

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To streamline the reporting of violations against immigrant children in Federal custody, to provide protections for unaccompanied immigrant children, and to ensure safe release to sponsors, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself, Ms. CORTEZ MASTO, Ms. HIRONO, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. BUTLER, Mr. WELCH, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on

---

**A BILL**

To streamline the reporting of violations against immigrant children in Federal custody, to provide protections for unaccompanied immigrant children, and to ensure safe release to sponsors, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Protecting Unaccompanied Children Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

## 2

Sec. 1. Short title; table of contents.

**TITLE I—STREAMLINING REPORTING OF VIOLATIONS AGAINST  
IMMIGRANT CHILDREN IN FEDERAL CUSTODY**

- Sec. 101. Definitions.  
Sec. 102. Office of the Ombudsperson for Immigrant Children in Federal Custody.  
Sec. 103. Data collection.  
Sec. 104. Expert advisory committee.  
Sec. 105. Coordination with Department of Homeland Security.  
Sec. 106. Rule of construction.

**TITLE II—PROTECTIONS FOR IMMIGRANT CHILDREN**

**Subtitle A—Unaccompanied Alien Children in Immigration Proceedings**

- Sec. 201. Legal representation in removal proceedings.  
Sec. 202. Motions to reopen.

**Subtitle B—Access to Services**

- Sec. 211. Clarification of unaccompanied child determination procedures.  
Sec. 212. Improving access to post-release services.  
Sec. 213. State-level coordinators for unaccompanied children's services.  
Sec. 214. Assistance for children and families separated under zero tolerance.

**Subtitle C—Facilities Housing Unaccompanied Alien Children**

- Sec. 221. Technical assistance for community-based care providers.  
Sec. 222. Standards and compliance.

**Subtitle D—Child Welfare at the Border and Prevention of Family  
Separation**

- Sec. 231. Child welfare training at the border.  
Sec. 232. Preventing family separation of unaccompanied children.

**TITLE III—ENSURING SAFE RELEASE TO SPONSORS**

- Sec. 301. Ensuring safe release to sponsors who are not parents or legal guardians.  
Sec. 302. Expansion and evaluation of home studies.  
Sec. 303. Requirements for child and sponsor case management system.

**TITLE IV—PROTECTIONS AND ACCESS TO CERTAIN SERVICES  
FOR SPECIAL IMMIGRANT JUVENILES AND OTHER VULNERABLE  
IMMIGRANTS**

- Sec. 401. Eliminating annual employment-based visa caps for special immigrant juveniles.  
Sec. 402. Elimination of annual numerical limitation on U visas.  
Sec. 403. Access to Medicaid for certain children granted status.

**TITLE V—STOPPING CHILD LABOR TRAFFICKING**

- Sec. 501. Victims of serious labor and employment violations or crime.  
Sec. 502. Labor enforcement actions.

## TITLE VI—GENERAL PROVISIONS

Sec. 601. Authorization of appropriations.

Sec. 602. Supplemental appropriation.

1 **TITLE I—STREAMLINING RE-**  
2 **PORTING OF VIOLATIONS**  
3 **AGAINST IMMIGRANT CHIL-**  
4 **DREN IN FEDERAL CUSTODY**

5 **SEC. 101. DEFINITIONS.**

6 In this title:

7 (1) COMMITTEE.—The term “Committee”  
8 means the expert advisory committee established  
9 under section 104(a).

10 (2) DIRECTOR.—The term “Director” means  
11 the Director of the Office of Refugee Resettlement.

12 (3) FACILITY.—The term “facility”—

13 (A) means a location at which 1 or more  
14 immigrant children are detained by the Govern-  
15 ment or held in Government custody; and

16 (B) includes—

17 (i) an Office of Refugee Resettlement  
18 facility; and

19 (ii) a Department of Homeland Secu-  
20 rity facility, including—

21 (I) a U.S. Customs and Border  
22 Protection temporary holding facility  
23 and transportation contractor;

1 (II) a U.S. Immigration and Cus-  
2 toms Enforcement family detention  
3 facility;

4 (III) a U.S. Immigration and  
5 Customs Enforcement juvenile facility;

6 (IV) a location operated by a pri-  
7 vate entity, including a hotel room;  
8 and

9 (V) any other location at which  
10 the Department of Homeland Security  
11 detains or holds in custody an immi-  
12 grant child.

13 (4) FLORES SETTLEMENT AGREEMENT.—The  
14 term “Flores settlement agreement” means the stip-  
15 ulated settlement agreement filed in the United  
16 States District Court for the Central District of  
17 California on January 17, 1997 (CV 85–4544–  
18 RJK).

19 (5) IMMIGRANT CHILD.—The term “immigrant  
20 child” means an alien (as defined in section 101(a)  
21 of the Immigration and Nationality Act (8 U.S.C.  
22 1101(a)) under the age of 18 years.

23 (6) IN-NETWORK FACILITY.—The term “in-net-  
24 work facility” means a facility operated by an Office

1 of Refugee Resettlement grantee, subgrantee, con-  
2 tractor, or subcontractor.

3 (7) OFFICE OF REFUGEE RESETTLEMENT FA-  
4 CILITY.—The term “Office of Refugee Resettlement  
5 facility”—

6 (A) means—

7 (i) a shelter operated by an Office of  
8 Refugee Resettlement grantee, subgrantee,  
9 contractor, or subcontractor to hold immi-  
10 grant children;

11 (ii) a staff secure facility, a secure  
12 care facility, a residential treatment center,  
13 transitional foster care housing, or long-  
14 term foster care so operated; or

15 (iii) any other location operated by  
16 the Office of Refugee Resettlement to hold  
17 immigrant children; and

18 (B) includes an in-network facility and an  
19 out-of-network facility.

20 (8) OMBUDSPERSON.—The term  
21 “Ombudsperson” means the ombudsperson ap-  
22 pointed under section 102(c).

23 (9) OUT-OF-NETWORK FACILITY.—The term  
24 “out-of-network facility” means a facility at which  
25 an immigrant child is placed as a result of an Office

1 of Refugee Resettlement determination that there is  
2 no care provider available among in-network facili-  
3 ties to provide specialized services required by the  
4 immigrant child, such as medical or mental health  
5 support.

6 (10) UNOBSTRUCTED ACCESS.—The term “un-  
7 obstructed access” means—

8 (A) with respect to a facility, the ability to  
9 enter the facility, including unannounced, to  
10 tour and physically visit all areas of the facility;  
11 and

12 (B) with respect to information, the ability  
13 to obtain requested information in a timely  
14 manner and with the full cooperation of the  
15 Secretary of Health and Human Services and  
16 the Secretary of Homeland Security, as applica-  
17 ble.

18 (11) WORKING GROUP.—The term “Working  
19 Group” means the interagency working group estab-  
20 lished under section 105(b).

21 **SEC. 102. OFFICE OF THE OMBUDSPERSON FOR IMMI-**  
22 **GRANT CHILDREN IN FEDERAL CUSTODY.**

23 (a) ESTABLISHMENT.—There is established, within  
24 the Department of Health and Human Services, an Office  
25 of the Ombudsperson for Immigrant Children in Federal

1 Custody (referred to in this section as the “Office of the  
2 Ombudsperson”)—

3 (1) to endorse and support the principle that  
4 family separation and detention are generally not in  
5 a child’s best interest; and

6 (2) in cases in which Federal detention or cus-  
7 tody is required—

8 (A) to ensure that immigrant children are  
9 only detained or held in custody by the Federal  
10 Government in the least restrictive setting;

11 (B) to advocate for the quick, safe, and ef-  
12 ficient release of immigrant children from Fed-  
13 eral detention or custody whenever possible; and

14 (C) in any case in which an immigrant  
15 child is held in Department of Homeland Secu-  
16 rity custody together with his or her family  
17 unit, to advocate for the release of the child and  
18 concurrent release of the parent or legal guard-  
19 ian of the child.

20 (b) INDEPENDENCE.—The Office of the  
21 Ombudsperson shall be—

22 (1) an impartial, confidential resource to ensure  
23 the best interest of children in Federal custody; and

24 (2) fully independent of—

1 (A) the Office of Refugee Resettlement of  
2 the Department of Health and Human Services;  
3 and

4 (B) the Department of Homeland Security.

5 (c) OMBUDSPERSON.—

6 (1) IN GENERAL.—The Office of the  
7 Ombudsperson shall be headed by an  
8 Ombudsperson, who shall be appointed by, and re-  
9 port directly to, the Secretary of Health and Human  
10 Services.

11 (2) QUALIFICATIONS.—The individual ap-  
12 pointed as Ombudsperson shall have demonstrated  
13 experience in—

14 (A) immigration law; and

15 (B) child advocacy or child welfare.

16 (3) DUTIES AND AUTHORITIES.—

17 (A) MONITORING.—On a regular basis, the  
18 Ombudsperson shall monitor facilities, including  
19 licensed facilities that are not licensed by a  
20 State, for compliance with all applicable laws,  
21 policies, and standards, including—

22 (i) the Flores settlement agreement;

23 (ii) section 235 of the William Wilber-  
24 force Trafficking Victims Protection Reau-  
25 thorization Act of 2008 (8 U.S.C. 1232);

1 (iii) the applicable provisions of the  
2 Prison Rape Elimination Act of 2003 (34  
3 U.S.C. 30301 et seq.);

4 (iv) applicable policies of U.S. Cus-  
5 toms and Border Protection relating to the  
6 standard of care for individuals in Federal  
7 custody; and

8 (v) Office of Refugee Resettlement  
9 policies relating to the care and custody of  
10 unaccompanied alien children.

