

1 (B) to offer confidential psychosocial and
2 mental health services to children and family
3 members of such individual at the time of ap-
4 prehension;

5 (6) notify local law enforcement of the specific
6 area of the State that will be affected by such immi-
7 gration enforcement-related activity not later than
8 24 hours before the commencement of such activity
9 or, if such immigration enforcement-related activity
10 cannot be planned more than 24 hours in advance,
11 notify local law enforcement in a timely fashion be-
12 fore such activity commences, or if advance notifica-
13 tion is not possible, immediately following the com-
14 mencement of such activity;

15 (7) coordinate with qualified medical personnel
16 within six hours of the apprehension of an individual
17 to—

18 (A) conduct medical screenings of such in-
19 dividual; and

20 (B) identify and report any medical or
21 other issues that might necessitate release as a
22 member of a vulnerable population;

23 (8) require personnel of the Department of
24 Homeland Security and any entity operating under
25 agreement with the Department of Homeland Secu-

1 rity to avoid the apprehension of persons on the
2 premises or in the immediate vicinity of day care
3 centers, head start centers, schools, school bus stops,
4 recreation centers, legal service providers, courts, fu-
5 neral homes, cemeteries, colleges, victim services
6 agencies, social service agencies, hospitals, health
7 care clinics, community centers, and places of wor-
8 ship;

9 (9) before transferring any individual appre-
10 hended by the Department of Homeland Security or
11 any entity operating under agreement with the De-
12 partment of Homeland Security to a detention facil-
13 ity or outside the region where apprehension took
14 place—

15 (A) determine, based on all information
16 available to the Department of Homeland Secu-
17 rity, entities operating under agreement with
18 the Department of Homeland Security, and the
19 recommendations made by SSAs and medical
20 personnel, whether such individual is a member
21 of a vulnerable population as described in sec-
22 tion 4(b) or should be released in accordance
23 with section 4(c); and

24 (B) ensure that such individual is not
25 transferred from his or her initial detention fa-

1 cility or to the custody of the Secretary of
2 Homeland Security until such individual—

3 (i) has made arrangements for the
4 care of the individual's children or wards;
5 or

6 (ii) if such arrangements are impos-
7 sible, is informed of the care arrangements
8 made for such children and a means to
9 maintain communication with such chil-
10 dren;

11 (10) provide and advertise in the mainstream
12 and foreign language media and on the Web site of
13 the Department of Homeland Security a toll-free
14 number through which family members of individ-
15 uals apprehended as a result of an immigration en-
16 forcement-related activity may report information
17 relevant to the release of such individuals, including
18 whether such individuals are members of a vulner-
19 able population, which will be conveyed to the appro-
20 priate Department of Homeland Security official and
21 applicable SSA, and through which State child wel-
22 fare service providers, family members, and legal
23 counsel representing individuals who are appre-
24 hended may obtain information about such individ-

1 uals, including their location, in English and in the
2 majority language of such individuals;

3 (11) if there is reason to believe that an indi-
4 vidual who is apprehended is a parent, legal guard-
5 ian, or primary caregiver relative of a dependent
6 child in the United States, provide such parent, legal
7 guardian, or primary caregiver relative with—

8 (A) confidential and toll-free telephone
9 calls to arrange for care of dependent children
10 within 2 hours of screening;

11 (B) information, including contact details,
12 for legal service providers that can offer free
13 legal advice regarding child welfare and custody
14 determinations; and

15 (C) information, including contact informa-
16 tion, on multiple State and local child welfare
17 providers;

18 (12) ensure that personnel of the Department
19 of Homeland Security and of entities operating
20 under agreement with the Department do not—

21 (A) interrogate or screen individuals in the
22 immediate presence of children;

23 (B) interrogate, arrest, or detain any child
24 apprehended with his or her parent or parents
25 without the presence or consent of a parent,

1 family member, legal guardian, or legal counsel;
2 or

3 (C) compel or request children to translate
4 for other individuals who are encountered as
5 part of an immigration enforcement-related ac-
6 tivity;

7 (13) provide all Department of Homeland Secu-
8 rity personnel, personnel from entities under agree-
9 ment with the Department of Homeland Security
10 participating SSAs, and medical personnel with de-
11 tailed instructions on what steps to take if they en-
12 counter individuals who are a member of a vulner-
13 able population;

