

112TH CONGRESS  
1ST SESSION

# H. R. 2607

To provide protection for children affected by the immigration laws of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2011

Ms. WOOLSEY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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 provide protection for children affected by the immigration laws of the United States, 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 “Humane Enforcement  
5 and Legal Protections for Separated Children Act” or the  
6 “HELP Separated Children Act”.

7 **SEC. 2. DEFINITIONS.**

8 For the purposes of this Act:

1           (1) APPREHENSION.—The term “apprehen-  
2           sion”, in the context of an immigration enforcement-  
3           related activity, means government detention, arrest,  
4           or custody, or any significant deprivation of an indi-  
5           vidual’s freedom of action by government officials or  
6           entities acting under agreement with the Depart-  
7           ment of Homeland Security for suspicion of viola-  
8           tions under the Immigration and Nationality Act (8  
9           U.S.C. 1101 et seq.).

10           (2) IMMIGRATION ENFORCEMENT-RELATED AC-  
11           TIVITY.—The term “immigration enforcement-re-  
12           lated activity” means the questioning of, apprehen-  
13           sion of, detention of, or request for or issuance of  
14           a detainer for one or more individuals for suspected  
15           or confirmed violations of the Immigration and Na-  
16           tionality Act (8 U.S.C. 1101 et seq.) by the Depart-  
17           ment of Homeland Security or cooperating entities.

18           (3) SSA.—The term “SSA” means the appro-  
19           priate State or local social service agency, including  
20           nongovernmental organizations, child welfare agen-  
21           cies, child protective service agencies, school and  
22           head start administrators, legal service providers,  
23           and hospitals.

1 **SEC. 3. APPREHENSION PROCEDURES FOR IMMIGRATION**  
2 **ENFORCEMENT-RELATED ACTIVITIES.**

3 (a) IN GENERAL.—Any immigration enforcement-re-  
4 lated activity engaged in by the Department of Homeland  
5 Security or by other entities under agreement with the De-  
6 partment of Homeland Security for alleged violations  
7 under the Immigration and Nationality Act (8 U.S.C.  
8 1101 et seq.), which results in the apprehension of at least  
9 one alien shall be carried out in accordance with the proce-  
10 dures described in this section.

11 (b) APPREHENSION PROCEDURES.—The Secretary of  
12 Homeland Security and entities under agreement with the  
13 Department of Homeland Security shall—

14 (1) conduct an initial review of each individual  
15 apprehended in an immigration enforcement-related  
16 activity to ascertain whether such individual may be  
17 a United States citizen, a lawful permanent resident  
18 of the United States, or an alien lawfully present in  
19 the United States;

20 (2) if an individual claims to be a United States  
21 citizen, a lawful permanent resident of the United  
22 States, or an alien lawfully present in the United  
23 States, ensure that personnel of the Department of  
24 Homeland Security investigate the individual's  
25 claims and consider the individual for release under  
26 section 4(c);

1           (3) notify SSAs of immigration enforcement-re-  
2           lated activity not later than 24 hours before the  
3           commencement of such activity, specifically notifying  
4           the SSAs of—

5                   (A) the specific area of the State that will  
6           be affected; and

7                   (B) the languages that may be spoken by  
8           individuals at the targeted site;

9           (4) if such immigration enforcement-related ac-  
10          tivities cannot be planned more than 24 hours in ad-  
11          vance, notify SSAs in a timely fashion before the ac-  
12          tivity commences or, if advance notification is not  
13          possible, immediately following the commencement of  
14          such activity;

15          (5) provide licensed social workers or case man-  
16          agers employed or contracted by the SSAs with on-  
17          going confidential access to each individual appre-  
18          hended by the Department of Homeland Security or  
19          any entity operating under agreement with the De-  
20          partment of Homeland Security within six hours of  
21          the individual's apprehension—

22                   (A) to determine through screening and  
23          interviewing if such individual is a member of  
24          a vulnerable population as described in section  
25          4(b) or for other humanitarian concerns; and

1 (B) to offer confidential psychosocial and  
2 mental health services to children and family  
3 members of such individual at the time of ap-  
4 prehension;

