

113TH CONGRESS
1ST SESSION

H. R. 2624

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

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2013

Ms. ROYBAL-ALLARD (for herself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Foreign Affairs, and Appropriations, 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”.

6 **SEC. 2. PROTECTING CHILD TRAFFICKING VICTIMS.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Child Trafficking Victims Protection Act”.

1 (b) DEFINED TERM.—In this section, the term “un-
2 accompanied alien children” has the meaning given such
3 term in section 462 of the Homeland Security Act of 2002
4 (6 U.S.C. 279).

5 (c) MANDATORY TRAINING.—The Secretary, in con-
6 sultation with the Secretary of Health and Human Serv-
7 ices and independent child welfare experts, shall mandate
8 appropriate training of all personnel who come into con-
9 tact with unaccompanied alien children in the relevant
10 legal authorities, policies, practices, and procedures per-
11 taining to this vulnerable population.

12 (d) CARE AND TRANSPORTATION.—Notwithstanding
13 any other provision of law, the Secretary shall ensure that
14 all unaccompanied alien children who will undergo any im-
15 migration proceedings before the Department or the Exec-
16 utive Office for Immigration Review are duly transported
17 and placed in the care and legal and physical custody of
18 the Office of Refugee Resettlement not later than 72
19 hours after their apprehension absent exceptional cir-
20 cumstances, including a natural disaster or comparable
21 emergency beyond the control of the Secretary or the Of-
22 fice of Refugee Resettlement. The Secretary, to the extent
23 practicable, shall ensure that female officers are continu-
24 ously present during the transfer and transport of female
25 detainees who are in the custody of the Department.

1 (e) QUALIFIED RESOURCES.—

2 (1) IN GENERAL.—The Secretary shall provide
3 adequately trained and qualified staff and resources,
4 including the accommodation of child welfare offi-
5 cials, in accordance with subsection (e), at U.S. Cus-
6 toms and Border Protection ports of entry and sta-
7 tions.

8 (2) CHILD WELFARE PROFESSIONALS.—The
9 Secretary of Health and Human Services, in con-
10 sultation with the Secretary, shall hire, on a full- or
11 part-time basis, child welfare professionals who will
12 provide assistance, either in person or by other ap-
13 propriate methods of communication, in not fewer
14 than 7 of the U.S. Customs and Border Protection
15 offices or stations with the largest number of unac-
16 companied alien child apprehensions in the previous
17 fiscal year.

18 (f) CHILD WELFARE PROFESSIONALS.—

19 (1) IN GENERAL.—The Secretary, in consulta-
20 tion with the Secretary of Health and Human Serv-
21 ices, shall ensure that qualified child welfare profes-
22 sionals with expertise in culturally competent, trau-
23 ma-centered, and developmentally appropriate inter-
24 viewing skills are available at ports of entry and sta-
25 tions as described in subsection (d).

1 (2) DUTIES.—Child welfare professionals de-
2 scribed in paragraph (1) shall—

3 (A) develop guidelines for treatment of un-
4 accompanied alien children in the custody of the
5 Department;

6 (B) conduct screening of all unaccom-
7 panied alien children in accordance with section
8 235(a)(4) of the William Wilberforce Traf-
9 ficking Victims Protection Reauthorization Act
10 of 2008 (8 U.S.C. 1232(a)(4));

11 (C) notify the Department and the Office
12 of Refugee Resettlement of children that poten-
13 tially meet the notification and transfer require-
14 ments set forth in subsections (a) and (b) of
15 section 235 of such Act (8 U.S.C. 1232);

16 (D) interview adult relatives accompanying
17 unaccompanied alien children;

18 (E) provide an initial family relationship
19 and trafficking assessment and recommenda-
20 tions regarding unaccompanied alien children's
21 initial placements to the Office of Refugee Re-
22 settlement, which shall be conducted in accord-
23 ance with the timeframe set forth in subsections
24 (a)(4) and (b)(3) of section 235 of such Act (8
25 U.S.C. 1232); and

1 (F) ensure that each unaccompanied alien
2 child in the custody of U.S. Customs and Bor-
3 der Protection—

4 (i) receives emergency medical care
5 when necessary;

6 (ii) receives emergency medical and
7 mental health care that complies with the
8 standards adopted pursuant to section 8(c)
9 of the Prison Rape Elimination Act of
10 2003 (42 U.S.C. 15607(c)) whenever nec-
11 essary, including in cases in which a child
12 is at risk to harm himself, herself, or oth-
13 ers;

14 (iii) is provided with climate appro-
15 priate clothing, shoes, basic personal hy-
16 giene and sanitary products, a pillow, lin-
17 ens, and sufficient blankets to rest at a
18 comfortable temperature;

19 (iv) receives adequate nutrition;

20 (v) enjoys a safe and sanitary living
21 environment;

22 (vi) has access to daily recreational
23 programs and activities if held for a period
24 longer than 24 hours;

1 (vii) has access to legal services and
2 consular officials; and

3 (viii) is permitted to make supervised
4 phone calls to family members.

5 (3) FINAL DETERMINATIONS.—The Office of
6 Refugee Resettlement in accordance with applicable
7 policies and procedures for sponsors, shall submit
8 final determinations on family relationships to the
9 Secretary, who shall consider such adult relatives for
10 community-based support alternatives to detention.

11 (4) REPORT.—Not later than 18 months after
12 the date of the enactment of this Act, and annually
13 thereafter, the Secretary shall submit a report to
14 Congress that—

15 (A) describes the screening procedures
16 used by the child welfare professionals to screen
17 unaccompanied alien children;

18 (B) assesses the effectiveness of such
19 screenings; and

20 (C) includes data on all unaccompanied
21 alien children who were screened by child wel-
22 fare professionals.