14 (14) ensure that the best interests of children
15 are considered in decisions and actions relating to
16 the detention, transfer, or release of any individual
17 apprehended by the Department of Homeland Secu-
18 rity, and that there be a preference for family unity
19 whenever appropriate;

20 (15) ensure that not fewer than one inde-
21 pendent certified interpreter who is fluent in Span-
22 ish or any language other than English spoken by
23 more than 5 percent of the population targeted by
24 an immigration enforcement-related activity is avail-
25 able for in-person translation for every 5 individuals

1 targeted by an immigration enforcement-related ac-
2 tivity, and that the Department of Homeland Secu-
3 rity and entities operating under agreement with the
4 Department of Homeland Security utilize appro-
5 priate translation services where interpreters cannot
6 or have not been retained prior to commencement of
7 an immigration enforcement-related activity;

8 (16) permit nonprofit legal service providers to
9 offer free legal services to individuals subject to an
10 immigration enforcement-related activity at the time
11 of the apprehension of such individuals; and

12 (17) provide a legal orientation presentation for
13 any individual apprehended through an immigration
14 enforcement-related activity through the Legal Ori-
15 entation Program administered by the Executive Of-
16 fice for Immigration Review.

17 (c) NONDISCLOSURE AND RETENTION OF INFORMA-
18 TION ABOUT APPREHENDED INDIVIDUALS AND THEIR
19 CHILDREN.—

20 (1) IN GENERAL.—Information collected by
21 child welfare agencies and nongovernmental organi-
22 zations in the course of the screenings and inter-
23 views described in subsection (b)(5) may not be dis-
24 closed to Federal, State, or local government entities
25 or to any person, except pursuant to written author-

1 ization from the individual or his or her legal coun-
2 sel.

3 (2) CHILD WELFARE AGENCY OR NONGOVERN-
4 MENTAL ORGANIZATION RECOMMENDATION.—Not-
5 withstanding paragraph (1), a child welfare agency
6 or nongovernmental organization may—

7 (A) submit a recommendation to the Sec-
8 retary of the Department of Homeland Security
9 or a cooperating entity regarding whether an
10 apprehended individual is a parent, legal guard-
11 ian, or primary caregiver relative who is eligible
12 for the protections provided under this Act; and

13 (B) disclose information that is necessary
14 to protect the safety of the child, to allow for
15 the application of paragraphs (9)(B) and (14)
16 of subsection (b), or to prevent reasonably cer-
17 tain death or substantial bodily harm.

18 **SEC. 4. BASIC PROTECTIONS FOR VULNERABLE POPU-**
19 **LATIONS.**

20 (a) IN GENERAL.—Not later than 48 hours after the
21 commencement of an immigration enforcement-related ac-
22 tivity, the Department of Homeland Security shall, based
23 on all information available to the Department of Home-
24 land Security, entities operating under agreement with the
25 Department of Homeland Security, and the recommenda-

1 tions made by SSAs and medical personnel, determine if
2 each individual apprehended through such activity belongs
3 to any of the groups listed in subsection (b). Information
4 regarding vulnerable groups and eligibility for potential re-
5 lease shall be posted prominently in detention facilities
6 where detainees and visitors can access the information
7 and shall be included in the detainee handbook.

8 (b) VULNERABLE POPULATION GROUPS.—An indi-
9 vidual is eligible for release under subsection (c), or a deci-
10 sion not to detain, if the individual belongs to any of the
11 following groups:

12 (1) Individuals who have serious medical or
13 mental health needs or a disability.

14 (2) Pregnant or nursing women.

15 (3) Individuals who are apprehended with one
16 or more of their children, and their children.

17 (4) Sole custodial parents or sole legal guard-
18 ians of children, or individuals who have family
19 members who are ill or otherwise require the assist-
20 ance of a caregiver.

21 (5) Children (as defined by section 101(b)(1) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1101(b)(1))).

24 (6) Individuals who are over 65 years of age.

1 (7) Victims of abuse, violence, crime, or human
2 trafficking.

3 (8) Individuals who have been referred for a
4 credible fear interview, a reasonable fear interview,
5 or an asylum hearing.