5 (6) notify local law enforcement of the specific  
6 area of the State that will be affected by such immi-  
7 gration enforcement-related activity not later than  
8 24 hours before the commencement of such activity  
9 or, if such immigration enforcement-related activity  
10 cannot be planned more than 24 hours in advance,  
11 notify local law enforcement in a timely fashion be-  
12 fore such activity commences, or if advance notifica-  
13 tion is not possible, immediately following the com-  
14 mencement of such activity;

15 (7) coordinate with qualified medical personnel  
16 within six hours of the apprehension of an individual  
17 to—

18 (A) conduct medical screenings of such in-  
19 dividual; and

20 (B) identify and report any medical or  
21 other issues that might necessitate release as a  
22 member of a vulnerable population;

23 (8) require personnel of the Department of  
24 Homeland Security and any entity operating under  
25 agreement with the Department of Homeland Secu-

1 rity to avoid the apprehension of persons on the  
2 premises or in the immediate vicinity of day care  
3 centers, head start centers, schools, school bus stops,  
4 recreation centers, legal service providers, courts, fu-  
5 neral homes, cemeteries, colleges, victim services  
6 agencies, social service agencies, hospitals, health  
7 care clinics, community centers, and places of wor-  
8 ship;

9 (9) before transferring any individual appre-  
10 hended by the Department of Homeland Security or  
11 any entity operating under agreement with the De-  
12 partment of Homeland Security to a detention facil-  
13 ity or outside the region where apprehension took  
14 place—

15 (A) determine, based on all information  
16 available to the Department of Homeland Secu-  
17 rity, entities operating under agreement with  
18 the Department of Homeland Security, and the  
19 recommendations made by SSAs and medical  
20 personnel, whether such individual is a member  
21 of a vulnerable population as described in sec-  
22 tion 4(b) or should be released in accordance  
23 with section 4(c); and

24 (B) ensure that such individual is not  
25 transferred from his or her initial detention fa-

1           cility or to the custody of the Secretary of  
2           Homeland Security until such individual—

3                   (i) has made arrangements for the  
4                   care of the individual's children or wards;  
5                   or

6                   (ii) if such arrangements are impos-  
7                   sible, is informed of the care arrangements  
8                   made for such children and a means to  
9                   maintain communication with such chil-  
10                  dren;

11           (10) provide and advertise in the mainstream  
12           and foreign language media and on the Web site of  
13           the Department of Homeland Security a toll-free  
14           number through which family members of individ-  
15           uals apprehended as a result of an immigration en-  
16           forcement-related activity may report information  
17           relevant to the release of such individuals, including  
18           whether such individuals are members of a vulner-  
19           able population, which will be conveyed to the appro-  
20           priate Department of Homeland Security official and  
21           applicable SSA, and through which State child wel-  
22           fare service providers, family members, and legal  
23           counsel representing individuals who are appre-  
24           hended may obtain information about such individ-

1 uals, including their location, in English and in the  
2 majority language of such individuals;

3 (11) if there is reason to believe that an indi-  
4 vidual who is apprehended is a parent, legal guard-  
5 ian, or primary caregiver relative of a dependent  
6 child in the United States, provide such parent, legal  
7 guardian, or primary caregiver relative with—

8 (A) confidential and toll-free telephone  
9 calls to arrange for care of dependent children  
10 within 2 hours of screening;

11 (B) information, including contact details,  
12 for legal service providers that can offer free  
13 legal advice regarding child welfare and custody  
14 determinations; and

15 (C) information, including contact informa-  
16 tion, on multiple State and local child welfare  
17 providers;

18 (12) ensure that personnel of the Department  
19 of Homeland Security and of entities operating  
20 under agreement with the Department do not—

21 (A) interrogate or screen individuals in the  
22 immediate presence of children;

23 (B) interrogate, arrest, or detain any child  
24 apprehended with his or her parent or parents  
25 without the presence or consent of a parent,



1 family member, legal guardian, or legal counsel;  
2 or

3 (C) compel or request children to translate  
4 for other individuals who are encountered as  
5 part of an immigration enforcement-related ac-  
6 tivity;

7 (13) provide all Department of Homeland Secu-  
8 rity personnel, personnel from entities under agree-  
9 ment with the Department of Homeland Security  
10 participating SSAs, and medical personnel with de-  
11 tailed instructions on what steps to take if they en-  
12 counter individuals who are a member of a vulner-  
13 able population;