11 (B) INVESTIGATIONS.—

12 (i) IN GENERAL.—The Ombudsperson  
13 shall investigate—

14 (I) claims of abuse, neglect, or  
15 mistreatment of immigrant children,  
16 by the Government or any other enti-  
17 ty, while in Government custody;

18 (II) complaints against foster  
19 care providers, including foster care  
20 providers under State oversight; and

21 (III) potential violations of re-  
22 lated laws and standards.

23 (ii) REPORTING OF STATE LICENSING  
24 VIOLATIONS.—If, in the course of an inves-  
25 tigation under clause (i)(II), the

1 Ombudsperson discovers a State licensing  
2 violation, the Ombudsperson shall report  
3 the violation to the child welfare licensing  
4 agency of the applicable State.

5 (iii) VIOLATIONS IN UNLICENSED FA-  
6 CILITIES.—

7 (I) IN GENERAL.—The  
8 Ombudsperson shall monitor any po-  
9 tential violation of law, policy, or  
10 standard in a facility that is not li-  
11 censed by a State on a regular basis.

12 (II) REPORT.—If, in the course  
13 of monitoring a facility described  
14 under subclause (I), the  
15 Ombudsperson determines that a vio-  
16 lation of law, policy, or standard has  
17 occurred, not later than 30 days after  
18 making such determination, the  
19 Ombudsperson shall report the viola-  
20 tion the Secretary of Health and  
21 Human Services for further action.

22 (C) STAKEHOLDER MEETINGS.—Not less  
23 frequently than quarterly, the Ombudsperson  
24 shall invite community stakeholders, Flores set-  
25 tlement agreement class counsel, and, as appli-

1 cable, the Flores settlement agreement court-  
2 appointed monitor to participate in a meeting—

3 (i) to ensure that the Ombudsperson  
4 is aware of stakeholder concerns and prior-  
5 ities; and

6 (ii) to provide feedback on stakeholder  
7 requests.

8 (D) INDIVIDUAL CASE ASSISTANCE.—

9 (i) IN GENERAL.—The Ombudsperson  
10 may offer individual case assistance to an  
11 immigrant child who is in Government cus-  
12 tody if the case of the immigrant child is  
13 long-pending or otherwise requires expe-  
14 dited processing or elevated attention, as  
15 determined by the Ombudsperson.

16 (ii) COMMUNICATION.—To ensure a  
17 complete understanding of the status of a  
18 case described in clause (i), the  
19 Ombudsperson may communicate with—

20 (I) the immigrant child con-  
21 cerned;

22 (II) the family members and po-  
23 tential sponsor of such child; and

24 (III) the child advocate, legal  
25 counsel, Office of Refugee Resettle-

1                   ment case manager and Federal field  
2                   specialist, and any other relevant indi-  
3                   vidual charged with care provision,  
4                   case management, or case coordina-  
5                   tion of the immigrant child concerned.

6                   (E) SUBPOENA AUTHORITY.—Subject to  
7                   the approval of the Secretary of Health and  
8                   Human Services, the Ombudsperson may—

9                   (i) issue a subpoena to require the  
10                  production of all information, reports, and  
11                  other documentary evidence necessary to  
12                  carry out the duties of the Ombudsperson;  
13                  and

14                  (ii) invoke the aid of any appropriate  
15                  court of the United States.

16                  (F) REPORTING MECHANISMS.—

17                  (i) IN GENERAL.—The Ombudsperson  
18                  shall establish and maintain—

19                          (I) a toll-free telephone number  
20                          to receive complaints and reports of  
21                          matters for investigation; and

22                          (II) an email address to receive  
23                          such complaints and reports.

24                  (ii)                          AVAILABILITY.—The  
25                  Ombudsperson shall ensure that—

1 (I) in each facility—

2 (aa) such telephone number  
3 is made available in a prominent,  
4 visible, and public location in a  
5 common area of the facility; and

6 (bb) a telephone is accessible  
7 to each immigrant child;

8 (II) such email address is made  
9 available to sponsors, Flores settle-  
10 ment agreement class counsel, legal  
11 services providers and child advocates  
12 who serve such immigrant children,  
13 and state-level coordinators appointed  
14 under paragraph (7) of section 235(c)  
15 of the William Wilberforce Trafficking  
16 Victims Protection Reauthorization  
17 Act of 2008 (8 U.S.C. 1232(e)), as  
18 added by section 213; and

19 (III) in each facility, such tele-  
20 phone number and email address are  
21 made available, in a prominent, visi-  
22 ble, and public location in a common  
23 area of the facility, to all individuals  
24 employed, contracted, or otherwise  
25 tasked with the care and custody of

1 children by the Secretary of Health  
2 and Human Services so that such in-  
3 dividuals may report—

4 (aa) any potential violation  
5 of law, policy, or standard relat-  
6 ing to immigrant children in Fed-  
7 eral custody; or

8 (bb) any other claim of  
9 abuse, neglect, or mistreatment  
10 of immigrant children.

11 (iii) REVIEW AND EVALUATION.—

12 (I) IN GENERAL.—Not later than  
13 2 years after the date of the enact-  
14 ment of this Act, and every 2 years  
15 thereafter, the Ombudsperson shall  
16 complete a review of the reporting  
17 mechanisms under this subparagraph  
18 to evaluate whether such mechanisms  
19 are sufficient to ensure the oversight  
20 and monitoring required by this title.

21 (II) REPORT.—Not later than 30  
22 days after the completion of each re-  
23 view required by subclause (I), the  
24 Ombudsperson shall submit to Con-  
25 gress a report on the results of the re-

1 view that includes, in the case of a de-  
2 termination that such mechanisms are  
3 insufficient, recommendations for  
4 their improvement.

5 (G) REPORT TO CONGRESS.—

6 (i) IN GENERAL.—Not later than Sep-  
7 tember 30 each year, the Ombudsperson  
8 shall submit to Congress a report on the  
9 accomplishments and challenges of the Of-  
10 fice of the Ombudsperson during the fiscal  
11 year ending on that date.

12 (ii) ELEMENTS.—Each report re-  
13 quired by clause (i) shall include, for the  
14 applicable fiscal year, the following:

15 (I) A summary of the status of  
16 immigrant children in Federal Gov-  
17 ernment custody that highlights  
18 broader trends and recommendations  
19 for future action.

20 (II) Statistical information on  
21 immigrant children in Federal Gov-  
22 ernment custody, together with an  
23 analysis of such information.

24 (III) A summary of complaints  
25 received and proposed resolutions.

1 (IV) A description of the inves-  
2 tigations into claims of abuse, neglect,  
3 or mistreatment of immigrant children  
4 in Federal Government custody, in-  
5 cluding a summary of the results of  
6 such investigations.

7 (V) Any attempt by the Secretary  
8 of Homeland Security, the Secretary  
9 of Health and Human Services, or  
10 any entity to which the authority of  
11 the Secretary of Homeland Security  
12 or the Secretary of Health and  
13 Human Services is delegated, to inter-  
14 fere with the independence of the Of-  
15 fice of the Ombudsperson.

16 (VI) A description of the objec-  
17 tives of the Office of the  
18 Ombudsperson for the next fiscal  
19 year.

20 (H) ADDITIONAL DUTIES.—The  
21 Ombudsperson shall—

22 (i) conduct a review of data collection,  
23 as described in section 103(a);

24 (ii) establish the Committee, as de-  
25 scribed in section 104; and

1 (iii) enter into a memorandum of un-  
2 derstanding, as described in section  
3 105(a).

4 (d) ACCESS TO FACILITIES.—The Secretary of  
5 Health and Human Services and the Secretary of Home-  
6 land Security shall ensure—

7 (1) unobstructed access by the Ombudsperson  
8 to any facility; and

9 (2) the ability of the Ombudsperson—

10 (A) to monitor any facility; and

11 (B) to meet confidentially with—

12 (i) staff of any facility;

13 (ii) employees, grantees, contractors  
14 of the Office of Refugee Resettlement and  
15 the Department of Homeland Security;  
16 and

17 (iii) any immigrant child in Federal  
18 Government custody, after notification of  
19 the immigrant child's counsel, as applica-  
20 ble.

21 (e) ACCESS TO INFORMATION.—The Secretary of  
22 Health and Human Services shall ensure unobstructed ac-  
23 cess by the Ombudsperson to—

24 (1) the case files, records, reports, audits, docu-  
25 ments, papers, recommendations, or any other perti-

1       nent information relating to the care and custody of  
2       an immigrant child; and

3               (2) the written policies and procedures of all  
4       Office of Refugee Resettlement facilities.

5       (f) REQUESTS FOR INFORMATION.—

6               (1) IN GENERAL.—The Ombudsperson may re-  
7       quest from the Secretary of Health and Human  
8       Services or the Secretary of Homeland Security, or  
9       any entity to which the authority of the Secretary of  
10      Health and Human Services or the Secretary of  
11      Homeland Security has been delegated, any informa-  
12      tion or assistance required to carry out this title. In-  
13      formation and assistance requested pursuant to this  
14      paragraph shall be provided to the Ombudsperson in  
15      a timely manner.

16              (2) UNREASONABLE REFUSAL.—If upon re-  
17      quest for information by the Ombudsperson, an enti-  
18      ty or agency described in paragraph (1) unreason-  
19      ably refuses to provide, or otherwise does not pro-  
20      vide, as determined by the Ombudsperson, such in-  
21      formation or assistance requested by the  
22      Ombudsperson, the Ombudsperson shall, without  
23      delay—

24                      (A) in the case of an unreasonable refusal  
25                      by the Department of Health and Human Serv-

1           ices, report to the Secretary of Health and  
2           Human Services the circumstances of such re-  
3           fusal;

4           (B) in the case of an unreasonable refusal  
5           by the Department of Homeland Security, re-  
6           port to the Secretary of Homeland Security the  
7           circumstances of such refusal; or

8           (C) in the case of an unreasonable refusal  
9           by the Secretary of Health and Human Services  
10          or the Secretary of Homeland Security, report  
11          on the circumstances of such refusal to—

12                 (i) the Committee on the Judiciary  
13                 and the Committee on Homeland Security  
14                 and Governmental Affairs of the Senate;  
15                 and

16                 (ii) the Committee on the Judiciary  
17                 and the Committee on Homeland Security  
18                 of the House of Representatives.