6 (9) Individuals who have applied or intend to
7 apply for asylum, withholding of removal, or protec-
8 tion under the Convention Against Torture and
9 Other Cruel, Inhuman or Degrading Treatment or
10 Punishment, done at New York on December 10,
11 1984.

12 (10) Individuals who have a non-frivolous claim
13 to United States citizenship, lawful permanent resi-
14 dent status, or lawful status in the United States.

15 (11) Individuals who are eligible for relief under
16 any provision of the Immigration and Nationality
17 Act (8 U.S.C. 1101 et seq.).

18 (12) Any other group designated in regulations
19 or guidance promulgated by the Secretary of Home-
20 land Security.

21 (c) ELIGIBILITY FOR RELEASE.—

22 (1) IN GENERAL.—Not later than 72 hours
23 after the apprehension of an individual described in
24 subsection (b) by the Department of Homeland Se-
25 curity or any entities operating under agreement

1 with the Department of Homeland Security, he or
2 she shall be released on his or her own recognizance,
3 parole, on a reasonable bond, or into a community-
4 based non-custodial alternatives to detention pro-
5 gram and shall not be subject to electronic moni-
6 toring, unless the Department demonstrates—

7 (A) the alien is subject to mandatory de-
8 tention under section 235(b)(1)(B)(iii)(IV),
9 236(c), or 236A of the Immigration and Na-
10 tionality Act (8 U.S.C. 1225(1)(B)(iii)(IV),
11 1226(c), or 1226a);

12 (B) the alien poses a danger to others or
13 is a risk to national security; or

14 (C) the alien is a flight risk and any risk
15 of flight cannot be mitigated by supervision or
16 bond.

17 (2) ALTERNATIVES TO DETENTION.—If an
18 alien is determined not to meet the requirements for
19 release on recognizance, bond, or parole, or subse-
20 quently does not meet the requirements for non-cus-
21 todial alternatives to detention programs, the alien
22 may be considered for placement in alternatives to
23 detention programs that maintain custody over the
24 alien, including programs that use electronic ankle
25 devices or heightened supervision and monitoring

1 procedures. The Secretary of Homeland Security
2 shall make an individualized determination in each
3 alien's case about the use of electronic monitoring
4 and shall review such determination on a monthly
5 basis. Aliens who would otherwise be subject to de-
6 tention including under section 236(c) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1226(c)) may
8 be placed in electronic monitoring or other secure
9 custodial alternatives to detention that maintain cus-
10 tody over the alien.

11 (3) WRITTEN DECISION.—Each decision made
12 under this subsection shall specify in writing the
13 reasons for such decision and be served upon the de-
14 tained individual in his or her native language not
15 later than 72 hours after the start of detention, or,
16 in the case of an individual subject to section 235,
17 238, or 241(a)(5) of the Immigration and Nation-
18 ality Act, not later than 72 hours after a positive
19 credible or reasonable fear determination. Each deci-
20 sion made under this section is subject to redeter-
21 mination at any time by an immigration judge.

22 **SEC. 5. CUSTODY DETERMINATION.**

23 (a) AMENDMENT.—Section 236 of the Immigration
24 and Nationality Act (8 U.S.C. 1226) is amended—

1 (1) by redesignating subsection (e) as sub-
2 section (h);

3 (2) by redesignating subsections (b), (c), and
4 (d) as subsections (c), (d), and (e), respectively; and

5 (3) by inserting before subsection (h), as redesi-
6 gnated, the following:

7 “(g) RIGHT TO ACCESS COUNSEL.—An individual
8 who has been detained under this section may be rep-
9 resented, at no expense to the Federal Government, by
10 counsel of the individual’s choosing while being subject to
11 any immigration enforcement-related activity, including—

12 “(1) interviews;

13 “(2) processing appointments;

14 “(3) booking or intake questions;

15 “(4) hearings; and

16 “(5) any proceeding which may result in a con-
17 clusion that the individual will be detained or re-
18 moved from the United States.”.