14 (14) ensure that the best interests of children  
15 are considered in decisions and actions relating to  
16 the detention, transfer, or release of any individual  
17 apprehended by the Department of Homeland Secu-  
18 rity, and that there be a preference for family unity  
19 whenever appropriate;

20 (15) ensure that not fewer than one inde-  
21 pendent certified interpreter who is fluent in Span-  
22 ish or any language other than English spoken by  
23 more than 5 percent of the population targeted by  
24 an immigration enforcement-related activity is avail-  
25 able for in-person translation for every 5 individuals

1 targeted by an immigration enforcement-related ac-  
2 tivity, and that the Department of Homeland Secu-  
3 rity and entities operating under agreement with the  
4 Department of Homeland Security utilize appro-  
5 priate translation services where interpreters cannot  
6 or have not been retained prior to commencement of  
7 an immigration enforcement-related activity;

8 (16) permit nonprofit legal service providers to  
9 offer free legal services to individuals subject to an  
10 immigration enforcement-related activity at the time  
11 of the apprehension of such individuals; and

12 (17) provide a legal orientation presentation for  
13 any individual apprehended through an immigration  
14 enforcement-related activity through the Legal Ori-  
15 entation Program administered by the Executive Of-  
16 fice for Immigration Review.

17 (c) NONDISCLOSURE AND RETENTION OF INFORMA-  
18 TION ABOUT APPREHENDED INDIVIDUALS AND THEIR  
19 CHILDREN.—

20 (1) IN GENERAL.—Information collected by  
21 child welfare agencies and nongovernmental organi-  
22 zations in the course of the screenings and inter-  
23 views described in subsection (b)(5) may not be dis-  
24 closed to Federal, State, or local government entities  
25 or to any person, except pursuant to written author-

1        ization from the individual or his or her legal coun-  
2        sel.

3            (2) CHILD WELFARE AGENCY OR NONGOVERN-  
4        MENTAL ORGANIZATION RECOMMENDATION.—Not-  
5        withstanding paragraph (1), a child welfare agency  
6        or nongovernmental organization may—

7            (A) submit a recommendation to the Sec-  
8        retary of the Department of Homeland Security  
9        or a cooperating entity regarding whether an  
10       apprehended individual is a parent, legal guard-  
11       ian, or primary caregiver relative who is eligible  
12       for the protections provided under this Act; and

13           (B) disclose information that is necessary  
14       to protect the safety of the child, to allow for  
15       the application of paragraphs (9)(B) and (14)  
16       of subsection (b), or to prevent reasonably cer-  
17       tain death or substantial bodily harm.

18 **SEC. 4. BASIC PROTECTIONS FOR VULNERABLE POPU-**  
19 **LATIONS.**

20        (a) IN GENERAL.—Not later than 48 hours after the  
21       commencement of an immigration enforcement-related ac-  
22       tivity, the Department of Homeland Security shall, based  
23       on all information available to the Department of Home-  
24       land Security, entities operating under agreement with the  
25       Department of Homeland Security, and the recommenda-

1 tions made by SSAs and medical personnel, determine if  
2 each individual apprehended through such activity belongs  
3 to any of the groups listed in subsection (b). Information  
4 regarding vulnerable groups and eligibility for potential re-  
5 lease shall be posted prominently in detention facilities  
6 where detainees and visitors can access the information  
7 and shall be included in the detainee handbook.

8 (b) VULNERABLE POPULATION GROUPS.—An indi-  
9 vidual is eligible for release under subsection (c), or a deci-  
10 sion not to detain, if the individual belongs to any of the  
11 following groups:

12 (1) Individuals who have serious medical or  
13 mental health needs or a disability.

14 (2) Pregnant or nursing women.

15 (3) Individuals who are apprehended with one  
16 or more of their children, and their children.

17 (4) Sole custodial parents or sole legal guard-  
18 ians of children, or individuals who have family  
19 members who are ill or otherwise require the assist-  
20 ance of a caregiver.

21 (5) Children (as defined by section 101(b)(1) of  
22 the Immigration and Nationality Act (8 U.S.C.  
23 1101(b)(1))).

24 (6) Individuals who are over 65 years of age.