19 **SEC. 103. DATA COLLECTION.**

20           (a) INDEPENDENT REVIEW BY OMBUDSPERSON.—

21                 (1) IN GENERAL.—The Ombudsperson shall  
22                 regularly review data collected by the Secretary of  
23                 Health and Human Services and the Secretary of  
24                 Homeland Security relating to immigrant children in  
25                 facilities.

1           (2) COLLABORATION REQUIRED.—The Sec-  
2       retary of Health and Human Services and the Sec-  
3       retary of Homeland Security shall provide the  
4       Ombudsperson unobstructed access to—

5           (A) real-time custody and detention data  
6       for each immigrant child detained by the Gov-  
7       ernment or held in Government custody, includ-  
8       ing—

9           (i) the location and level of placement;

10          (ii) biographical information, includ-  
11       ing full name, date of birth, country of citi-  
12       zenship, and alien number;

13          (iii) all locations at which the immi-  
14       grant child has been detained or held in  
15       custody;

16          (iv) the dates and times the immi-  
17       grant child is booked in and booked out of  
18       any facility;

19          (v) transfer and discharge informa-  
20       tion; and

21          (vi) whether the child—

22               (I) has an attorney of record;

23               and

24               (II) has been appointed an inde-  
25       pendent child advocate under section

1                   235(c)(6) of the William Wilberforce  
2                   Trafficking Victims Protection Reau-  
3                   thorization Act of 2008 (8 U.S.C.  
4                   1232(e)(6)); and

5                   (B) Department of Homeland Security and  
6                   Department of Health and Human Services  
7                   data personnel for the purpose of reviewing  
8                   data collection and integrity issues.

9                   (b) OFFICE OF REFUGEE RESETTLEMENT DATA  
10                  COLLECTION SYSTEM.—

11                  (1) IN GENERAL.—To support the data collec-  
12                  tion and monitoring duties of the Ombudsperson and  
13                  to facilitate public monitoring, the Director shall de-  
14                  velop a data collection system that collects and  
15                  maintains the following information:

16                         (A) The total number of immigrant chil-  
17                         dren held in custody by the Secretary of Health  
18                         and Human Services.

19                         (B) The average and median number of  
20                         days immigrant children remain in such cus-  
21                         tody.

22                         (C) The average and median number of  
23                         days immigrant children stay in an Office of  
24                         Refugee Resettlement facility.

1 (D) The number of immigrant children dis-  
2 charged to sponsors, disaggregated by sponsor  
3 category, placement level, specific Office of Ref-  
4 ugee Resettlement facility.

5 (E) The sponsor categories of immigrant  
6 children held at each Office of Refugee Reset-  
7 tlement facility, disaggregated by placement  
8 level.

9 (F) The number and percentage of immi-  
10 grant children held in an Office of Refugee Re-  
11 settlement facility with more than 25 immi-  
12 grant children, disaggregated by placement  
13 level.

14 (G) The percentage of filled capacity  
15 across all Office of Refugee Resettlement facili-  
16 ties.

17 (H) The total number of children held at  
18 out-of-network facilities, disaggregated by  
19 placement level.

20 (I) For each Office of Refugee Resettle-  
21 ment facility—

22 (i) the percentage of filled capacity;

23 (ii) the maximum number of available  
24 beds;

1 (iii) the number and percentage of im-  
2 migrant children with disabilities,  
3 disaggregated by placement level;

4 (iv) the number and percentage of im-  
5 migrant children receiving mandatory  
6 home studies, discretionary home studies,  
7 and post-release services, disaggregated by  
8 placement level; and

9 (v) the number and percentage of im-  
10 migrant children on a waitlist to receive  
11 post-release services.

12 (2) ACCESSIBILITY.—All information collected  
13 and maintained by the data collection system re-  
14 quired by paragraph (1)—

15 (A) searchable; and

16 (B) disaggregated by country of citizen-  
17 ship, race, gender, primary language, age, and,  
18 as applicable, ethnicity.

19 (3) PUBLICATION.—Not later than the 15th of  
20 each month, the Director shall make the data col-  
21 lected under paragraph (1) for the preceding month  
22 available to the Ombudsperson.

23 (c) PROHIBITION ON CERTAIN USES OF INFORMA-  
24 TION.—Information collected under this section may not

1 be used for immigration enforcement or law enforcement  
2 purposes.

3 (d) **PRIVACY PROTECTIONS.**—Any record collected,  
4 stored, received, or published under this section shall be—

5 (1) collected, stored, received, or published in a  
6 manner that protects the privacy of any individual  
7 whose information is included in such data;

8 (2) de-identified or anonymized in a manner  
9 that protects the identity of any individual whose in-  
10 formation is included in such data; and

11 (3)(A) limited in use for the purpose of car-  
12 rying out the duties of the Office of the  
13 Ombudsperson; and

14 (B) protected from any other—

15 (i) internal use by any entity that collects,  
16 stores, or receives the record; or

17 (ii) inappropriate use.

18 **SEC. 104. EXPERT ADVISORY COMMITTEE.**

19 (a) **ESTABLISHMENT.**—Not later than 90 days after  
20 the date of the enactment of this Act, the Ombudsperson  
21 shall establish an expert advisory committee to assist the  
22 Ombudsperson in—

23 (1) identifying relevant trends relating to immi-  
24 grant children in Government custody;

1           (2) conducting fact-finding missions and inves-  
2           tigations of facilities; and

3           (3) ensuring Government and private contractor  
4           compliance with applicable law and standards for fa-  
5           cilities.

6           (b) MEMBERSHIP.—The members of the Committee  
7 shall—

8           (1) be appointed by the Ombudsperson;

9           (2) represent various geographical regions; and

10          (3) be comprised of subject matter experts, in-  
11          cluding—

12                 (A) legal advocates or specialists in the  
13                 fields of child and family welfare, immigration,  
14                 and human rights;

15                 (B) pediatricians or other appropriate pe-  
16                 diatric health care experts;

17                 (C) child or adolescent psychiatrists or  
18                 psychologists;

19                 (D) social workers;

20                 (E) data analysis experts; and

21                 (F) any other relevant subject matter ex-  
22                 pert.

23          (c) MEETINGS.—The Committee shall meet not less  
24 frequently than quarterly.

25          (d) DUTIES.—The Committee shall regularly—

1           (1) review facility compliance with applicable  
2 law and standards relating to Government detention  
3 and custody of immigrant children, including the  
4 Flores settlement agreement and section 235 of the  
5 William Wilberforce Trafficking Victims Protection  
6 Reauthorization Act of 2008 (8 U.S.C. 1232); and

7           (2) submit to the Ombudsperson recommenda-  
8 tions for improvement.

9           (e) SITE VISITS.—The Committee may designate 1  
10 or more individuals who shall have the authority—

11           (1) to carry out facility site visits; and

12           (2) interview immigrant children held in Gov-  
13 ernment custody, after notification of counsel, as ap-  
14 plicable.

15 **SEC. 105. COORDINATION WITH DEPARTMENT OF HOME-**  
16 **LAND SECURITY.**

17           (a) MEMORANDUM OF UNDERSTANDING.—

18           (1) IN GENERAL.—On the date of the enact-  
19 ment of this Act, the Secretary of Homeland Secu-  
20 rity and the Ombudsperson shall enter into a memo-  
21 randum of understanding to coordinate oversight be-  
22 tween the Department of Homeland Security and  
23 the Department of Health and Human Services.

1           (2) ELEMENTS.—The memorandum of under-  
2           standing required by paragraph (1) shall do the fol-  
3           lowing:

4           (A) Require the Secretary of Homeland  
5           Security to provide information to the  
6           Ombudsperson with respect to each immigrant  
7           child detained by U.S. Customs and Border  
8           Protection or U.S. Immigration and Customs  
9           Enforcement, or who is otherwise in the custody  
10          of the Secretary of Homeland Security, includ-  
11          ing—

12                   (i) the location of the immigrant child;

13                   (ii) biographical information, includ-  
14                   ing full name, date of birth, country of citi-  
15                   zenship, race, and alien number;

16                   (iii) all locations at which the immi-  
17                   grant child has been so detained or held in  
18                   Department of Homeland Security cus-  
19                   tody;

20                   (iv) exact times at which the immi-  
21                   grant child was booked in and booked out  
22                   of such custody;

23                   (v) the date on which the immigrant  
24                   child is released from such custody or

1 transferred to the custody of the Secretary  
2 of Health and Human Services;

3 (vi) in the case of an immigrant child  
4 who remains in Department of Homeland  
5 Security custody for more than 72 hours,  
6 the reason for such continued custody; and

7 (vii) any other information the  
8 Ombudsperson considers relevant to the  
9 oversight and monitoring duties described  
10 in section 102(c)(3).

11 (B) Establish the right of the  
12 Ombudsperson and the Committee to monitor  
13 Department of Homeland Security facilities for  
14 compliance with applicable standards of cus-  
15 tody.

16 (C) Provide the Ombudsperson and the  
17 Committee full and unobstructed access to—

18 (i) Department of Homeland Security  
19 facilities for regular site visits; and

20 (ii) the written policies and procedures  
21 of Department of Homeland Security fa-  
22 cilities.