19 (b) NOTICE.—

20 (1) AMENDMENT.—Section 236 of the Immi-
21 gration and Nationality Act, as amended by sub-
22 section (a), is further amended by inserting before
23 subsection (g) the following:

24 “(f) NOTICE AND CHARGES.—

1 “(1) NOTICE.—The Secretary of Homeland Se-
2 curity shall, for each individual detained under this
3 section—

4 “(A) consider whether the individual war-
5 rants a favorable exercise of prosecutorial dis-
6 cretion;

7 “(B) file a notice to appear or other rel-
8 evant charging document with the immigration
9 court closest to the location where the appre-
10 hension of such individual occurred; and

11 “(C) serve such notice on such individual
12 not later than 48 hours after the commence-
13 ment of detention.

14 “(2) CUSTODY DETERMINATION.—Any indi-
15 vidual who is detained under this section for more
16 than 48 hours shall be brought before an immigra-
17 tion judge for a custody determination not later than
18 72 hours after the commencement of such detention
19 unless the individual waives such right in accordance
20 with paragraph (3).

21 “(3) WAIVER.—The requirements under this
22 subsection may be waived for 7 days if the indi-
23 vidual—

1 “(A) enters into a written agreement with
2 the Department of Homeland Security to waive
3 such requirement; and

4 “(B) is eligible for immigration benefits or
5 demonstrates eligibility for a defense against re-
6 moval.”.

7 (2) **APPLICABILITY OF OTHER LAW.**—Nothing
8 in 236(f) of the Immigration and Nationality Act, as
9 added by paragraph (1), may be construed to repeal
10 section 236A of such Act (8 U.S.C. 1226a).

11 **SEC. 6. CHILD WELFARE SERVICES FOR CHILDREN SEPA-**
12 **RATED FROM PARENTS DETAINED OR RE-**
13 **MOVED FROM THE UNITED STATES FOR IM-**
14 **MIGRATION VIOLATIONS.**

15 (a) **STATE PLAN REQUIREMENTS.**—Section 471(a)
16 of the Social Security Act (42 U.S.C. 671(a)) is amend-
17 ed—

18 (1) by striking “and” at the end of paragraph
19 (32);

20 (2) by striking the period at the end of para-
21 graph (33) and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(34) provides that the State shall—

24 “(A) create and implement protocols to
25 provide guidance on how all employees of State

1 agencies providing services to children under
2 the State plan should handle cases of separated
3 children that take into account the best interest
4 of the child, including a preference for family
5 unity whenever appropriate;

6 “(B) develop and implement memoranda of
7 understanding or protocols with Federal, State,
8 and local government agencies to facilitate com-
9 munication between such agencies and—

10 “(i) each separated child;

11 “(ii) a parent, guardian, or relative
12 referred to in section 475(9)(B);

13 “(iii) family members of such child;

14 “(iv) family courts;

15 “(v) providers of services to such child
16 under the State plan;

17 “(vi) providers of long-term care to
18 such child; and

19 “(vii) legal representatives of such
20 child or of such a parent, guardian, or rel-
21 ative;

22 “(C) develop and implement joint protocols
23 and training with law enforcement agencies to
24 minimize the trauma to a child, at the time of
25 apprehension of a parent, legal guardian, or

1 primary caretaker relative of such child, after
2 which such child will become a separated child,
3 including protocols and training for conducting
4 such apprehensions in the presence of such
5 child and ensuring appropriate and prompt care
6 arrangements for such child after apprehension
7 occurs;

8 “(D) ensure that the case manager for a
9 separated child is capable of communicating in
10 the native language of such child and of the
11 family of such child, or an interpreter who is so
12 capable is provided to communicate with such
13 child and the family of such child at no cost to
14 the child or the family of such child;

15 “(E) require that, in all decisions and ac-
16 tions relating to the care, custody, and place-
17 ment of a separated child, the best interest of
18 such child, including a preference for family
19 unity, be considered, and ensure that such deci-
20 sions are based on clearly articulated factors
21 that do not include predictions or conclusions
22 about immigration status or pending Federal
23 immigration proceedings;

24 “(F) coordinate with the Department of
25 Homeland Security to ensure that parents who

1 wish for their child to accompany them to their
2 country of origin are given adequate time to ob-
3 tain a passport and visa, collect all relevant
4 vital documents such as birth certificate, health,
5 and educational records, and other information;