1           (7) Victims of abuse, violence, crime, or human  
2 trafficking.

3           (8) Individuals who have been referred for a  
4 credible fear interview, a reasonable fear interview,  
5 or an asylum hearing.

6           (9) Individuals who have applied or intend to  
7 apply for asylum, withholding of removal, or protec-  
8 tion under the Convention Against Torture and  
9 Other Cruel, Inhuman or Degrading Treatment or  
10 Punishment, done at New York on December 10,  
11 1984.

12           (10) Individuals who have a non-frivolous claim  
13 to United States citizenship, lawful permanent resi-  
14 dent status, or lawful status in the United States.

15           (11) Individuals who are eligible for relief under  
16 any provision of the Immigration and Nationality  
17 Act (8 U.S.C. 1101 et seq.).

18           (12) Any other group designated in regulations  
19 or guidance promulgated by the Secretary of Home-  
20 land Security.

21 (c) ELIGIBILITY FOR RELEASE.—

22           (1) IN GENERAL.—Not later than 72 hours  
23 after the apprehension of an individual described in  
24 subsection (b) by the Department of Homeland Se-  
25 curity or any entities operating under agreement

1 with the Department of Homeland Security, he or  
2 she shall be released on his or her own recognizance,  
3 parole, on a reasonable bond, or into a community-  
4 based non-custodial alternatives to detention pro-  
5 gram and shall not be subject to electronic moni-  
6 toring, unless the Department demonstrates—

7 (A) the alien is subject to mandatory de-  
8 tention under section 235(b)(1)(B)(iii)(IV),  
9 236(c), or 236A of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1225(1)(B)(iii)(IV),  
11 1226(c), or 1226a);

12 (B) the alien poses a danger to others or  
13 is a risk to national security; or

14 (C) the alien is a flight risk and any risk  
15 of flight cannot be mitigated by supervision or  
16 bond.

17 (2) ALTERNATIVES TO DETENTION.—If an  
18 alien is determined not to meet the requirements for  
19 release on recognizance, bond, or parole, or subse-  
20 quently does not meet the requirements for non-cus-  
21 todial alternatives to detention programs, the alien  
22 may be considered for placement in alternatives to  
23 detention programs that maintain custody over the  
24 alien, including programs that use electronic ankle  
25 devices or heightened supervision and monitoring

1 procedures. The Secretary of Homeland Security  
2 shall make an individualized determination in each  
3 alien's case about the use of electronic monitoring  
4 and shall review such determination on a monthly  
5 basis. Aliens who would otherwise be subject to de-  
6 tention including under section 236(c) of the Immi-  
7 gration and Nationality Act (8 U.S.C. 1226(c)) may  
8 be placed in electronic monitoring or other secure  
9 custodial alternatives to detention that maintain cus-  
10 tody over the alien.

11 (3) WRITTEN DECISION.—Each decision made  
12 under this subsection shall specify in writing the  
13 reasons for such decision and be served upon the de-  
14 tained individual in his or her native language not  
15 later than 72 hours after the start of detention, or,  
16 in the case of an individual subject to section 235,  
17 238, or 241(a)(5) of the Immigration and Nation-  
18 ality Act, not later than 72 hours after a positive  
19 credible or reasonable fear determination. Each deci-  
20 sion made under this section is subject to redeter-  
21 mination at any time by an immigration judge.

22 **SEC. 5. CUSTODY DETERMINATION.**

23 (a) AMENDMENT.—Section 236 of the Immigration  
24 and Nationality Act (8 U.S.C. 1226) is amended—

1           (1) by redesignating subsection (e) as sub-  
2           section (h);

3           (2) by redesignating subsections (b), (c), and  
4           (d) as subsections (c), (d), and (e), respectively; and

5           (3) by inserting before subsection (h), as redesi-  
6           gnated, the following:

7           “(g) RIGHT TO ACCESS COUNSEL.—An individual  
8           who has been detained under this section may be rep-  
9           resented, at no expense to the Federal Government, by  
10          counsel of the individual’s choosing while being subject to  
11          any immigration enforcement-related activity, including—

12           “(1) interviews;

13           “(2) processing appointments;

14           “(3) booking or intake questions;

15           “(4) hearings; and

16           “(5) any proceeding which may result in a con-  
17          clusion that the individual will be detained or re-  
18          moved from the United States.”.