23 (3) LIMITATION.—The memorandum of under-  
24 standing may only allow the Ombudsperson to share  
25 information with the Secretary of Homeland Secu-

1 rity on a case-by-case basis, and with the informed  
2 consent of the immigrant child concerned (unless the  
3 Ombudsperson determines that the child lacks the  
4 capacity to consent), if the Ombudsperson deter-  
5 mines that the disclosure of the information to the  
6 Secretary of Health and Human Services will ad-  
7 vance the best interests of the immigrant child, in-  
8 cluding by facilitating the release of the immigrant  
9 child from custody.

10 (4) EVALUATION.—Not later than 2 years after  
11 the Ombudsperson and the Secretary of Homeland  
12 Security enter into the memorandum of under-  
13 standing required by this subsection, the Comp-  
14 troller General of the United States shall evaluate  
15 the coordination between the Ombudsperson and the  
16 Secretary to determine whether such memorandum  
17 of understanding is sufficient to ensure the oversight  
18 and monitoring required by this title.

19 (5) RECOMMENDATIONS.—If the Comptroller  
20 General makes a determination under paragraph (4)  
21 that the memorandum of understanding is insuffi-  
22 cient, the Comptroller General shall recommend ac-  
23 tionable steps to be implemented—

1 (A) to improve coordination between the  
2 Ombudsperson and the Secretary of Homeland  
3 Security; and

4 (B) to ensure effectiveness of the mandate  
5 of the Ombudsperson.

6 (b) INTERAGENCY WORKING GROUP.—

7 (1) ESTABLISHMENT.—There is established an  
8 interagency working group to identify and discuss  
9 concerns relating to immigrant children in facilities.

10 (2) MEMBERSHIP.—The Working Group shall  
11 be composed of representatives of—

12 (A) the Department of Justice;

13 (B) the Department of Health and Human  
14 Services, including the Director or a senior rep-  
15 resentative of the Office of Refugee Resettle-  
16 ment;

17 (C) U.S. Customs and Border Protection;

18 (D) U.S. Immigration and Customs En-  
19 forcement;

20 (E) relevant oversight offices, including—

21 (i) the Immigration Detention Om-  
22 budsman of the Department of Homeland  
23 Security; and

24 (ii) the Inspectors General of the De-  
25 partment of Justice, the Department of

1 Health and Human Services, U.S. Cus-  
2 toms and Border Protection, and U.S. Im-  
3 migration and Customs Enforcement; and  
4 (F) any other relevant Federal agency or  
5 office.

6 (3) MEETINGS.—The Working Group shall—

7 (A) hold meetings not less frequently than  
8 quarterly;

9 (B) invite representatives of nongovern-  
10 mental organizations that provide services to  
11 immigrant children to participate in such meet-  
12 ings as the Ombudsperson considers appro-  
13 priate; and

14 (C) provide to the Ombudsperson a sum-  
15 mary of each such meeting.

16 **SEC. 106. RULE OF CONSTRUCTION.**

17 Nothing in the title shall be construed to preclude  
18 or limit Flores settlement agreement class counsel from  
19 conducting independent investigations or seeking enforce-  
20 ment actions relating to violations of the Flores settlement  
21 agreement in any appropriate district court of the United  
22 States.

1       **TITLE II—PROTECTIONS FOR**  
2               **IMMIGRANT CHILDREN**  
3       **Subtitle A—Unaccompanied Alien**  
4               **Children in Immigration Pro-**  
5               **ceedings**

6       **SEC. 201. LEGAL REPRESENTATION IN REMOVAL PRO-**  
7               **CEEDINGS.**

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

11               (1) in subsection (a)(5)(D)(iii), by striking “ac-  
12       cess to” and inserting “representation by”; and

13               (2) in subsection (c), by amending paragraph  
14       (5) to read as follows:

15               “(5) LEGAL REPRESENTATION.—

16                       “(A) APPOINTMENT OR PROVISION OF  
17       COUNSEL.—

18                               “(i) IN GENERAL.—As expeditiously  
19       as possible after an unaccompanied alien  
20       child is issued a notice to appear under  
21       section 239(a) of the Immigration and Na-  
22       tionality Act (8 U.S.C. 1229(a)), the Sec-  
23       retary of Health and Human Services shall  
24       appoint or provide counsel to represent the  
25       child in removal proceedings under section

1           240 of the Immigration and Nationality  
2           Act (8 U.S.C. 1229a), related matters be-  
3           fore the Department of Homeland Secu-  
4           rity, and in any appeal proceeding before  
5           the Attorney General from any such re-  
6           moval proceeding. Counsel shall be pro-  
7           vided under this subparagraph at Govern-  
8           ment expense unless a child has retained  
9           counsel authorized to represent the child in  
10          such proceedings.

11                 “(ii) IMMIGRATION FILE.—Each unac-  
12          panied alien child, and the counsel of  
13          such a child, shall receive a complete copy  
14          of the child’s immigration file (other than  
15          documents protected from disclosure under  
16          section 552(b) of title 5, United States  
17          Code).

18                 “(B) ROLE OF THE DEPARTMENT OF  
19          HEALTH AND HUMAN SERVICES.—The Sec-  
20          retary of Health and Human Services shall—

21                         “(i) to the maximum extent prac-  
22          ticable, make every effort to use the serv-  
23          ices of competent counsel who agree to  
24          provide representation to children de-

1 scribed in subparagraph (A)(i) without  
2 charge;

3 “(ii) in the case of an unaccompanied  
4 alien child who retained counsel at his or  
5 her own expense but whose counsel has  
6 ceased to represent the child, ensure the  
7 continued representation of the child  
8 through the pendency of removal pro-  
9 ceedings and any appeal proceeding before  
10 the Attorney General from any such re-  
11 moval proceeding by appointing or pro-  
12 viding new counsel as expeditiously as pos-  
13 sible;

14 “(iii) in consultation with the Attor-  
15 ney General, develop model guidelines for  
16 representing children in immigration pro-  
17 ceedings for the purposes of—

18 “(I) helping to protect children  
19 from individuals suspected of involve-  
20 ment in criminal, harmful, or exploita-  
21 tive activities associated with the  
22 smuggling or trafficking of children;  
23 and

1                   “(II) ensuring the fairness of re-  
2                   moval proceedings in which children  
3                   are involved; and

4                   “(iv) as necessary and appropriate,  
5                   enter into contracts or award grants for  
6                   the provision of immigration-related legal  
7                   services to children.

8                   “(C) ROLE OF THE DEPARTMENT OF JUSTICE.—  
9                   The Attorney General shall ensure that  
10                  all immigration courts before which unaccom-  
11                  panied alien children appear contain specialized  
12                  children’s dockets. Such dockets shall contain  
13                  child-appropriate procedures that advance due  
14                  process in unaccompanied alien children’s pro-  
15                  ceedings. Immigration judges assigned to spe-  
16                  cialized children’s dockets shall have received  
17                  specialized training in such procedures. Such  
18                  procedures shall include processes for coordi-  
19                  nating with legal services organizations to facili-  
20                  tate legal representation of unaccompanied  
21                  alien children.”.

22                  (b) CONFORMING AMENDMENTS.—

23                  (1) Section 462(b)(1)(A) of Homeland Security  
24                  Act of 2002 (6 U.S.C. 279(b)(1)(A)) is amended by  
25                  striking “, consistent with the law regarding ap-

1 pointment of counsel that is in effect on the date of  
2 the enactment of this Act”.

3 (2) Section 292 of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1362) is amended by inserting  
5 “, except as provided in section 235(c)(5) of the Wil-  
6 liam Wilberforce Trafficking Victims Protection Re-  
7 authorization Act (8 U.S.C. 1232(c)(5))” after “at  
8 no expense to the Government”.

9 **SEC. 202. MOTIONS TO REOPEN.**

10 Section 240(c)(7)(C) of the Immigration and Nation-  
11 ality Act (8 U.S.C. 1229a(c)(7)(C)) is amended by adding  
12 at the end the following:

13 “(v) SPECIAL RULE FOR UNACCOM-  
14 PANIED ALIEN CHILDREN ENTITLED TO  
15 APPOINTMENT OF COUNSEL.—If the Sec-  
16 retary of Health and Human Services fails  
17 to appoint or provide counsel for an unac-  
18 companied alien child (as defined in  
19 462(g)(2) of Homeland Security Act of  
20 2002 (6 U.S.C. 279(g)(2)))—

21 “(I) the limitations under this  
22 paragraph with respect to the filing of  
23 a motion to reopen by such child shall  
24 not apply; and

1                                   “(II) the filing of such a motion  
2                                   shall stay the removal of the child.”.

### 3                   **Subtitle B—Access to Services**

#### 4   **SEC. 211. CLARIFICATION OF UNACCOMPANIED CHILD DE-** 5                                   **TERMINATION PROCEDURES.**

6           (a) **ELIGIBILITY FOR SERVICES REGARDLESS OF**  
7 **CUSTODIAL STATUS.**—Section 235(c)(1) of the William  
8 Wilberforce Trafficking Victims Protection Reauthoriza-  
9 tion Act (8 U.S.C. 1232(c)(1)) is amended by adding at  
10 the end the following: “Such policies and programs shall  
11 be available to unaccompanied alien children regardless of  
12 whether they are or have ever been in Federal custody.”.

13           (b) **SCREENINGS OF CHILDREN FROM CONTIGUOUS**  
14 **COUNTRIES CONDUCTED BY ASYLUM OFFICERS.**—Sec-  
15 tion 235(a) of the William Wilberforce Trafficking Victims  
16 Protection Reauthorization Act (8 U.S.C. 1232(a)) is  
17 amended—

18                   (1) in paragraph (2)(A), by striking “the Sec-  
19                   retary of Homeland Security” and inserting “an asy-  
20                   lum officer (as defined in section 235(b)(1)(E) of  
21                   the Immigration and Nationality Act (8 U.S.C.  
22                   1225(b)(1)(E)))”; and

23                   (2) in paragraph (4) by inserting “by an asy-  
24                   lum officer” after “the child shall be screened”.