6 “(G) preserve, to the greatest extent pos-
7 sible, the privacy and confidentiality of all infor-
8 mation gathered in the course of administering
9 the care, custody, and placement of, and follow-
10 up services provided to, a separated child, con-
11 sistent with the best interest of such child, by
12 not disclosing such information to other govern-
13 ment agencies or persons (other than a parent,
14 guardian, or relative or such child), except that
15 the head of the State agency may disclose such
16 information—

17 “(i)(I) when authorized to do so by
18 the child (if the child has attained 18 years
19 of age) if the disclosure is consistent with
20 the best interest of the child; or

21 “(II) to a law enforcement agency if
22 the disclosure would prevent imminent and
23 serious harm to another individual; and

1 “(ii) if such information is shared, all
2 disclosures shall be duly recorded in writ-
3 ing and placed in the file of the child; and
4 “(H) not less frequently than annually,
5 compile, update, and publish a list of entities in
6 the State who are qualified to provide guardian
7 and legal representation services for a separated
8 child in a language such child can read and un-
9 derstand.”.

10 (b) ADDITIONAL INFORMATION TO BE INCLUDED IN
11 CASE PLAN.—Section 475(1) of such Act (42 U.S.C.
12 675(1)) is amended by adding at the end the following:

13 “(H) In the case of a separated child with
14 respect to whom the State plan requires the
15 State to provide services pursuant to section
16 471(a)(34)—

17 “(i) the location of the parent, guard-
18 ian, or relative referred to in paragraph
19 (9)(B) of this subsection from whom the
20 child has been separated; and

21 “(ii) a written record of each disclo-
22 sure to a government agency or person
23 (other than such a parent, guardian, or
24 relative) of information gathered in the
25 course of tracking the care, custody, and

1 placement of, and follow-up services pro-
2 vided to, the child.”.

3 (c) SEPARATED CHILD DEFINED.—Section 475 of
4 such Act (42 U.S.C. 675) is amended by adding at the
5 end the following:

6 “(9) The term ‘separated child’ means an indi-
7 vidual who—

8 “(A) is a citizen or lawful permanent resi-
9 dent of, or an alien lawfully present in, the
10 United States;

11 “(B) has a parent, legal guardian, or pri-
12 mary caregiver relative who has been detained
13 by a Federal, State, or local law enforcement
14 agency in the enforcement of an immigration
15 law, or removed from the United States as a re-
16 sult of a violation of such a law; and

17 “(C) is in foster care under the responsi-
18 bility of a State.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the 1st day of the 1st cal-
21 endar quarter that begins after the 1-year period that be-
22 gins with the date of the enactment of this Act.

1 **SEC. 7. REPORT ON PROTECTIONS FOR VULNERABLE POP-**
2 **ULATIONS IMPACTED BY IMMIGRATION EN-**
3 **FORCEMENT ACTIVITIES.**

4 (a) **REQUIREMENT FOR REPORTS.**—Not later than 1
5 year after the date of the enactment of this Act, and annu-
6 ally thereafter, the Secretary of Homeland Security shall
7 submit a report to Congress that describes the impact of
8 immigration enforcement activities and fugitive operations
9 on United States citizens, lawful permanent residents, in-
10 dividuals otherwise lawfully present in the United States,
11 and, where possible, undocumented aliens present in the
12 United States.

13 (b) **CONTENT.**—The report submitted under sub-
14 section (a) shall include an assessment of—

15 (1) the number of individuals apprehended dur-
16 ing immigration enforcement-related activities who
17 are children, United States citizens, lawful perma-
18 nent residents, or lawfully present non-citizens;

19 (2) immigration enforcement-related activities
20 at homes, schools, school bus stops, day care cen-
21 ters, colleges, places of worship, hospitals, health
22 care clinics, funeral homes, cemeteries, victim serv-
23 ices agencies, social services agencies, head start
24 centers, recreation centers, legal service providers,
25 courts, and community centers;

1 (3) apprehensions, detentions, and removals of
2 sole caregivers, primary breadwinners, pregnant and
3 nursing mothers, and other vulnerable groups during
4 an immigration enforcement-related activity;

5 (4) the extent to which the Department of
6 Homeland Security cooperates and coordinates with
7 State and local law enforcement during immigration
8 enforcement-related activities;

9 (5) the number of immigration enforcement-re-
10 lated apprehensions resulting from cooperation with
11 State and local law enforcement;