19          (b) NOTICE.—

20           (1) AMENDMENT.—Section 236 of the Immi-  
21          gration and Nationality Act, as amended by sub-  
22          section (a), is further amended by inserting before  
23          subsection (g) the following:

24          “(f) NOTICE AND CHARGES.—



1           “(1) NOTICE.—The Secretary of Homeland Se-  
2           curity shall, for each individual detained under this  
3           section—

4                   “(A) consider whether the individual war-  
5                   rants a favorable exercise of prosecutorial dis-  
6                   cretion;

7                   “(B) file a notice to appear or other rel-  
8                   evant charging document with the immigration  
9                   court closest to the location where the appre-  
10                  hension of such individual occurred; and

11                  “(C) serve such notice on such individual  
12                  not later than 48 hours after the commence-  
13                  ment of detention.

14           “(2) CUSTODY DETERMINATION.—Any indi-  
15           vidual who is detained under this section for more  
16           than 48 hours shall be brought before an immigra-  
17           tion judge for a custody determination not later than  
18           72 hours after the commencement of such detention  
19           unless the individual waives such right in accordance  
20           with paragraph (3).

21           “(3) WAIVER.—The requirements under this  
22           subsection may be waived for 7 days if the indi-  
23           vidual—

1           “(A) enters into a written agreement with  
2           the Department of Homeland Security to waive  
3           such requirement; and

4           “(B) is eligible for immigration benefits or  
5           demonstrates eligibility for a defense against re-  
6           moval.”.

7           (2) **APPLICABILITY OF OTHER LAW.**—Nothing  
8           in 236(f) of the Immigration and Nationality Act, as  
9           added by paragraph (1), may be construed to repeal  
10          section 236A of such Act (8 U.S.C. 1226a).

11 **SEC. 6. CHILD WELFARE SERVICES FOR CHILDREN SEPA-**  
12 **RATED FROM PARENTS DETAINED OR RE-**  
13 **MOVED FROM THE UNITED STATES FOR IM-**  
14 **MIGRATION VIOLATIONS.**

15          (a) **STATE PLAN REQUIREMENTS.**—Section 471(a)  
16 of the Social Security Act (42 U.S.C. 671(a)) is amend-  
17 ed—

18           (1) by striking “and” at the end of paragraph  
19          (32);

20           (2) by striking the period at the end of para-  
21          graph (33) and inserting “; and”; and

22           (3) by adding at the end the following:

23           “(34) provides that the State shall—

24           “(A) create and implement protocols to  
25          provide guidance on how all employees of State

1 agencies providing services to children under  
2 the State plan should handle cases of separated  
3 children that take into account the best interest  
4 of the child, including a preference for family  
5 unity whenever appropriate;

6 “(B) develop and implement memoranda of  
7 understanding or protocols with Federal, State,  
8 and local government agencies to facilitate com-  
9 munication between such agencies and—

10 “(i) each separated child;

11 “(ii) a parent, guardian, or relative  
12 referred to in section 475(9)(B);

13 “(iii) family members of such child;

14 “(iv) family courts;

15 “(v) providers of services to such child  
16 under the State plan;

17 “(vi) providers of long-term care to  
18 such child; and

19 “(vii) legal representatives of such  
20 child or of such a parent, guardian, or rel-  
21 ative;

22 “(C) develop and implement joint protocols  
23 and training with law enforcement agencies to  
24 minimize the trauma to a child, at the time of  
25 apprehension of a parent, legal guardian, or

1 primary caretaker relative of such child, after  
2 which such child will become a separated child,  
3 including protocols and training for conducting  
4 such apprehensions in the presence of such  
5 child and ensuring appropriate and prompt care  
6 arrangements for such child after apprehension  
7 occurs;

8 “(D) ensure that the case manager for a  
9 separated child is capable of communicating in  
10 the native language of such child and of the  
11 family of such child, or an interpreter who is so  
12 capable is provided to communicate with such  
13 child and the family of such child at no cost to  
14 the child or the family of such child;

