

114TH CONGRESS  
2D SESSION

# S. 2561

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to provide expedited processing for unaccompanied alien children who are not victims of a severe form of trafficking in persons and who do not have a fear of returning to their country of nationality or last habitual residence, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2016

Mr. SESSIONS (for himself and Mr. JOHNSON) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to provide expedited processing for unaccompanied alien children who are not victims of a severe form of trafficking in persons and who do not have a fear of returning to their country of nationality or last habitual residence, 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 “Protection of Children  
5 Act of 2016”.

1 **SEC. 2. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**  
2 **DREN.**

3 (a) IN GENERAL.—Section 235 of the William Wil-  
4 berforce Trafficking Victims Protection Reauthorization  
5 Act of 2008 (8 U.S.C. 1232) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)—

8 (i) by amending the heading to read  
9 as follows: “RULES FOR UNACCOMPANIED  
10 ALIEN CHILDREN.—”;

11 (ii) in subparagraph (A)—

12 (I) in the matter preceding clause  
13 (i), by striking “who is a national or  
14 habitual resident of a country that is  
15 contiguous with the United States”;

16 (II) in clause (i), by inserting  
17 “and” at the end;

18 (III) in clause (ii), by striking “;  
19 and” and inserting a period; and

20 (IV) by striking clause (iii);

21 (iii) in subparagraph (B)—

22 (I) in the matter preceding clause  
23 (i), by striking “(8 U.S.C. 1101 et  
24 seq.) may—” and inserting “(8  
25 U.S.C. 1101 et seq.)—”;

1 (II) in clause (i), by inserting  
2 “may” before “permit such child to  
3 withdraw”; and

4 (III) in clause (ii), by inserting  
5 “shall” before “return such child”;  
6 and

7 (iv) in subparagraph (C)—

8 (I) by amending the heading to  
9 read as follows: “AGREEMENTS WITH  
10 FOREIGN COUNTRIES.—”; and

11 (II) in the matter preceding  
12 clause (i), by striking “The Secretary  
13 of State shall negotiate agreements  
14 between the United States and coun-  
15 tries contiguous to the United States”  
16 and inserting “The Secretary of State  
17 may negotiate agreements between the  
18 United States and any foreign country  
19 that the Secretary determines appro-  
20 priate”; and

21 (B) in paragraph (5)(D)—

22 (i) in the matter preceding clause (i),  
23 by striking “, except for an unaccompanied  
24 alien child from a contiguous country sub-  
25 ject to the exceptions under subsection

1 (a)(2),” and inserting “who does not meet  
2 the criteria listed in paragraph (2)(A)”;  
3 and

4 (ii) in clause (i), by inserting “, which  
5 shall include a hearing before an immigra-  
6 tion judge not later than 14 days after  
7 being screened under paragraph (4)” be-  
8 fore the semicolon at the end;

9 (2) in subsection (b)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (A), by inserting  
12 “believed not to meet the criteria listed in  
13 subsection (a)(2)(A)” before the semicolon  
14 at the end; and

15 (ii) in subparagraph (B), by inserting  
16 “and does not meet the criteria listed in  
17 subsection (a)(2)(A)” before the period at  
18 the end; and

19 (B) in paragraph (3), by striking “an un-  
20 accompanied alien child in custody shall” and  
21 all that follows, and inserting the following: “an  
22 unaccompanied alien child in custody—

23 “(A) in the case of a child who does not  
24 meet the criteria listed in subsection (a)(2)(A),  
25 shall transfer the custody of such child to the

1 Secretary of Health and Human Services not  
2 later than 30 days after determining that such  
3 child is an unaccompanied alien child who does  
4 not meet such criteria; or

5 “(B) in the case of child who meets the  
6 criteria listed in subsection (a)(2)(A), may  
7 transfer the custody of such child to the Sec-  
8 retary of Health and Human Services after de-  
9 termining that such child is an unaccompanied  
10 alien child who meets such criteria.”; and

11 (3) in subsection (c)—

12 (A) in paragraph (3), by inserting at the  
13 end the following:

14 “(D) INFORMATION ABOUT INDIVIDUALS  
15 WITH WHOM CHILDREN ARE PLACED.—

16 “(i) INFORMATION TO BE PROVIDED  
17 TO HOMELAND SECURITY.—Before placing  
18 a child with an individual, the Secretary of  
19 Health and Human Services shall provide  
20 to the Secretary of Homeland Security, re-  
21 garding the individual with whom the child  
22 will be placed, the following information:

23 “(I) The name of the individual.

24 “(II) The social security number  
25 of the individual.

1                   “(III) The date of birth of the in-  
2                   dividual.

3                   “(IV) The location of the individ-  
4                   ual’s residence where the child will be  
5                   placed.

6                   “(V) The immigration status of  
7                   the individual, if known.

8                   “(VI) Contact information for  
9                   the individual.

10                  “(ii) SPECIAL RULE.—In the case of a  
11                  child who was apprehended on or after  
12                  June 15, 2012, and before the date of the  
13                  enactment of the Protection of Children  
14                  Act of 2016, who the Secretary of Health  
15                  and Human Services placed with an indi-  
16                  vidual, the Secretary shall provide the in-  
17                  formation listed in clause (i) to the Sec-  
18                  retary of Homeland Security not later than  
19                  90 days after the date of the enactment of  
20                  the Protection of Children Act of 2016.

21                  “(iii) ACTIVITIES OF THE SECRETARY  
22                  OF HOMELAND SECURITY.—Not later than  
23                  30 days after receiving the information  
24                  listed in clause (i), the Secretary of Home-  
25                  land Security shall—

1           “(I) in the case that the immi-  
2           gration status of an individual with  
3           whom a child is placed is unknown,  
4           investigate the immigration status of  
5           that individual; and

6           “(II) upon determining that an  
7           individual with whom a child is placed  
8           is unlawfully present in the United  
9           States, initiate removal proceedings  
10          pursuant to chapter 4 of title II of the  
11          Immigration and Nationality Act (8  
12          U.S.C. 1221 et seq.)”; and

13          (B) in paragraph (5)—

14                 (i) by inserting “, at no expense to the  
15                 Government,” after “to the greatest extent  
16                 practicable”; and

17                 (ii) by striking “have counsel to rep-  
18                 resent them” and inserting “have access to  
19                 counsel to represent them”.

20          (b) **EFFECTIVE DATE.**—The amendments made by  
21          this section shall apply to any unauthorized alien child ap-  
22          prehended on or after June 15, 2012.

1 **SEC. 3. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMI-**  
2 **GRANTS UNABLE TO REUNITE WITH EITHER**  
3 **PARENT.**

4 Section 101(a)(27)(J)(i) of the Immigration and Na-  
5 tionality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by  
6 striking “1 or both of the immigrant’s parents” and in-  
7 serting “either of the immigrant’s parents”.

8 **SEC. 4. JURISDICTION OF ASYLUM APPLICATIONS.**

9 Section 208(b)(3) of the Immigration and Nationality  
10 Act (8 U.S.C. 1158) is amended by striking subparagraph  
11 (C).

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