25           (c) **ANALYSIS OF EFFICACY OF CURRENT LAW.**—

1           (1) IN GENERAL.—Not later than 2 years after  
2           the date of the enactment of this Act, and every 2  
3           years thereafter, the Secretary of Homeland Secu-  
4           rity, in consultation with the Secretary of Health  
5           and Human Services, the head of any other Federal  
6           agency the Secretary of Homeland Security con-  
7           siders appropriate, and child welfare advocates, shall  
8           complete an analysis of the efficacy of the law, in-  
9           cluding regulations, relating to unaccompanied alien  
10          children from contiguous countries (in effect as of  
11          the date on which the analysis is completed), includ-  
12          ing the efficacy of such laws in providing access to  
13          protection for victims of trafficking and children  
14          fleeing persecution.

15          (2) REPORT.—Not later than 60 days after the  
16          date on which each analysis required by paragraph  
17          (1) is completed, the Secretary of Homeland Secu-  
18          rity shall submit a report to the Committee on the  
19          Judiciary of the Senate and the Committee on the  
20          Judiciary of the House of Representatives a report  
21          on the results of the analysis.

22          (3) PUBLIC AVAILABILITY.—Not later than 180  
23          days after the date on which each report is sub-  
24          mitted under paragraph (2), the Secretary of Home-  
25          land Security shall make the report available to the

1 public on an internet website of the Department of  
2 Homeland Security.

3 **SEC. 212. IMPROVING ACCESS TO POST-RELEASE SERV-**  
4 **ICES.**

5 Section 235(c)(3)(B) of the William Wilberforce  
6 Trafficking Victims Protection Reauthorization Act (8  
7 U.S.C. 1232(c)(3)(B)) is amended—

8 (1) by adding at the end the following: “Follow-  
9 up services under this clause shall commence not  
10 later than the date that is 30 days after the date on  
11 which the child concerned is released from the cus-  
12 tody of the Secretary of Health and Human Serv-  
13 ices.”;

14 (2) in the first sentence, by striking “Before”  
15 and inserting the following:

16 “(i) IN GENERAL.—Before”; and

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

18 “(ii) ACCESS TO POST-RELEASE SERV-  
19 ICES.—

20 “(I) HOME VISITS.—Not later  
21 than 90 days after the date on which  
22 a child is released from the custody of  
23 the Secretary of Health and Human  
24 Services, the Secretary shall ensure  
25 that the child receives an in-person

1 home visit to determine the well-being  
2 of the child and to assess the suit-  
3 ability and safety of the home in  
4 which the child was placed if—

5 “(aa) except as described in  
6 item (bb), a sponsor has agreed  
7 to receive such services; or

8 “(bb) the child, based on all  
9 available objective evidence—

10 “(AA) has been or is at  
11 risk of becoming a victim of  
12 a severe form of trafficking  
13 in persons;

14 “(BB) is a special  
15 needs child with a disability  
16 (as defined in section 3 of  
17 the Americans with Disabil-  
18 ities Act of 1990 (42 U.S.C.  
19 12102));

20 “(CC) has been or is at  
21 risk of becoming a victim of  
22 physical or sexual abuse  
23 under circumstances that in-  
24 dicate that the child’s health  
25 or welfare has been or would

1 be significantly harmed or  
2 threatened; or

3 “(DD) is a child whose  
4 sponsor clearly presents a  
5 risk of abuse, maltreatment,  
6 exploitation, neglect, or  
7 labor exploitation to the  
8 child.

9 “(II) ADDITIONAL FOLLOW-UP  
10 SERVICES.—The Secretary of Health  
11 and Human Services shall ensure that  
12 a child receives additional follow-up  
13 services if, in the course of the home  
14 visit under subclause (I), it is deter-  
15 mined for the first time that the child,  
16 based on all available objective evi-  
17 dence—

18 “(aa) has been or is at risk  
19 of becoming a victim of a severe  
20 form of trafficking in persons;

21 “(bb) is a special needs child  
22 with a disability (as defined in  
23 section 3 of the Americans with  
24 Disabilities Act of 1990 (42  
25 U.S.C. 12102));

1                   “(cc) has been or is at risk  
2                   of becoming a victim of physical  
3                   or sexual abuse under cir-  
4                   cumstances that indicate that the  
5                   child’s health or welfare has been  
6                   or would be significantly harmed  
7                   or threatened; or

8                   “(dd) is a child whose spon-  
9                   sor clearly presents a risk of  
10                  abuse, maltreatment, exploi-  
11                  tation, neglect, or labor exploi-  
12                  tation to the child.”.

13 **SEC. 213. STATE-LEVEL COORDINATORS FOR UNACCOM-**  
14 **PANIED CHILDREN’S SERVICES.**

15                  Section 235(c) of the William Wilberforce Trafficking  
16 Victims Protection Reauthorization Act (8 U.S.C.  
17 1232(c)) is amended by adding at the end the following:

18                  “(7) ASSISTANCE TO STATE AND LOCAL ENTI-  
19                  TIES FOR UNACCOMPANIED CHILDREN’S SERV-  
20                  ICES.—

21                  “(A) ASSISTANCE TO STATES.—The Sec-  
22                  retary of Health and Human Services may pro-  
23                  vide funding to each State to appoint a State-  
24                  level coordinator to fulfill the responsibilities de-  
25                  scribed in subparagraph (C).



1            accompanied alien children to identify com-  
2            munity services, and to increase access to  
3            such services, for unaccompanied alien  
4            children.

5                    “(iv) To ensure that schools, rec-  
6                    reational facilities, community centers, and  
7                    similar institutions have information re-  
8                    garding—

9                            “(I) the risks of human traf-  
10                           ficking and labor exploitation for vul-  
11                           nerable children; and

12                           “(II) child labor laws, local min-  
13                           imum wage requirements, and mecha-  
14                           nisms for reporting violations of such  
15                           laws and requirements.

16                    “(v) To ensure that information pro-  
17                    vided under clause (iv)—

18                            “(I) is written in plain, child-ac-  
19                           cessible language (including in appro-  
20                           priate languages other than English);  
21                           and

22                            “(II) makes clear that such laws  
23                           and requirements apply to all children  
24                           and workers regardless of immigration  
25                           status.

1                   “(vi) To ensure that language is not  
2                   a barrier to obtaining the services de-  
3                   scribed in this paragraph.”.

4 **SEC. 214. ASSISTANCE FOR CHILDREN AND FAMILIES SEPA-**  
5 **RATED UNDER ZERO TOLERANCE.**

6           (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law, an individual shall be eligible for the benefits  
8 described in subsection (b), if the individual—

9                   (1) has completed security and law enforcement  
10 background checks to the satisfaction of the Sec-  
11 retary of Homeland Security; and

12                   (2)(A) has been paroled into the United States  
13 under section 212(d)(5) of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1182(d)(5)) pursuant to the  
15 implementation of Executive Order 14011, and has  
16 not had such parole terminated; or

17                   (B) is eligible, based on a determination by the  
18 Secretary of Health and Human Services through  
19 reference to the identified members of the classes,  
20 and their minor children, in the class-action lawsuits  
21 *J.P. v. Barr* (C.D. Cal. 2020) and *Ms. L. v. U.S.*  
22 *Immigration and Customs Enforcement*, 330 F.R.D.  
23 284 (2019), for any assistance, program, benefit, or  
24 services described in subsection (b).

1           (b) BENEFITS.—Notwithstanding any other provision  
2 of law, an individual described in subsection (a) shall be  
3 eligible for—

4           (1) resettlement assistance, entitlement pro-  
5 grams, and other benefits available to refugees ad-  
6 mitted under section 207 of the Immigration and  
7 Nationality Act (8 U.S.C. 1157) to the same extent,  
8 and for the same periods of time, as such refugees;

9           (2) services described under section 412(d)(2)  
10 of the Immigration and Nationality Act (8 U.S.C.  
11 1522(d)(2)), subject to subparagraph (B) of such  
12 section, if such individual is an unaccompanied alien  
13 child (as defined in section 462(g) of the Homeland  
14 Security Act of 2002 (6 U.S.C. 279(g))); and

15           (3) a driver’s license or identification card  
16 under section 202 of the REAL ID Act of 2005 (di-  
17 vision B of Public Law 109–13; 49 U.S.C. 30301  
18 note), notwithstanding subsection (c)(2)(B) of such  
19 section.

1           **Subtitle C—Facilities Housing**  
2           **Unaccompanied Alien Children**

3   **SEC. 221. TECHNICAL ASSISTANCE FOR COMMUNITY-BASED**  
4           **CARE PROVIDERS.**

5           (a) IN GENERAL.—Section 235(c)(2) of the William  
6 Wilberforce Trafficking Victims Protection Reauthoriza-  
7 tion Act (8 U.S.C. 1232(c)(2)) is amended—

8           (1) in subparagraph (A)—

9           (A) in the first sentence, by striking “Sub-  
10 ject to” and inserting the following:

11           “(i) IN GENERAL.—Subject to”; and

12           (B) by adding at the end the following:

13           “(ii) PRESUMPTION OF LEAST RE-  
14 STRICTIVE SETTING.—The least restrictive  
15 setting that is in the best interest of the  
16 child is presumed to be a placement that  
17 most approximates a family and in which  
18 the child’s special needs, if any, may be  
19 met. Children placed under this subsection  
20 shall be placed in the following order of  
21 preference:

22           “(I) Family-based foster care.

23           “(II) Group home foster care.

24           “(III) A shelter with capacity for  
25 25 or fewer children.

