

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To protect of family values in programs to apprehend aliens at an international border of the United States.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. HIRONO

Viz:

1 After section 1114, insert the following:

2 **SEC. 1115. PROTECTION OF FAMILY VALUES IN APPREHEN-**  
3 **SION PROGRAMS.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPREHENDED INDIVIDUAL.—The term  
6 “apprehended individual” means an individual ap-  
7 prehended by personnel of the Department of Home-  
8 land Security or of a cooperating entity pursuant to  
9 a migration deterrence program carried out at a bor-  
10 der.

1 (2) BORDER.—The term “border” means an  
2 international border of the United States.

3 (3) CHILD.—Except as otherwise specifically  
4 provided, the term “child” has the meaning given to  
5 the term in section 101(b)(1) of the Immigration  
6 and Nationality Act (8 U.S.C. 1101(b)(1)).

7 (4) COOPERATING ENTITY.—The term “cooper-  
8 ating entity” means a State or local entity acting  
9 pursuant to an agreement with the Secretary.

10 (5) MIGRATION DETERRENCE PROGRAM.—The  
11 term “migration deterrence program” means an ac-  
12 tion related to the repatriation or referral for pros-  
13 ecution of 1 or more apprehended individuals for a  
14 suspected or confirmed violation of the Immigration  
15 and Nationality Act (8 U.S.C. 1001 et seq.) by the  
16 Secretary or a cooperating entity.

17 (b) PROCEDURES FOR MIGRATION DETERRENCE  
18 PROGRAMS AT THE BORDER.—

19 (1) PROCEDURES.—In any migration deterrence  
20 program carried out at a border, the Secretary and  
21 cooperating entities shall for each apprehended indi-  
22 vidual—

23 (A) as soon as practicable, ~~but not later~~  
24 ~~than 2 hours~~ after ~~an~~ such individual is appre-  
25 hended—

1 (i) inquire as to whether the appre-  
2 hended individual is—

3 (I) a parent, legal guardian, or  
4 primary caregiver of a child; or

5 (II) traveling with a spouse or  
6 child; and

7 (ii) ascertain whether repatriation of  
8 the apprehended individual presents any  
9 humanitarian concern or concern related to  
10 such individual's physical safety; and

11 (B) ensure that, with respect to a decision  
12 related to the repatriation or referral for pros-  
13 ecution of the apprehended individual, due con-  
14 sideration is given—

15 (i) to the best interests of such indi-  
16 vidual's child, in any;

17 (ii) to family unity whenever possible;  
18 and

19 (iii) to other public interest factors,  
20 including humanitarian concerns and con-  
21 cerns related to the apprehended individ-  
22 ual's physical safety.

23 (c) MANDATORY TRAINING.—The Secretary, in con-  
24 sultation with the Secretary of Health and Human Serv-  
25 ices, the Attorney General, the Secretary of State, and

1 independent immigration, child welfare, family law, and  
2 human rights law experts, shall—

3 (1) develop and provide specialized training for  
4 all personnel of U.S. Customs and Border Protection  
5 and cooperating entities who come into contact with  
6 apprehended individuals in all legal authorities, poli-  
7 cies, and procedures relevant to the preservation of  
8 a child's best interest, family unity, and other public  
9 interest factors, including those described in this  
10 Act; and

11 (2) require border enforcement personnel to un-  
12 dertake periodic and continuing training on best  
13 practices and changes in relevant legal authorities,  
14 policies, and procedures pertaining to the preserva-  
15 tion of a child's best interest, family unity, and other  
16 public interest factors, including those described in  
17 this Act.

18 (d) ANNUAL REPORT ON THE IMPACT OF MIGRATION  
19 DETERRENCE PROGRAMS AT THE BORDER.—

20 (1) REQUIREMENT FOR ANNUAL REPORT.—Not  
21 later than 1 year after the date of the enactment of  
22 this Act, and annually thereafter, the Secretary shall  
23 submit to Congress a report that describes the im-  
24 pact of migration deterrence programs on parents,  
25 legal guardians, primary caregivers of a child, indi-

1 individuals traveling with a spouse or child, and individ-  
2 uals who present humanitarian considerations or  
3 concerns related to the individual's physical safety.

4 (2) CONTENTS.—Each report submitted under  
5 paragraph (1) shall include for the previous 1-year  
6 period an assessment of—

7 (A) the number of apprehended individuals  
8 removed, repatriated, or referred for prosecu-  
9 tion who are the parent, legal guardian, or pri-  
10 mary caregiver of a child who is a citizen of the  
11 United States;

12 (B) the number of occasions in which both  
13 parents, or the primary caretaker of such a  
14 child was removed, repatriated, or referred for  
15 prosecution as part of a migration deterrence  
16 program;

17 (C) the number of apprehended individuals  
18 traveling with close family members who are re-  
19 moved, repatriated, or referred for prosecution.

20 (D) the impact of migration deterrence  
21 programs on public interest factors, including  
22 humanitarian concerns and physical safety.

23 (e) REGULATIONS.—Not later than 120 days after  
24 the date of the enactment of this Act, the Secretary shall  
25 promulgate regulations to implement this section.