15 “(E) require that, in all decisions and ac-  
16 tions relating to the care, custody, and place-  
17 ment of a separated child, the best interest of  
18 such child, including a preference for family  
19 unity, be considered, and ensure that such deci-  
20 sions are based on clearly articulated factors  
21 that do not include predictions or conclusions  
22 about immigration status or pending Federal  
23 immigration proceedings;

24 “(F) coordinate with the Department of  
25 Homeland Security to ensure that parents who

1 wish for their child to accompany them to their  
2 country of origin are given adequate time to ob-  
3 tain a passport and visa, collect all relevant  
4 vital documents such as birth certificate, health,  
5 and educational records, and other information;

6 “(G) preserve, to the greatest extent pos-  
7 sible, the privacy and confidentiality of all infor-  
8 mation gathered in the course of administering  
9 the care, custody, and placement of, and follow-  
10 up services provided to, a separated child, con-  
11 sistent with the best interest of such child, by  
12 not disclosing such information to other govern-  
13 ment agencies or persons (other than a parent,  
14 guardian, or relative or such child), except that  
15 the head of the State agency may disclose such  
16 information—

17 “(i)(I) when authorized to do so by  
18 the child (if the child has attained 18 years  
19 of age) if the disclosure is consistent with  
20 the best interest of the child; or

21 “(II) to a law enforcement agency if  
22 the disclosure would prevent imminent and  
23 serious harm to another individual; and

1                   “(ii) if such information is shared, all  
2                   disclosures shall be duly recorded in writ-  
3                   ing and placed in the file of the child; and  
4                   “(H) not less frequently than annually,  
5                   compile, update, and publish a list of entities in  
6                   the State who are qualified to provide guardian  
7                   and legal representation services for a separated  
8                   child in a language such child can read and un-  
9                   derstand.”.

10           (b) ADDITIONAL INFORMATION TO BE INCLUDED IN  
11 CASE PLAN.—Section 475(1) of such Act (42 U.S.C.  
12 675(1)) is amended by adding at the end the following:

13                   “(H) In the case of a separated child with  
14                   respect to whom the State plan requires the  
15                   State to provide services pursuant to section  
16                   471(a)(34)—

17                   “(i) the location of the parent, guard-  
18                   ian, or relative referred to in paragraph  
19                   (9)(B) of this subsection from whom the  
20                   child has been separated; and

21                   “(ii) a written record of each disclo-  
22                   sure to a government agency or person  
23                   (other than such a parent, guardian, or  
24                   relative) of information gathered in the  
25                   course of tracking the care, custody, and

1 placement of, and follow-up services pro-  
2 vided to, the child.”.

3 (c) SEPARATED CHILD DEFINED.—Section 475 of  
4 such Act (42 U.S.C. 675) is amended by adding at the  
5 end the following:

6 “(9) The term ‘separated child’ means an indi-  
7 vidual who—

8 “(A) is a citizen or lawful permanent resi-  
9 dent of, or an alien lawfully present in, the  
10 United States;

11 “(B) has a parent, legal guardian, or pri-  
12 mary caregiver relative who has been detained  
13 by a Federal, State, or local law enforcement  
14 agency in the enforcement of an immigration  
15 law, or removed from the United States as a re-  
16 sult of a violation of such a law; and

17 “(C) is in foster care under the responsi-  
18 bility of a State.”.

19 (d) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on the 1st day of the 1st cal-  
21 endar quarter that begins after the 1-year period that be-  
22 gins with the date of the enactment of this Act.

1 **SEC. 7. REPORT ON PROTECTIONS FOR VULNERABLE POP-**  
2 **ULATIONS IMPACTED BY IMMIGRATION EN-**  
3 **FORCEMENT ACTIVITIES.**

4 (a) REQUIREMENT FOR REPORTS.—Not later than 1  
5 year after the date of the enactment of this Act, and annu-  
6 ally thereafter, the Secretary of Homeland Security shall  
7 submit a report to Congress that describes the impact of  
8 immigration enforcement activities and fugitive operations  
9 on United States citizens, lawful permanent residents, in-  
10 dividuals otherwise lawfully present in the United States,  
11 and, where possible, undocumented aliens present in the  
12 United States.