1                   “(iii) TECHNICAL ASSISTANCE.—The  
2                   Secretary of Health and Human Services  
3                   shall provide technical assistance to non-  
4                   governmental, nonprofit organizations that  
5                   are eligible for grants and contracts award-  
6                   ed by the Department of Health and  
7                   Human Services to ensure that children  
8                   are placed in small scale, community-based  
9                   settings.”.

10           (b) ANNUAL REPORT.—

11                   (1) IN GENERAL.—Not later than 30 days after  
12                   the date of the enactment of this Act, and annually  
13                   thereafter, the Secretary of Health and Human  
14                   Services shall submit to Congress a report on the  
15                   number of unaccompanied alien children who, during  
16                   the preceding fiscal year, resided in a facility with  
17                   a capacity for 25 or fewer children.

18                   (2) DESCRIPTION OF BARRIERS TO OBTAINING  
19                   HHS CONTRACTS AND GRANTS.—Each report re-  
20                   quired by paragraph (1) shall describe in detail the  
21                   barriers for small-scale community-based providers  
22                   to undergoing the Department of Health and  
23                   Human Services contracting and granting processes,  
24                   including staffing limitations, availability, outreach,  
25                   recruitment of potential providers, other identified

1 barriers to making the transition to small-scale com-  
2 munity-based facilities, and recommendations to ad-  
3 dress such barriers.

4 (3) CONSULTATION.—In developing each report  
5 required by paragraph (1), the Secretary for Health  
6 and Human Services shall consult with staff of cur-  
7 rent small-scale or community-based facilities hous-  
8 ing children and other organizations with expertise  
9 in child development, child welfare, and serving chil-  
10 dren with disabilities.

11 (c) PLAN TO TRANSITION CARE TO FOSTER CARE  
12 OR SMALL-SCALE SETTINGS.—

13 (1) IN GENERAL.—The Secretary of Health and  
14 Human Services shall develop a plan to transition all  
15 unaccompanied alien children in the custody of the  
16 Secretary to—

17 (A) foster care placements; or

18 (B) shelters with capacity for 25 or fewer  
19 children.

20 (2) SUBMISSION TO CONGRESS.—Not later than  
21 1 year after the date of the enactment of this Act,  
22 the Secretary of Health and Human Services shall  
23 submit to Congress the plan developed under para-  
24 graph (1).

1 **SEC. 222. STANDARDS AND COMPLIANCE.**

2 Section 235(c)(2) of the William Wilberforce Traf-  
3 ficking Victims Protection Reauthorization Act (8 U.S.C.  
4 1232), as amended by section 221, is further amended—

5 (1) in subparagraph (A), by adding at the end  
6 the following:

7 “(iv) BACKGROUND CHECKS FOR COV-  
8 ERED INDIVIDUALS.—

9 “(I) IN GENERAL.—Subject to  
10 subclause (II), the Secretary of  
11 Health and Human Services shall en-  
12 sure that, not less frequently than  
13 every 5 years, each covered individual  
14 completes a background check to the  
15 satisfaction of the Secretary.

16 “(II) WAIVER FOR DIRECT SERV-  
17 ICES PROVIDERS.—The Secretary of  
18 Health and Human Services may  
19 waive the application of subclause (I)  
20 in the case of an attorney of record or  
21 licensed medical practitioner who pro-  
22 vides on-site services at a facility that  
23 houses unaccompanied alien children.

24 “(III) SCOPE.—The scope of a  
25 background check required by this

1 clause shall include, at a minimum,  
2 the following:

3 “(aa) A fingerprint check by  
4 the Federal Bureau of Investiga-  
5 tion and State criminal history  
6 repositories.

7 “(bb) A child protective  
8 services check with the individ-  
9 ual’s State of United States resi-  
10 dence for the last 5 years.

11 “(cc) Background investiga-  
12 tion updates at a minimum of  
13 every 5 years.

14 “(IV) COVERED INDIVIDUAL DE-  
15 FINED.—In this clause, the term ‘cov-  
16 ered individual’ means—

17 “(aa) an employee or con-  
18 tractor with direct access to un-  
19 accompanied alien children in the  
20 care and custody of the Secretary  
21 of Health and Human Services;

22 “(bb) an individual with un-  
23 supervised, direct access to such  
24 children; and

1                   “(cc) a foster parent with  
2                   whom an unaccompanied alien  
3                   child is placed, including a tran-  
4                   sitional or long-term foster par-  
5                   ent, and each foster parent  
6                   household member who is aged  
7                   18 years or over.

8                   “(V) RULE OF CONSTRUCTION.—  
9                   Nothing in this clause may be con-  
10                  strued to supersede applicable State  
11                  licensing requirements for background  
12                  checks on employees of programs or  
13                  facilities involved in the care and cus-  
14                  tody of children.”; and

15                  (2) in subparagraph (B), in the first sentence,  
16                  by striking “subparagraph (A)” and inserting “sub-  
17                  paragraph (A)(i)”.

18 **Subtitle D—Child Welfare at the**  
19 **Border and Prevention of Fam-**  
20 **ily Separation**

21 **SEC. 231. CHILD WELFARE TRAINING AT THE BORDER.**

22                  (a) DEFINITIONS.—In this section:

23                   (1) COOPERATING ENTITY.—The term “cooper-  
24                  ating entity” means a State or local entity acting

1       pursuant to an agreement with the Secretary of  
2       Homeland Security.

3           (2) EXPERT IN CHILD DEVELOPMENT.—The  
4       term “expert in child development” means an indi-  
5       vidual who has significant education and expertise  
6       on infant, child, and adolescent development, and on  
7       the effects of trauma on children.

8           (3) EXPERT IN CHILD WELFARE.—The term  
9       “expert in child welfare” means an individual who  
10      has—

11           (A) knowledge of Federal and State child  
12      welfare laws and standards; and

13           (B) not less than 5 years of experience in  
14      the field of child and adolescent development or  
15      child welfare.

16           (4) EXPERT IN PEDIATRIC MEDICINE.—The  
17      term “expert in pediatric medicine” means—

18           (A) an individual who is board-certified in  
19      pediatric medicine in one or more States; and

20           (B) an individual with an advanced degree  
21      in pediatric medicine on the faculty of an insti-  
22      tution of higher education in the United States.

23      (b) GUIDELINES.—The Secretary of Homeland Secu-  
24      rity, in consultation with the Secretary of Health and  
25      Human Services, experts in child development, experts in

1 child welfare, and experts in pediatric medicine, shall de-  
2 velop guidelines for the treatment of children in the cus-  
3 tody of the Commissioner of U.S. Customs and Border  
4 Protection.

5 (c) MANDATORY TRAINING.—The Secretary of  
6 Homeland Security, in consultation with the Secretary of  
7 Health and Human Services, shall—

8 (1) require all U.S. Customs and Border Pro-  
9 tection personnel, and cooperating entity personnel,  
10 who have contact with a child at a port of entry or  
11 Border Patrol station to undergo appropriate train-  
12 ing, which shall include live training, on—

13 (A) the applicable legal authorities, poli-  
14 cies, practices, and procedures relating to chil-  
15 dren; and

16 (B) child-friendly interviewing techniques,  
17 child development, trauma, and the manner in  
18 which trauma affects the health and behavior of  
19 children; and

20 (2) require U.S. Customs and Border Protec-  
21 tion personnel, not less frequently than annually, to  
22 undertake continuing training on—

23 (A) identifying and responding to common  
24 signs and symptoms of medical distress in chil-  
25 dren;

1 (B) best practices with respect to the  
2 guidelines developed under subsection (b); and

3 (C) changes in the legal authorities, poli-  
4 cies, and procedures described in paragraph  
5 (1)(A).

6 **SEC. 232. PREVENTING FAMILY SEPARATION OF UNACCOM-**  
7 **PANIED CHILDREN.**

8 Section 235(b) of the William Wilberforce Trafficking  
9 Victims Protection Reauthorization Act (8 U.S.C.  
10 1232(b)) is amended by adding at the end the following:

11 “(5) PREVENTING SEPARATION FROM NON-PAR-  
12 ENT RELATIVES.—

13 “(A) IN GENERAL.—In the case of an un-  
14 accompanied alien child determined to have en-  
15 tered the United States or have been appre-  
16 hended with a relative who is neither a parent  
17 nor guardian, the Secretary of Health and  
18 Human Services, in consultation with the Sec-  
19 retary of Homeland Security or other appro-  
20 priate agencies of the government, shall evalu-  
21 ate whether that unaccompanied alien child can  
22 be safely released from Federal custody to that  
23 relative as a sponsor consistent with the process  
24 described in paragraph (3) of this section.

1           “(B) RELEASE TO RELATIVE.—If the Sec-  
2           retary of Health and Human Services makes  
3           such a determination, the Secretary of Home-  
4           land Security shall release the unaccompanied  
5           alien child to that relative unless the cir-  
6           cumstances in subparagraph (C) apply.

7           “(C) CONSIDERATION OF RELATIVE AS  
8           SPONSOR.—If an unaccompanied alien child is  
9           transferred to the custody of the Secretary of  
10          Health and Human Services, the non-parent  
11          relative described in subparagraph (A) may  
12          continue to be evaluated as a potential sponsor  
13          to whom the child may be released from Fed-  
14          eral custody as described in subsection (c)(3) of  
15          this section, as necessary to ensure child well-  
16          being and safety.

17          “(D) RULE OF CONSTRUCTION.—Nothing  
18          in this paragraph shall be construed to change  
19          the definition of a parent or legal guardian for  
20          the purpose of making a determination of  
21          whether a child is an unaccompanied alien child  
22          pursuant to 462(g)(C) of the Homeland Secu-  
23          rity Act of 2002 (6 U.S.C. 279(g)(C)).