23 (g) IMMEDIATE NOTIFICATION.—The Secretary shall
24 notify the Office of Refugee Resettlement of an unaccom-
25 panied alien child in the custody of the Department as

1 soon as practicable, but generally not later than 48 hours
2 after the Department encounters the child, to effectively
3 and efficiently coordinate the child's transfer to and place-
4 ment with the Office of Refugee Resettlement.

5 (h) NOTICE OF RIGHTS AND RIGHT TO ACCESS TO
6 COUNSEL.—

7 (1) IN GENERAL.—The Secretary shall ensure
8 that all unaccompanied alien children, upon appre-
9 hension, are provided—

10 (A) an interview and screening with a child
11 welfare professional described in subsection
12 (e)(1); and

13 (B) an orientation and oral and written
14 notice of their rights under the Immigration
15 and Nationality Act, including—

16 (i) their right to relief from removal;

17 (ii) their right to confer with counsel

18 (as guaranteed under section 292 of such
19 Act (8 U.S.C. 1362)), family, or friends
20 while in the temporary custody of the De-
21 partment; and

22 (iii) relevant complaint mechanisms to
23 report any abuse or misconduct they may
24 have experienced.

1 (2) LANGUAGES.—The Secretary shall ensure
2 that—

3 (A) the video orientation and written no-
4 tice of rights described in paragraph (1) is
5 available in English and in the 5 most common
6 native languages spoken by the unaccompanied
7 children held in custody at that location during
8 the preceding fiscal year; and

9 (B) the oral notice of rights is available in
10 English and in the most common native lan-
11 guage spoken by the unaccompanied children
12 held in custody at that location during the pre-
13 ceding fiscal year.

14 (i) CONFIDENTIALITY.—The Secretary of Health and
15 Human Services shall maintain the privacy and confiden-
16 tiality of all information gathered in the course of pro-
17 viding care, custody, placement, and follow-up services to
18 unaccompanied alien children, consistent with the best in-
19 terest of the unaccompanied alien child, by not disclosing
20 such information to other government agencies or non-
21 parental third parties unless such disclosure is—

22 (1) recorded in writing and placed in the child's
23 file;

24 (2) in the child's best interest; and

1 (3)(A) authorized by the child or by an ap-
2 proved sponsor in accordance with section 235 of the
3 William Wilberforce Trafficking Victims Protection
4 Reauthorization Act of 2008 (8 U.S.C. 1232) and
5 the Health Insurance Portability and Accountability
6 Act (Public Law 104–191); or

7 (B) provided to a duly recognized law enforce-
8 ment entity to prevent imminent and serious harm
9 to another individual.

10 (j) OTHER POLICIES AND PROCEDURES.—The Sec-
11 retary shall adopt fundamental child protection policies
12 and procedures—

13 (1) for reliable age determinations of children,
14 developed in consultation with medical and child wel-
15 fare experts, which exclude the use of fallible foren-
16 sic testing of children’s bone and teeth;

17 (2) 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 (3) to ensure, in accordance with the Juvenile
22 Justice and Delinquency Prevention Act of 1974 (42
23 U.S.C. 5601 et seq.), that unaccompanied alien chil-
24 dren, while in detention, are—

1 (A) physically separated from any adult
2 who is not an immediate family member; and

3 (B) separated from—

4 (i) immigration detainees and inmates
5 with criminal convictions;

6 (ii) pretrial inmates facing criminal
7 prosecution; and

8 (iii) inmates exhibiting violent behav-
9 ior.

10 (k) REPATRIATION AND REINTEGRATION PRO-
11 GRAM.—

12 (1) IN GENERAL.—The Administrator of the
13 United States Agency for International Develop-
14 ment, in conjunction with the Secretary, the Sec-
15 retary of Health and Human Services, the Attorney
16 General, international organizations, and nongovern-
17 mental organizations in the United States with ex-
18 pertise in repatriation and reintegration, shall en-
19 sure that programs in the United States and within
20 the country of return support the safe and sustain-
21 able repatriation and reintegration of unaccom-
22 panied alien children into their country of nation-
23 ality or of last habitual residence, including place-
24 ment with their families, legal guardians, or other
25 sponsoring agencies.

1 (2) REPORT ON REPATRIATION AND RE-
2 INTEGRATION OF UNACCOMPANIED ALIEN CHIL-
3 DREN.—Not later than 18 months after the date of
4 the enactment of this Act, and annually thereafter,
5 the Administrator of the Agency for International
6 Development shall submit a substantive report to the
7 Committee on the Judiciary of the Senate and the
8 Committee on the Judiciary of the House of Rep-
9 resentatives on efforts to improve repatriation and
10 reintegration programs for unaccompanied alien chil-
11 dren.

12 (1) TRANSFER OF FUNDS.—

13 (1) AUTHORIZATION.—The Secretary, in ac-
14 cordance with a written agreement between the Sec-
15 retary and the Secretary of Health and Human
16 Services, shall transfer such amounts as may be nec-
17 essary to carry out the duties described in subsection
18 (f)(2) from amounts appropriated for U.S. Customs
19 and Border Protection to the Department of Health
20 and Human Services.

21 (2) REPORT.—Not later than 15 days before
22 any proposed transfer under paragraph (1), the Sec-
23 retary of Health and Human Services, in consulta-
24 tion with the Secretary, shall submit a detailed ex-
25 penditure plan that describes the actions proposed to

1 be taken with amounts transferred under such para-
2 graph to—

3 (A) the Committee on Appropriations of
4 the Senate; and

5 (B) the Committee on Appropriations of
6 the House of Representatives.

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