13 (b) CONTENT.—The report submitted under sub-  
14 section (a) shall include an assessment of—

15 (1) the number of individuals apprehended dur-  
16 ing immigration enforcement-related activities who  
17 are children, United States citizens, lawful perma-  
18 nent residents, or lawfully present non-citizens;

19 (2) immigration enforcement-related activities  
20 at homes, schools, school bus stops, day care cen-  
21 ters, colleges, places of worship, hospitals, health  
22 care clinics, funeral homes, cemeteries, victim serv-  
23 ices agencies, social services agencies, head start  
24 centers, recreation centers, legal service providers,  
25 courts, and community centers;



1           (3) apprehensions, detentions, and removals of  
2           sole caregivers, primary breadwinners, pregnant and  
3           nursing mothers, and other vulnerable groups during  
4           an immigration enforcement-related activity;

5           (4) the extent to which the Department of  
6           Homeland Security cooperates and coordinates with  
7           State and local law enforcement during immigration  
8           enforcement-related activities;

9           (5) the number of immigration enforcement-re-  
10          lated apprehensions resulting from cooperation with  
11          State and local law enforcement;

12          (6) whether apprehended individuals are pro-  
13          vided access to a telephone;

14          (7) how quickly apprehended individuals are  
15          provided access to a telephone;

16          (8) the manner through which family members  
17          of the target population of the immigration enforce-  
18          ment-related activity are notified of the detention of  
19          a family member;

20          (9) the number of parents, legal guardians, or  
21          primary caregivers of children removed from the  
22          United States;

23          (10) the number of parents, legal guardians, or  
24          primary caregivers of children removed from the  
25          United States whose children accompany or join;

1           (11) the number of parents, legal guardians, or  
2 primary caregivers of children removed from the  
3 United States without their children;

4           (12) the number of occasions on which both  
5 parents of a particular child are removed from the  
6 United States without such child;

7           (13) the length of time that parents, legal  
8 guardians, or primary caregivers of children have  
9 been present in the United States prior to removal  
10 from the United States;

11           (14) the number of United States citizen chil-  
12 dren that remain in the United States after the re-  
13 moval of a parent, guardian, or caregiver;

14           (15) the number of apprehended individuals  
15 who are determined to be part of a vulnerable popu-  
16 lation released within the time limit specified under  
17 section 4(c);

18           (16) the length of time between when an indi-  
19 vidual is determined to be part of a vulnerable popu-  
20 lation and when that individual is released under  
21 section 4(c);

22           (17) the methodology of the Department of  
23 Homeland Security for notifying agents and entities  
24 under agreement with the Department of Homeland  
25 Security about standards regarding enforcement ac-

1 tions concerning vulnerable populations and holding  
2 such agents and entities accountable when such  
3 standards are violated;

4 (18) the number of officials of the Department  
5 of Homeland Security disciplined for violations dur-  
6 ing apprehensions and in making detention deci-  
7 sions;

8 (19) transfers of immigrants during the course  
9 of an immigration enforcement activity, including  
10 whether such immigrants—

11 (A) had access to legal counsel before  
12 being transferred;

13 (B) received notice of an impending trans-  
14 fer; and

15 (C) were evaluated for vulnerability under  
16 section 3(b)(9) before being transferred;

17 (20) apprehension procedures for immigration  
18 enforcement-related activities, and compliance with  
19 screening procedures for vulnerable populations;

20 (21) recommendations for improving immigra-  
21 tion enforcement-related activities and fugitive oper-  
22 ations by reducing the negative impact on children  
23 and vulnerable populations; and

24 (22) alternatives to detention programs, includ-  
25 ing the types of programs used, number of individ-

1 uals placed in such programs, reasons for not plac-  
2 ing immigrants that qualify as a member of a vul-  
3 nerable population as defined in section 4(b) in such  
4 programs, percentage of cases in which adjustment  
5 of immigration status is granted, percentage of cases  
6 in which removal is undertaken, and frequency of  
7 absconding.

