

118TH CONGRESS
1ST SESSION

H. R. 2417

To 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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. CARTER of Texas (for himself, Mr. BIGGS, and Mr. NEHLS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protection of Children
5 Act of 2023”.

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); and
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 be-
2 fore “permit such child to withdraw”
3 the following: “may”; and

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

7 (B) in paragraph (5)(D)—

8 (i) in the matter preceding clause (i),
9 by striking “, except for an unaccompanied
10 alien child from a contiguous country sub-
11 ject to the exceptions under subsection
12 (a)(2),” and inserting “who does not meet
13 the criteria listed in paragraph (2)(A)”;
14 and

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

20 (2) in subsection (b)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (A), by inserting
23 before the semicolon the following: “be-
24 lieved not to meet the criteria listed in sub-
25 section (a)(2)(A)”;

1 (ii) in subparagraph (B), by inserting
2 before the period the following: “and does
3 not meet the criteria listed in subsection
4 (a)(2)(A)”;

5 (B) in paragraph (3), by striking “an un-
6 accompanied alien child in custody shall” and
7 all that follows, and inserting the following: “an
8 unaccompanied alien child in custody—

9 “(A) in the case of a child who does not
10 meet the criteria listed in subsection (a)(2)(A),
11 shall transfer the custody of such child to the
12 Secretary of Health and Human Services not
13 later than 30 days after determining that such
14 child is an unaccompanied alien child who does
15 not meet such criteria; or

16 “(B) in the case of a child who meets the
17 criteria listed in subsection (a)(2)(A), may
18 transfer the custody of such child to the Sec-
19 retary of Health and Human Services after de-
20 termining that such child is an unaccompanied
21 alien child who meets such criteria.”;

22 (3) in subsection (c)—

23 (A) in paragraph (3), by inserting at the
24 end the following:

1 “(D) INFORMATION ABOUT INDIVIDUALS
2 WITH WHOM CHILDREN ARE PLACED.—

3 “(i) INFORMATION TO BE PROVIDED
4 TO HOMELAND SECURITY.—Before placing
5 a child with an individual, the Secretary of
6 Health and Human Services shall provide
7 to the Secretary of Homeland Security, re-
8 garding the individual with whom the child
9 will be placed, the following information:

10 “(I) The name of the individual.

11 “(II) The social security number
12 of the individual.

13 “(III) The date of birth of the in-
14 dividual.

15 “(IV) The location of the individ-
16 ual’s residence where the child will be
17 placed.

18 “(V) The immigration status of
19 the individual, if known.

20 “(VI) Contact information for
21 the individual.

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

1 land Security, upon determining that an
2 individual with whom a child is placed is
3 unlawfully present in the United States
4 and not in removal proceedings pursuant
5 to chapter 4 of title II of the Immigration
6 and Nationality Act (8 U.S.C. 1221 et
7 seq.), shall initiate such removal pro-
8 ceedings.”; and

9 (B) in paragraph (5)—

10 (i) by inserting after “to the greatest
11 extent practicable” the following: “(at no
12 expense to the Government)”; and

13 (ii) by striking “have counsel to rep-
14 resent them” and inserting “have access to
15 counsel to represent them”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to any unaccompanied alien child
18 apprehended on or after the date that is 30 days after
19 the date of enactment of this Act.

20 **SEC. 3. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMI-**
21 **GRANTS UNABLE TO REUNITE WITH EITHER**
22 **PARENT.**

23 Section 101(a)(27)(J) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

1 (1) in clause (i), by striking “, and whose reuni-
2 fication with 1 or both of the immigrant’s parents
3 is not viable due to abuse, neglect, abandonment, or
4 a similar basis found under State law”; and

5 (2) in clause (iii)—

6 (A) in subclause (I), by striking “and” at
7 the end;

8 (B) in subclause (II), by inserting “and”
9 after the semicolon; and

10 (C) by adding at the end the following:

11 “(III) an alien may not be grant-
12 ed special immigrant status under this
13 subparagraph if the alien’s reunifica-
14 tion with any one parent or legal
15 guardian is not precluded by abuse,
16 neglect, abandonment, or any similar
17 cause under State law;”.

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