

116TH CONGRESS  
1ST SESSION

# H. R. 3940

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to provide for the expedited removal of 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 HOUSE OF REPRESENTATIVES

JULY 24, 2019

Mr. CARTER of Texas introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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

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## A BILL

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to provide for the expedited removal of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protection of Children  
3 Act of 2019”.

4 **SEC. 2. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**  
5 **DREN.**

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

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) by amending the heading to read  
12 as follows: “RULES FOR UNACCOMPANIED  
13 ALIEN CHILDREN.”;

14 (ii) in subparagraph (A);

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

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

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

23 (IV) by striking clause (iii);

24 (iii) in subparagraph (B)—

25 (I) in the matter preceding clause  
26 (i), by striking “(8 U.S.C. 1101 et

1 seq.) may—” and inserting “(8  
2 U.S.C. 1101 et seq.)—”;

3 (II) in clause (i), by inserting be-  
4 fore “permit such child to withdraw”  
5 the following: “may”; and

6 (III) in clause (ii), by inserting  
7 before “return such child” the fol-  
8 lowing: “shall”; and

9 (iv) in subparagraph (C)—

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

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

23 (B) in paragraph (5)(D)—

24 (i) in the matter preceding clause (i),  
25 by striking “, except for an unaccompanied

1 alien child from a contiguous country sub-  
2 ject to the exceptions under subsection  
3 (a)(2),” and inserting “who does not meet  
4 the criteria listed in paragraph (2)(A)”;  
5 and

6 (ii) in clause (i), by inserting before  
7 the semicolon at the end the following: “,  
8 which shall include a hearing before an im-  
9 migration judge not later than 14 days  
10 after being screened under paragraph (4)”;

11 (2) in subsection (b)—

12 (A) in paragraph (2)—

13 (i) in subparagraph (A), by inserting  
14 before the semicolon the following: “be-  
15 lieved not to meet the criteria listed in sub-  
16 section (a)(2)(A)”;

17 (ii) in subparagraph (B), by inserting  
18 before the period the following: “and does  
19 not meet the criteria listed in subsection  
20 (a)(2)(A)”;

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

1           “(A) in the case of a child who does not  
2 meet the criteria listed in subsection (a)(2)(A),  
3 shall transfer the custody of such child to the  
4 Secretary of Health and Human Services not  
5 later than 30 days after determining that such  
6 child is an unaccompanied alien child who does  
7 not meet such criteria; or

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

14 (3) in subsection (c)—

15           (A) in paragraph (3), by inserting at the  
16 end the following:

17           “(D) INFORMATION ABOUT INDIVIDUALS  
18 WITH WHOM CHILDREN ARE PLACED.—

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

1                   “(I) The name of the individual.

2                   “(II) The social security number  
3 of the individual.

4                   “(III) The date of birth of the in-  
5 dividual.

6                   “(IV) The location of the individ-  
7 ual’s residence where the child will be  
8 placed.

9                   “(V) The immigration status of  
10 the individual, if known.

11                   “(VI) Contact information for  
12 the individual.

13                   “(ii) SPECIAL RULE.—In the case of a  
14 child who was apprehended on or after  
15 June 15, 2012, and before the date of the  
16 enactment of the Protection of Children  
17 Act of 2019, who the Secretary of Health  
18 and Human Services placed with an indi-  
19 vidual, the Secretary shall provide the in-  
20 formation listed in clause (i) to the Sec-  
21 retary of Homeland Security not later than  
22 90 days after the date of the enactment of  
23 the Protection of Children Act of 2019.

24                   “(iii) ACTIVITIES OF THE SECRETARY  
25 OF HOMELAND SECURITY.—Not later than

1           30 days after receiving the information  
2           listed in clause (i), the Secretary of Home-  
3           land Security shall—

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

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

16           (B) in paragraph (5)—

17                   (i) by inserting after “to the greatest  
18                   extent practicable” the following: “(at no  
19                   expense to the Government)”;

20                   (ii) by striking “have counsel to rep-  
21                   resent them” and inserting “have access to  
22                   counsel to represent them”.

23           (b) **EFFECTIVE DATE.**—The amendments made by  
24           this section shall apply to any unauthorized alien child ap-  
25           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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