8 **SEC. 8. VULNERABLE POPULATION AND CHILD WELFARE**  
9 **TRAINING FOR IMMIGRATION ENFORCEMENT**  
10 **OFFICERS.**

11 (a) MANDATORY TRAINING.—

12 (1) IN GENERAL.—The Secretary of Homeland  
13 Security, in consultation with the Secretary of  
14 Health and Human Services and independent child  
15 welfare experts, shall mandate live specialized train-  
16 ing in all legal authorities, policies, and procedures  
17 pertaining to the humanitarian and due process pro-  
18 tections for these vulnerable populations for all Fed-  
19 eral personnel, relevant personnel employed by  
20 States reimbursed for activities related to care and  
21 services for separated children, and State and local  
22 personnel and SSA personnel who come into contact  
23 with vulnerable populations as defined in section  
24 3(b).



1 including a preference for family unity whenever appro-  
2 priate, can be considered in decisions and actions relating  
3 to the custody of children whose parent, legal guardian,  
4 or primary caregiver relative is detained by reason of im-  
5 migration status.

6 (b) TRAINING.—The Secretary of Homeland Secu-  
7 rity, in consultation with the Department of Health and  
8 Human Services, the Department of Justice, the Depart-  
9 ment of State, and independent family law experts, shall  
10 mandate live, specialized training of all personnel at deten-  
11 tion facilities operated by the Department of Homeland  
12 Security or under agreement with the Department of  
13 Homeland Security in all legal authorities, policies, and  
14 procedures related to ensuring that parents, legal guard-  
15 ians, and primary caregiver relatives of children have reg-  
16 ular, ongoing and in-person access to children, State fam-  
17 ily courts, consular officers, and staff of State social serv-  
18 ice agencies responsible for administering child welfare  
19 programs. Such personnel shall be required to undertake  
20 periodic and continuing training on best practices and  
21 changes in relevant law, policies, and procedures per-  
22 taining to the preservation of family unity.

23 (c) ACCESS TO CHILDREN, LOCAL AND STATE  
24 COURTS, CHILD PROTECTIVE SERVICES, AND CONSULAR  
25 OFFICIALS.—The Secretary of Homeland Security—

1           (1) shall ensure that detained parents, legal  
2 guardians, and primary caregiver relatives of chil-  
3 dren under 18 years of age—

4           (A) are granted free and confidential  
5 phone calls with their children on a daily basis;

6           (B) are permitted regular contact visits  
7 with their children;

8           (C) are able to participate fully, and to the  
9 extent possible in-person, in all family court  
10 proceedings and any other proceeding impacting  
11 upon custody of their children;

12           (D) are able to fully participate in and  
13 comply with all family court and child welfare  
14 agency orders impacting upon custody of their  
15 children;

16           (E) have regular, on-site access to reunifi-  
17 cation programming including parenting class-  
18 es;

19           (F) are provided with contact information  
20 for child protective services entities and family  
21 courts in all fifty States, the District of Colum-  
22 bia, all United States territories, and are grant-  
23 ed free, confidential, and unlimited telephone  
24 access to child protective services entities and  
25 family courts to report child abuse, abandon-

1           ment, or neglect as often as is necessary to en-  
2           sure that the best interests of the child, includ-  
3           ing a preference for family unity where appro-  
4           priate, can be considered;

5           (G) are granted regular, confidential and  
6           in-person access to consular officials; free, un-  
7           limited, confidential phone calls to consular offi-  
8           cials; and access to United States passport ap-  
9           plications for the purpose of obtaining travel  
10          documents for their children; and

11          (H) who wish to take their children with  
12          them to their country of origin are granted ade-  
13          quate time prior to being removed to obtain a  
14          birth certificate and a passport and other rel-  
15          evant documents necessary for children to ac-  
16          company them on their return to their country  
17          of origin or join them in their country of origin;  
18          and

19          (2) shall facilitate the ability of detained par-  
20          ents, legal guardians, and primary caregiver relatives  
21          to reunify with their children under 18 years of age  
22          at the time of removal to their country of origin, in-  
23          cluding providing information about the travel ar-  
24          rangements of the detained parent, legal guardian,



1 or primary caregiver relative to State social service  
2 agencies or other caregivers.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as may be necessary to carry out this Act.

6 **SEC. 11. REGULATIONS.**

7 Not later than 6 months after the date of the enact-  
8 ment of this Act, the Secretary shall promulgate regula-  
9 tions to implement this Act, in accordance with the notice  
10 and comment requirements under subchapter II of chapter  
11 5 of title 5, United States Code (commonly referred to  
12 as the Administrative Procedure Act).

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