

Calendar No. 477

115TH CONGRESS
2D SESSION

S. 3093

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2018

Mr. TILLIS (for himself, Mr. CORNYN, Mr. RUBIO, Mr. GRAHAM, Mr. JOHNSON, Mr. HELLER, Mr. COTTON, Mr. CRUZ, Mr. GRASSLEY, Mr. LANKFORD, Mr. McCONNELL, Mr. FLAKE, Mrs. ERNST, Mr. ISAKSON, Mr. MORAN, Mr. SASSE, Mrs. FISCHER, Mr. ROBERTS, Mr. DAINES, Mr. HATCH, Mr. INHOFE, Mr. CORKER, Mr. THUNE, Mr. CRAPO, Mr. HOEVEN, Mr. PERDUE, Mr. BOOZMAN, Mr. PORTMAN, Mr. SCOTT, Mr. CASSIDY, Mr. YOUNG, Mr. ALEXANDER, Mr. KENNEDY, Mr. LEE, Mr. BLUNT, Mr. ENZI, and Mr. SULLIVAN) introduced the following bill; which was read the first time

JUNE 21, 2018

Read the second time and placed on the calendar

A BILL

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keep Families To-
3 gether and Enforce the Law Act”.

4 **SEC. 2. FAMILY UNIFICATION.**

5 (a) IN GENERAL.—Section 235 of the Immigration
6 and Nationality Act (8 U.S.C. 1225) is amended by add-
7 ing at the end the following:

8 “(e) PROTECTIVE CUSTODY OF ARRIVING ALIEN
9 CHILDREN ACCOMPANIED BY PARENTS.—

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of law, including section 3142 of title 18,
12 United States Code, any judicial determination (in-
13 cluding any judicial determination made in *Flores v.*
14 *Sessions et. al.*, (9th Cir. July 5, 2017; C.D. CA.
15 July 24, 2015)), consent decree, or settlement agree-
16 ment issued before the date of enactment of the
17 Keep Families Together and Enforce the Law Act,
18 and section 236.3 of title 8, Code of Federal Regula-
19 tions (or a successor regulation), the Secretary of
20 Homeland Security shall not use any appropriated
21 funds or be required to implement the terms of the
22 stipulated settlement agreement filed on January 17,
23 1997, in the United States District Court for the
24 Central District of California in *Flores v. Reno*, CV
25 85–4544–RJK, (commonly known as the “Flores

1 settlement agreement”) in the case of an alien child
2 under the age of 18 years who is—

3 “(A) accompanied by a parent; and

4 “(B)(i) apprehended at or near the inter-
5 national border of the United States; or

6 “(ii) seeking admission to the United
7 States at a port of entry.

8 “(2) FAMILY UNIT RESIDENTIAL CENTERS.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), the Secretary of Homeland
11 Security shall temporarily house an alien child
12 under the age of 18 years described in para-
13 graph (1) together with the parent of the child
14 in a family residential center maintained by the
15 Secretary of Homeland Security during the
16 pendency of civil or criminal proceedings.

17 “(B) EXCEPTION.—The Secretary of
18 Homeland Security shall not temporarily house
19 an alien child described in subparagraph (A) in
20 the manner described in that subparagraph if
21 the Secretary of Homeland Security—

22 “(i) is unable to verify that an indi-
23 vidual accompanying the alien child is the
24 parent of the alien child;

1 “(ii) determines that the accom-
2 panying parent of the alien child—

3 “(I) has a violent criminal his-
4 tory; or

5 “(II) has committed or been con-
6 victed of—

7 “(aa) an aggravated felony
8 under section 101(a)(43);

9 “(bb) a crime involving the
10 attempted use of physical force
11 or threatened use of a deadly
12 weapon;

13 “(cc) an assault resulting in
14 bodily injury (as defined in sec-
15 tion 2266 of title 18, United
16 States Code); or

17 “(dd) an offense described
18 in section 212(a)(2) or
19 237(a)(2);

20 “(iii) determines that the alien child is
21 or has been a victim of domestic abuse or
22 sexual abuse; or

23 “(iv) the alien child is—

24 “(I) a victim of trafficking;

1 “(II) at risk of becoming a victim
2 of trafficking;

3 “(III) in danger of abuse or ne-
4 glect at the hands of the accom-
5 panying parent of the alien child; or

6 “(IV) a danger to himself or her-
7 self or to others.

8 “(C) CONDITIONS FOR CUSTODY.—The
9 Secretary of Homeland Security shall ensure
10 that each—

11 “(i) family residential facility is secure
12 and safe; and

13 “(ii) alien child and accompanying
14 parent at a family residential facility has—

15 “(I) suitable living accommoda-
16 tions;

17 “(II) access to drinking water
18 and food;

19 “(III) medical assistance in case
20 of emergencies; and

21 “(IV) any other service necessary
22 for the adequate care of a minor child.

23 “(3) PROTECTIVE CUSTODY OF ACCOMPANIED
24 ALIEN CHILDREN INELIGIBLE FOR HOUSING IN A
25 FAMILY RESIDENTIAL CENTER.—If an alien child de-

1 scribed in paragraph (1) may not be housed with the
2 accompanying parent of the alien child in a family
3 residential center under paragraph (2)(A), the alien
4 child shall be treated as an unaccompanied alien
5 child under the William Wilberforce Trafficking Vic-
6 tims Protection Reauthorization Act of 2008 (8
7 U.S.C. 1232 et seq.).

8 “(4) PRIORITIZATION OF ACCOMPANIED MINOR
9 AND FAMILY UNIT PROCEEDINGS.—To the maximum
10 extent practicable, the Secretary of Homeland Secu-
11 rity and the Attorney General shall prioritize civil
12 and criminal proceedings and decisions on requests
13 for relief from removal of accompanied alien children
14 and families who are in custody under this sub-
15 section.”.

16 (b) FAMILY RESIDENTIAL FACILITIES.—The Sec-
17 retary of Homeland Security shall enter into 1 or more
18 interagency agreements with the Attorney General to se-
19 cure additional family residential centers to house accom-
20 panied alien children and parents of such children under
21 section 235(e) of the Immigration and Nationality Act
22 during the pendency of civil or criminal proceedings.

23 (c) APPLICABILITY.—The amendments made by this
24 Act shall apply regardless of the date on which an action

1 giving rise to the admissibility or custody of the accom-
2 panied child or parent occurs.

3 **SEC. 3. ADDITIONAL FAMILY RESIDENTIAL CENTER CAPAC-**
4 **ITY.**

5 The Secretary of Homeland Security shall increase
6 the number of available family residential beds by not less
7 than 1,000, as compared to the number of beds available
8 on the date of enactment of this Act.

9 **SEC. 4. EMERGENCY IMMIGRATION JUDGE RESOURCES.**

10 The Attorney General shall increase the number of
11 immigration judge teams by not less than 225, as com-
12 pared to the number of immigration judge teams on the
13 date of enactment of this Act, including for the purpose
14 of conducting prioritized proceedings for accompanied
15 alien children and families—

16 (1) apprehended at or near the southwest bor-
17 der of the United States; or

18 (2) who are seeking admission to the United
19 States at a port of entry.

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