24          “(E) FACILITIES REQUIREMENTS.—The  
25          Secretary of Homeland Security, in consultation

1 with the Secretary of Health and Human Serv-  
2 ices, shall ensure that child-appropriate spaces  
3 are available to complete the evaluations de-  
4 scribed in this paragraph. Such space shall ac-  
5 commodate staff of the Department of Health  
6 and Human Services, as appropriate.

7 “(F) RECORDKEEPING.—With respect to  
8 each alien over the age of 18 years who has en-  
9 tered the United States with an unaccompanied  
10 alien child, the Secretary of Homeland Security  
11 shall—

12 “(i) maintain an electronic record that  
13 includes the familial relationship between  
14 the adult and child; and

15 “(ii) share such record with the Sec-  
16 retary of Health and Human Services as  
17 necessary to facilitate the identification of  
18 an appropriate sponsor for the child.”.

19 **TITLE III—ENSURING SAFE**  
20 **RELEASE TO SPONSORS**

21 **SEC. 301. ENSURING SAFE RELEASE TO SPONSORS WHO**  
22 **ARE NOT PARENTS OR LEGAL GUARDIANS.**

23 Section 235(c)(3)(A) of the William Wilberforce  
24 Trafficking Victims Protection Reauthorization Act (8  
25 U.S.C. 1232(c)(3)(A)) is amended—

1           (1) by inserting “or sponsor” after “makes a  
2           determination that the proposed custodian”;

3           (2) by inserting “, address,” after “custodian’s  
4           identity”; and

5           (3) by striking the period and inserting the fol-  
6           lowing: “, in accordance with uniform procedures es-  
7           tablished by the Secretary of Health and Human  
8           Services. If a proposed sponsor is not the parent or  
9           legal guardian of a child, such procedures shall in-  
10          clude criminal background and public records checks  
11          for any proposed sponsor or adult member of the  
12          proposed sponsor’s household. The Secretary of  
13          Health and Human Services shall ensure that infor-  
14          mation obtained about a sponsor or a household  
15          member of a sponsor through such checks is not  
16          shared with the Department of Homeland Security  
17          or any other Federal agency for the purpose of im-  
18          migration enforcement.”.

19 **SEC. 302. EXPANSION AND EVALUATION OF HOME STUDIES.**

20          (a) Section 235(c)(3)(B) of the William Wilberforce  
21          Trafficking Victims Protection Reauthorization Act (8  
22          U.S.C. 1232(c)(3)(B)), as amended by section 212, is fur-  
23          ther amended—

24                 (1) in clause (i), by inserting “or custodian  
25                 clearly” after “whose proposed sponsor”;



1 petence, trauma, parenting and family  
2 dynamics, and screening and identi-  
3 fying indicators of human trafficking.

4 “(iii) REPORT.—

5 “(I) IN GENERAL.—Not later  
6 than 2 years after the date of the en-  
7 actment of the Protecting Unaccom-  
8 panied Children Act, and every 2  
9 years thereafter, the Secretary of  
10 Health and Human Services shall re-  
11 port on the effectiveness of home  
12 studies conducted under clause (i).

13 “(II) ELEMENTS.—Each report  
14 required by subclause (I) shall include  
15 the following:

16 “(aa) An assessment of the  
17 effectiveness of such home stud-  
18 ies in identifying safety concerns.

19 “(bb) For the preceding 2-  
20 year period—

21 “(AA) the number of  
22 home studies conducted and  
23 a description of the out-  
24 comes of such home studies,  
25 including whether or not

1 each home study resulted in  
2 a positive or negative rec-  
3 ommendation of the sponsor  
4 concerned;

5 “(BB) the number and  
6 type of safety concerns iden-  
7 tified through such home  
8 studies; and

9 “(CC) the number of  
10 sponsors to whom a child  
11 was not released due to safe-  
12 ty concerns identified  
13 through a home study.”.

14 **SEC. 303. REQUIREMENTS FOR CHILD AND SPONSOR CASE**  
15 **MANAGEMENT SYSTEM.**

16 (a) IN GENERAL.—Section 235(c)(3) of the William  
17 Wilberforce Trafficking Victims Protection Reauthoriza-  
18 tion Act (8 U.S.C. 1232(c)(3)) is amended by adding at  
19 the end the following:

20 “(D) CASE MANAGEMENT SYSTEM.—

21 “(i) IN GENERAL.—The Secretary of  
22 Health and Human Services shall maintain  
23 a searchable electronic case management  
24 system to track the placement of unaccom-

1           panied alien children that includes the fol-  
2           lowing information:

3                   “(I) The name and address of  
4                   each proposed sponsor, including the  
5                   number of unaccompanied alien chil-  
6                   dren placed with each sponsor and  
7                   names of household members of a pro-  
8                   posed sponsor.

9                   “(II) Reported safety concerns,  
10                  including reports of trafficking or ex-  
11                  ploitation, identified for sponsors of  
12                  unaccompanied alien children, or iden-  
13                  tified for adult members of household  
14                  at a specific address.

15                  “(III) Vulnerabilities of unaccom-  
16                  panied alien children while in the care  
17                  and custody of the Secretary of  
18                  Health and Human Services, includ-  
19                  ing whether the child is a priority for  
20                  post-release services.

21                  “(IV) Reports of trafficking or  
22                  exploitation made by unaccompanied  
23                  alien children, including reported in-  
24                  formation about geographic area  
25                  (such as a neighborhood) where such

1 trafficking occurred and where em-  
2 ployers implicated in such reports are  
3 located.

4 “(ii) CASE MANAGEMENT SYSTEM RE-  
5 QUIREMENTS.—

6 “(I) POTENTIAL DUPLICATE  
7 RECORDS.—In the event that the case  
8 management system detects a poten-  
9 tial duplicate record, employees of the  
10 Department of Health and Human  
11 Services and grantees or contractors  
12 acting on behalf of the Department,  
13 shall verify the records and, if nec-  
14 essary, consolidate duplicate records.

15 “(II) EXCLUSION OF INFORMA-  
16 TION ON IMMIGRATION STATUS.—The  
17 case management system shall not in-  
18 clude information with respect to the  
19 immigration status of any sponsor or  
20 adult member of a sponsor’s house-  
21 hold.

22 “(III) NONDISCLOSURE FOR EN-  
23 FORCEMENT PURPOSES.—The infor-  
24 mation contained in the case manage-  
25 ment system shall not be disclosed to

1 the Secretary of Homeland Security  
2 for the purpose of immigration en-  
3 forcement.

4 “(iii) PRIVACY PROTECTIONS.—Any  
5 record collected, stored, received, or pub-  
6 lished under this subparagraph shall be—

7 “(I) collected, stored, received, or  
8 published in a manner that protects  
9 the privacy of any individual whose in-  
10 formation is included in such data;

11 “(II) de-identified or anonymized  
12 in a manner that protects the identity  
13 of any individual whose information is  
14 included in such data; and

15 “(III)(aa) limited in use for the  
16 purpose of carrying out the duties of  
17 the Office of the Ombudsperson; and

18 “(bb) protected from any other—

19 “(AA) internal use by any  
20 entity that collects, stores, or re-  
21 ceives the record; or

22 “(BB) inappropriate use.”

1 **TITLE IV—PROTECTIONS AND**  
2 **ACCESS TO CERTAIN SERV-**  
3 **ICES FOR SPECIAL IMMI-**  
4 **GRANT JUVENILES AND**  
5 **OTHER VULNERABLE IMMI-**  
6 **GRANTS**

7 **SEC. 401. ELIMINATING ANNUAL EMPLOYMENT-BASED VISA**  
8 **CAPS FOR SPECIAL IMMIGRANT JUVENILES.**

9 (a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL  
10 LIMITATIONS.—Section 201(b)(1)(A) of the Immigration  
11 and Nationality Act (8 U.S.C. 1151(b)(1)(A)) is amended  
12 by striking “subparagraph (A) or (B)” and inserting  
13 “subparagraph (A), (B), or (J)”.

14 (b) PREFERENCE ALLOCATION FOR EMPLOYMENT-  
15 BASED IMMIGRANTS.—Section 203(b)(4) of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 1153(b)(4)) is amend-  
17 ed by striking “subparagraph (A) or (B)” and inserting  
18 “subparagraph (A), (B), or (J)”.

19 **SEC. 402. ELIMINATION OF ANNUAL NUMERICAL LIMITA-**  
20 **TION ON U VISAS.**

21 Section 214(p) of the Immigration and Nationality  
22 Act (8 U.S.C. 1184(p)) is amended by striking paragraph  
23 (2).

1 **SEC. 403. ACCESS TO MEDICAID FOR CERTAIN CHILDREN**  
2 **GRANTED STATUS.**

3 (a) **ELIGIBILITY.**—Section 402(b)(2)(A)(i) of the  
4 Personal Responsibility and Work Opportunity Reconcili-  
5 ation Act of 1996 (8 U.S.C. 1612(b)(2)(A)(i)) is amended  
6 —

7 (1) in subclause (IV), by striking “or” at the  
8 end;

9 (2) in subclause (V), by striking the period at  
10 the end and inserting a semicolon; and

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

12 “(VI) an alien is granted special  
13 immigrant status under section  
14 101(a)(27)(J) of the Immigration and  
15 Nationality Act (8 U.S.C.  
16 1101(a)(27)(J));

17 “(VII) an alien under the age of  
18 21 is granted status under section  
19 101(a)(15)(U) of the Immigration and  
20 Nationality Act (8 U.S.C.  
21 1101(a)(15(U)); or

22 “(VIII) an alien is eligible for de-  
23 ferred action pursuant to the June  
24 15, 2012, Department of Homeland  
25 Security Memorandum entitled ‘Exer-  
26 cising Prosecutorial Discretion with

1                   Respect to Individuals Who Came to  
2                   the United States as Children’, or any  
3                   successor policy.”.

