

108TH CONGRESS
1ST SESSION

H. R. 2137

To amend the Homeland Security Act of 2002 with respect to the release of alien children in custody.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2003

Mr. MEEK of Florida (for himself, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. TOWNS, Mr. SERRANO, Ms. LEE, Mr. CUMMINGS, Mr. BALLANCE, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. FATTAH, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. WYNN, Mr. RANGEL, Ms. CARSON of Indiana, Mr. DAVIS of Alabama, and Mr. MEEKS of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Homeland Security Act of 2002 with respect to the release of alien children in custody.

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 “Immigrant Children
5 Protection Act of 2003”.

6 **SEC. 2. RELEASE OF ALIEN CHILDREN IN CUSTODY INTO**
7 **COMMUNITY.**

8 (a) UNACCOMPANIED CHILDREN.—

1 (1) IN GENERAL.—Section 462(b) of the Home-
2 land Security Act of 2002 (Public Law 107–296) is
3 amended by adding at the end the following new
4 paragraph:

5 “(4) REQUIREMENT FOR RELEASE.—Each un-
6 accompanied alien child shall be charged and effec-
7 tively transferred from the Department of Homeland
8 Security to the Office of Refugee Resettlement not
9 later than 72 hours after the time of the alien’s ap-
10 prehension and shall be released from custody and
11 placed into the community with a qualified relative
12 or caretaker within 15 days of such apprehension.
13 The previous sentence shall not apply to a child who
14 is inadmissible from the United States on a ground
15 described in paragraph (2) or (3) of section 212(a)
16 of the Immigration and Nationality Act.”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by paragraph (1) shall apply to initial hearings oc-
19 curring on or after the date of the enactment of this
20 Act.

21 (b) ACCOMPANIED CHILDREN.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, subject to paragraph (2), an alien
24 child who is in the United States, is accompanied by
25 a parent or other adult family member, and is in

1 Federal custody by reason of immigration status,
2 shall be charged and effectively transferred from the
3 Department of Homeland Security to the Office of
4 Refugee Resettlement not later than 72 hours after
5 the time of the alien's apprehension and shall be re-
6 leased from custody and placed into the community
7 with a qualified relative or caretaker within 15 days
8 of such apprehension. The previous sentence shall
9 not apply to a child who is inadmissible from the
10 United States on a ground described in paragraph
11 (2) or (3) of section 212(a) of the Immigration and
12 Nationality Act.

13 (2) LIMITATION.—Such an alien child shall not
14 be released unless the parent of the child, if accom-
15 panying the child or otherwise present in the United
16 States, or, in the absence of such a parent, an ac-
17 companying adult family member, provides written
18 consent to the release.

19 (3) EFFECTIVE DATE.—This subsection shall
20 apply to alien children in custody on or after the
21 date of the enactment of this Act.

22 **SEC. 3. TREATMENT OF CHILDREN WITH SPECIAL NEEDS.**

23 Section 462(b)(1)(E) of the Homeland Security Act
24 of 2002 is amended by inserting “, including meeting the

1 needs of such children with special needs” after “unac-
2 companied alien children”.

3 **SEC. 4. PERSONNEL PROCEDURES.**

4 The Secretary of Homeland Security shall establish
5 personnel training and procedures specifically to deal with
6 the handling of unaccompanied and accompanied alien
7 children in order to provide appropriate care in the han-
8 dling of these children.

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