12 (6) whether apprehended individuals are pro-
13 vided access to a telephone;

14 (7) how quickly apprehended individuals are
15 provided access to a telephone;

16 (8) the manner through which family members
17 of the target population of the immigration enforce-
18 ment-related activity are notified of the detention of
19 a family member;

20 (9) the number of parents, legal guardians, or
21 primary caregivers of children removed from the
22 United States;

23 (10) the number of parents, legal guardians, or
24 primary caregivers of children removed from the
25 United States whose children accompany or join;

1 (11) the number of parents, legal guardians, or
2 primary caregivers of children removed from the
3 United States without their children;

4 (12) the number of occasions on which both
5 parents of a particular child are removed from the
6 United States without such child;

7 (13) the length of time that parents, legal
8 guardians, or primary caregivers of children have
9 been present in the United States prior to removal
10 from the United States;

11 (14) the number of United States citizen chil-
12 dren that remain in the United States after the re-
13 moval of a parent, guardian, or caregiver;

14 (15) the number of apprehended individuals
15 who are determined to be part of a vulnerable popu-
16 lation released within the time limit specified under
17 section 4(c);

18 (16) the length of time between when an indi-
19 vidual is determined to be part of a vulnerable popu-
20 lation and when that individual is released under
21 section 4(c);

22 (17) the methodology of the Department of
23 Homeland Security for notifying agents and entities
24 under agreement with the Department of Homeland
25 Security about standards regarding enforcement ac-

1 tions concerning vulnerable populations and holding
2 such agents and entities accountable when such
3 standards are violated;

4 (18) the number of officials of the Department
5 of Homeland Security disciplined for violations dur-
6 ing apprehensions and in making detention deci-
7 sions;

8 (19) transfers of immigrants during the course
9 of an immigration enforcement activity, including
10 whether such immigrants—

11 (A) had access to legal counsel before
12 being transferred;

13 (B) received notice of an impending trans-
14 fer; and

15 (C) were evaluated for vulnerability under
16 section 3(b)(9) before being transferred;

17 (20) apprehension procedures for immigration
18 enforcement-related activities, and compliance with
19 screening procedures for vulnerable populations;

20 (21) recommendations for improving immigra-
21 tion enforcement-related activities and fugitive oper-
22 ations by reducing the negative impact on children
23 and vulnerable populations; and

24 (22) alternatives to detention programs, includ-
25 ing the types of programs used, number of individ-

1 uals placed in such programs, reasons for not plac-
2 ing immigrants that qualify as a member of a vul-
3 nerable population as defined in section 4(b) in such
4 programs, percentage of cases in which adjustment
5 of immigration status is granted, percentage of cases
6 in which removal is undertaken, and frequency of
7 absconding.

8 **SEC. 8. VULNERABLE POPULATION AND CHILD WELFARE**
9 **TRAINING FOR IMMIGRATION ENFORCEMENT**
10 **OFFICERS.**

11 (a) MANDATORY TRAINING.—

12 (1) IN GENERAL.—The Secretary of Homeland
13 Security, in consultation with the Secretary of
14 Health and Human Services and independent child
15 welfare experts, shall mandate live specialized train-
16 ing in all legal authorities, policies, and procedures
17 pertaining to the humanitarian and due process pro-
18 tections for these vulnerable populations for all Fed-
19 eral personnel, relevant personnel employed by
20 States reimbursed for activities related to care and
21 services for separated children, and State and local
22 personnel and SSA personnel who come into contact
23 with vulnerable populations as defined in section
24 3(b).

1 (2) VULNERABLE POPULATIONS.—The per-
 2 sonnel listed in paragraph (1) shall be trained to
 3 work with vulnerable populations, including identi-
 4 fying members of such populations for whom asylum
 5 or special juvenile immigrant relief may be appro-
 6 priate.

7 (3) BEST PRACTICES.—Participants will be re-
 8 quired to undertake periodic and continuing training
 9 on best practices and changes in the law, policies,
 10 and procedures for these vulnerable populations.

