

110TH CONGRESS
2D SESSION

H. R. 6649

To amend part E of title IV of the Social Security Act to require States to help alien children in the child welfare system apply for all available forms of immigration relief, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2008

Mr. STARK (for himself and Mr. BECERRA) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend part E of title IV of the Social Security Act to require States to help alien children in the child welfare system apply for all available forms of immigration relief, 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 “Foster Children Op-
5 portunity Act”.

1 **SEC. 2. STATE PLAN REQUIREMENT TO HAVE PROCEDURES**
2 **TO HELP ALIEN CHILDREN IN THE CHILD**
3 **WELFARE SYSTEM ACHIEVE SPECIAL IMMI-**
4 **GRANT JUVENILE STATUS AND LAWFUL PER-**
5 **MANENT RESIDENT STATUS.**

6 Sect. 471(a)(27) of the Social Security Act (42
7 U.S.C. 671(a)(27)) is amended by inserting “, and if the
8 child is an alien, for assisting the child in applying for
9 special immigrant juvenile status, lawful permanent resi-
10 dent status, and other forms of relief under immigration
11 law, before the child exits foster care, if doing so would
12 be in the best interests of the child” before the period.

13 **SEC. 3. REQUIREMENT THAT STATE CHILD WELFARE AGEN-**
14 **CIES DOCUMENT THEIR EFFORTS TO PURSUE**
15 **LEGAL IMMIGRANT STATUS FOR ELIGIBLE**
16 **ALIEN FOSTER CHILDREN.**

17 Section 475(1) of the Social Security Act (42 U.S.C.
18 675(1)) is amended by adding at the end the following:

19 “(F) In the case of an alien child who may
20 qualify for special immigrant juvenile status,
21 lawful permanent resident status, and other
22 forms of relief under immigration law, docu-
23 mentation of the steps the agency is taking in
24 assisting the child to obtain the status before
25 exiting foster care, including whether the req-
26 uisite petitions have been filed on behalf of the

1 child, and whether assistance has been provided
2 to secure immigration legal counsel for the
3 child.”.

4 **SEC. 4. REQUIREMENT TO FILE PETITIONS FOR SPECIAL**
5 **IMMIGRANT STATUS AND LAWFUL PERMA-**
6 **NENT RESIDENT STATUS FOR ALIEN FOSTER**
7 **CHILDREN IN APPROPRIATE CASES.**

8 Section 475(5)(C)(i) of the Social Security Act (42
9 U.S.C. 675(5)(C)(i)) is amended by inserting “, and, in
10 the case of an alien child who will not be returned to a
11 parent of the child, the hearing shall determine whether
12 petitions for special immigrant juvenile status and lawful
13 permanent resident status have been filed on behalf of the
14 child and, if such a petition has not been so filed, whether
15 it is in the best interests of the child to have such a peti-
16 tion so filed or to have immigration counsel appointed”
17 before the semicolon.

18 **SEC. 5. AUTHORITY TO USE COURT IMPROVEMENT PRO-**
19 **GRAM GRANT FUNDS TO EDUCATE AND**
20 **TRAIN JUDGES AND LAWYERS TO ASSIST**
21 **ALIEN CHILDREN IN ACHIEVING SPECIAL IM-**
22 **MIGRANT JUVENILE STATUS AND LAWFUL**
23 **PERMANENT RESIDENT STATUS.**

24 Section 438(a)(2) of the Social Security Act (42
25 U.S.C. 629h(a)(2)) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (A);

3 (2) by adding “and” at the end of subpara-
4 graph (B); and

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

6 “(C) to educate and train judges and at-
7 torneys to assist alien children in achieving spe-
8 cial immigrant juvenile status in a timely man-
9 ner;”.

10 **SEC. 6. TECHNICAL ASSISTANCE FOR CHILD WELFARE**
11 **AGENCIES.**

12 On request of a State child welfare agency for tech-
13 nical assistance in carrying out the amendments made by
14 this Act, the Secretary of Health and Human Services,
15 in consultation with the Secretary of Homeland Security,
16 shall provide the assistance, and may award grants to and
17 enter into contracts with non-profit or other community-
18 based service providers to perform the assistance.

19 **SEC. 7. EFFECTIVE DATE.**

20 (a) IN GENERAL.—The amendments made by this
21 Act shall take effect on the date of the enactment of this
22 Act, and shall apply to payments under part E of title
23 IV of the Social Security Act for quarters beginning on
24 or after such date.

1 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
2 QUIRED.—In the case of a State plan approved under part
3 E of title IV of the Social Security Act which the Secretary
4 of Health and Human Services determines requires State
5 legislation (other than legislation appropriating funds) in
6 order for the plan to meet the additional requirements im-
7 posed by this Act, the State plan shall not be regarded
8 as failing to comply with the requirements of such part
9 solely on the basis of the failure of the plan to meet such
10 additional requirements before the 1st day of the 1st cal-
11 endar quarter beginning after the close of the 1st regular
12 session of the State legislature that ends after the 1-year
13 period beginning with the date of the enactment of this
14 Act. For purposes of the preceding sentence, in the case
15 of a State that has a 2-year legislative session, each year
16 of the session is deemed to be a separate regular session
17 of the State legislature.

○