11 (b) MEMORANDA OF UNDERSTANDING.—The Sec-
 12 retary of Homeland Security shall require all law enforce-
 13 ment agencies under agreement with the Department of
 14 Homeland Security to establish Memoranda of Under-
 15 standing with SSAs with respect to the availability of serv-
 16 ices, as well as the best ways to cooperate and facilitate
 17 ongoing communication as it pertains to the humanitarian
 18 and due process protections for vulnerable populations as
 19 defined in section 4(b).

20 **SEC. 9. ACCESS FOR PARENTS, LEGAL GUARDIANS, AND,**
 21 **PRIMARY CAREGIVER RELATIVES.**

22 (a) IN GENERAL.—The Secretary of the Department
 23 of Homeland Security shall ensure that all detention facili-
 24 ties operated by or under agreement with the Department
 25 take steps to ensure that the best interest of the child,

1 including a preference for family unity whenever appro-
2 priate, can be considered in decisions and actions relating
3 to the custody of children whose parent, legal guardian,
4 or primary caregiver relative is detained by reason of im-
5 migration status.

6 (b) TRAINING.—The Secretary of Homeland Secu-
7 rity, in consultation with the Department of Health and
8 Human Services, the Department of Justice, the Depart-
9 ment of State, and independent family law experts, shall
10 mandate live, specialized training of all personnel at deten-
11 tion facilities operated by the Department of Homeland
12 Security or under agreement with the Department of
13 Homeland Security in all legal authorities, policies, and
14 procedures related to ensuring that parents, legal guard-
15 ians, and primary caregiver relatives of children have reg-
16 ular, ongoing and in-person access to children, State fam-
17 ily courts, consular officers, and staff of State social serv-
18 ice agencies responsible for administering child welfare
19 programs. Such personnel shall be required to undertake
20 periodic and continuing training on best practices and
21 changes in relevant law, policies, and procedures per-
22 taining to the preservation of family unity.

23 (c) ACCESS TO CHILDREN, LOCAL AND STATE
24 COURTS, CHILD PROTECTIVE SERVICES, AND CONSULAR
25 OFFICIALS.—The Secretary of Homeland Security—

1 (1) shall ensure that detained parents, legal
2 guardians, and primary caregiver relatives of chil-
3 dren under 18 years of age—

4 (A) are granted free and confidential
5 phone calls with their children on a daily basis;

6 (B) are permitted regular contact visits
7 with their children;

8 (C) are able to participate fully, and to the
9 extent possible in-person, in all family court
10 proceedings and any other proceeding impacting
11 upon custody of their children;

12 (D) are able to fully participate in and
13 comply with all family court and child welfare
14 agency orders impacting upon custody of their
15 children;

16 (E) have regular, on-site access to reunifi-
17 cation programming including parenting class-
18 es;

19 (F) are provided with contact information
20 for child protective services entities and family
21 courts in all fifty States, the District of Colum-
22 bia, all United States territories, and are grant-
23 ed free, confidential, and unlimited telephone
24 access to child protective services entities and
25 family courts to report child abuse, abandon-

1 ment, or neglect as often as is necessary to en-
2 sure that the best interests of the child, includ-
3 ing a preference for family unity where appro-
4 priate, can be considered;

5 (G) are granted regular, confidential and
6 in-person access to consular officials; free, un-
7 limited, confidential phone calls to consular offi-
8 cials; and access to United States passport ap-
9 plications for the purpose of obtaining travel
10 documents for their children; and

11 (H) who wish to take their children with
12 them to their country of origin are granted ade-
13 quate time prior to being removed to obtain a
14 birth certificate and a passport and other rel-
15 evant documents necessary for children to ac-
16 company them on their return to their country
17 of origin or join them in their country of origin;
18 and

19 (2) shall facilitate the ability of detained par-
20 ents, legal guardians, and primary caregiver relatives
21 to reunify with their children under 18 years of age
22 at the time of removal to their country of origin, in-
23 cluding providing information about the travel ar-
24 rangements of the detained parent, legal guardian,

1 or primary caregiver relative to State social service
2 agencies or other caregivers.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this Act.

6 **SEC. 11. REGULATIONS.**

7 Not later than 6 months after the date of the enact-
8 ment of this Act, the Secretary shall promulgate regula-
9 tions to implement this Act, in accordance with the notice
10 and comment requirements under subchapter II of chapter
11 5 of title 5, United States Code (commonly referred to
12 as the Administrative Procedure Act).

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