4           (b) MODIFICATION TO DURATION OF ATTRIBU-  
5 TION.—Section 421(b) of the Personal Responsibility and  
6 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
7 1631(b)) is amended—

8           (1) in paragraph (1), by striking “or” at the  
9           end;

10           (2) in paragraph (2), by striking the period at  
11           the end and inserting a semicolon; and

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

13           “(3) is granted special immigrant status under  
14           section 101(a)(27)(J) of the Immigration and Na-  
15           tionality Act (8 U.S.C. 1101(a)(27)(J));

16           “(4) in the case of an alien under the age of  
17           21, is granted status under section 101(a)(15)(U) of  
18           the Immigration and Nationality Act (8 U.S.C.  
19           1101(a)(15(U)); or

20           “(5) is eligible for deferred action pursuant to  
21           the June 15, 2012, Department of Homeland Secu-  
22           rity Memorandum entitled ‘Exercising Prosecutorial  
23           Discretion with Respect to Individuals Who Came to  
24           the United States as Children’, or any successor pol-  
25           icy.”.

1           **TITLE V—STOPPING CHILD**  
2           **LABOR TRAFFICKING**

3   **SEC. 501. VICTIMS OF SERIOUS LABOR AND EMPLOYMENT**  
4           **VIOLATIONS OR CRIME.**

5           (a) PROTECTION FOR VICTIMS OF LABOR AND EM-  
6 PLOYMENT VIOLATIONS.—Section 101(a)(15)(U) of the  
7 Immigration and Nationality Act (8 U.S.C.  
8 1101(a)(15)(U)) is amended—

9           (1) in clause (i)—

10           (A) by striking subclause (I) and inserting  
11 the following:

12                           “(I) the alien—

13                                   “(aa) has suffered substan-  
14 tial physical, emotional, or men-  
15 tal abuse or harm as a result of  
16 having been a victim of criminal  
17 activity described in clause (iii);

18                                   “(bb) has suffered substan-  
19 tial physical, emotional, or men-  
20 tal abuse or harm related to a  
21 violation described in clause (iv);

22                                   “(cc) is a victim of criminal  
23 activity described in clause (iii)  
24 and would suffer extreme hard-  
25 ship upon removal; or

1                   “(dd) has suffered a viola-  
2                   tion described in clause (iv) and  
3                   would suffer extreme hardship  
4                   upon removal;”;

5                   (B) in subclause (II), by inserting “, or a  
6                   labor or employment violation resulting in a  
7                   workplace claim described in clause (iv)” before  
8                   the semicolon at the end;

9                   (C) in subclause (III)—

10                   (i) by striking “or State judge, to the  
11                   Service” and inserting “, State, or local  
12                   judge, to the Department of Homeland Se-  
13                   curity, to the Equal Employment Oppor-  
14                   tunity Commission, to the Department of  
15                   Labor (including the Occupational Safety  
16                   and Health Administration), to the Na-  
17                   tional Labor Relations Board, to the head  
18                   official of a State or local government de-  
19                   partment of labor, workforce commission,  
20                   or human relations commission or coun-  
21                   cil”;

22                   (ii) by striking “investigating or pros-  
23                   ecuting” and inserting “investigating,  
24                   prosecuting, or seeking civil remedies for”;  
25                   and

1 (iii) by inserting “, or investigating,  
2 prosecuting, or seeking civil remedies for a  
3 labor or employment violation related to a  
4 workplace claim described in clause (iv)”  
5 before the semicolon; and

6 (D) in subclause (IV)—

7 (i) by inserting “(aa)” after “(IV)”;

8 (ii) by inserting “or” after the semi-  
9 colon at the end; and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(bb) a workplace claim de-  
13 scribed in clause (iv) resulting from a  
14 labor or employment violation;”;

15 (2) in clause (ii)(II), by striking “and” at the  
16 end;

17 (3) in clause (iii), by striking “or” at the end  
18 and inserting “and”; and

19 (4) by adding at the end the following:

20 “(iv) in the labor or employment vio-  
21 lation related to a workplace claim, the  
22 alien has filed, is a material witness in, or  
23 is likely to be helpful in the investigation  
24 of, a bona fide workplace claim (as defined  
25 in section 274A(e)(10)(B)(iii)(II)); or”.

1 (b) TEMPORARY PROTECTION FOR INJURED WORK-  
2 ERS AND VICTIMS OF CRIME, LABOR, AND EMPLOYMENT  
3 VIOLATIONS.—Notwithstanding any other provision of  
4 law, the Secretary of Homeland Security may permit an  
5 alien to temporarily remain in the United States, shall not  
6 remove the alien from the United States during the per-  
7 mitted period, and shall provide the alien with the alien  
8 employment authorization, if the Secretary determines  
9 that the alien—

10 (1) has filed for relief under section  
11 101(a)(15)(U) of the Immigration and Nationality  
12 Act (8 U.S.C. 1101(a)(15)(U)) or section  
13 101(a)(15)(T) of such Act (8 U.S.C.  
14 1101(a)(15)(T));

15 (2)(A) has filed, or is a material witness to, a  
16 bona fide workplace claim (as defined in paragraph  
17 (10) of section 274A(e) of such Act, as added by  
18 section 502(b) of this Act) or has filed, or is a mate-  
19 rial witness to, a civil claim arising from criminal ac-  
20 tivity (as defined in paragraph (10) of section  
21 274A(e) of such Act, as added by section 502(b) of  
22 this Act); and

23 (B) has been helpful, is being helpful, or is like-  
24 ly to be helpful to—

1 (i) a Federal, State, or local law enforce-  
2 ment official;

3 (ii) a Federal, State, or local prosecutor;

4 (iii) a Federal, State, or local judge;

5 (iv) the Department of Homeland Security;

6 (v) the Equal Employment Opportunity  
7 Commission;

8 (vi) the Department of Labor, including  
9 the Occupational Safety and Health Adminis-  
10 tration;

11 (vii) the National Labor Relations Board;

12 (viii) the head official of a State or local  
13 government department of labor, workforce  
14 commission, or human relations commission or  
15 council; or

16 (ix) other Federal, State, or local authori-  
17 ties; or

18 (3) has filed a workers' compensation claim or  
19 is undergoing treatment for a workplace injury or  
20 illness.

21 (c) REQUIREMENTS APPLICABLE TO U VISAS.—Sec-  
22 tion 214(p) of the Immigration and Nationality Act (8  
23 U.S.C. 1184(p)) is amended—

24 (1) in paragraph (1), by inserting “or inves-  
25 tigating, prosecuting, or seeking civil remedies for

1 workplace claims described in section  
2 101(a)(15)(U)(iv)” after “section  
3 101(a)(15)(U)(iii)” each place such term appears;  
4 and

5 (2) in paragraph (6)—

6 (A) by inserting “or workplace claims de-  
7 scribed in section 101(a)(15)(U)(iv)” after “de-  
8 scribed in section 101(a)(15)(U)(iii)”;

9 (B) by inserting “or workplace claim”  
10 after “prosecution of such criminal activity”.

11 (d) ADJUSTMENT OF STATUS FOR VICTIMS OF  
12 CRIMES.—Section 245(m)(1) of the Immigration and Na-  
13 tionality Act (8 U.S.C. 1255(m)(1)) is amended, in the  
14 matter preceding subparagraph (A), by inserting “or an  
15 investigation or prosecution regarding a workplace claim”  
16 after “prosecution”.

17 (e) ADJUSTMENT OF STATUS AND FEES.—Section  
18 245(l)(7) of the Immigration and Nationality Act (8  
19 U.S.C. 1255(l)(7)) is amended by striking “permit aliens  
20 to apply for a waiver of” and inserting “not require the  
21 payment of”.

22 (f) CHANGE OF NONIMMIGRANT CLASSIFICATION.—  
23 Section 384(a)(1) of the Illegal Immigration Reform and  
24 Immigrant Responsibility Act of 1996 (8 U.S.C.  
25 1367(a)(1)) is amended—

1           (1) in subparagraph (E), by striking “physical  
2           or mental abuse and the criminal activity” and in-  
3           serting “abuse and the criminal activity or work-  
4           place claim”;

5           (2) in subparagraph (F)—

6                 (A) by striking “(8 U.S.C. 1101(a)(51))”  
7                 and inserting “(8 U.S.C. 1101(a)(51))”; and

8                 (B) by adding “or” at the end; and

9           (3) by inserting after subparagraph (F) the fol-  
10          lowing:

11                         “(G) the alien’s employer.”.

12          (g) CONFIDENTIALITY OF INFORMATION.—Section  
13          384(b)(2) of the Illegal Immigration Reform and Immi-  
14          grant Responsibility Act of 1996 (8 U.S.C. 1367(b)(2))  
15          is amended by adding at the end the following: “However,  
16          neither the Secretary of Homeland Security nor the Attor-  
17          ney General may use the information furnished pursuant  
18          to any application under section 101(a)(15)(T),  
19          101(a)(15)(U), 101(a)(27), 101(a)(51), 106, 240A(b)(2),  
20          or 244(a) of the Immigration and Nationality Act (8  
21          U.S.C. 1101(a)(15)(T), 1101(a)(15)(U), 1101(a)(27),  
22          1101(a)(51), 1105a, 1229b(b)(2), or 1254a(a)) or section  
23          107(b)(1)(E)(i)(II)(bb) of the Victims of Trafficking and  
24          Violence Protection Act of 2000 (22 U.S.C.

1 7105(b)(1)(E)(i)(II)(bb)), for purposes of initiating or  
2 carrying out a removal proceeding.”.

3 **SEC. 502. LABOR ENFORCEMENT ACTIONS.**

4 (a) REMOVAL PROCEEDINGS.—Section 239(e) of the  
5 Immigration and Nationality Act (8 U.S.C. 1229(e)) is  
6 amended—

7 (1) in paragraph (1)—

8 (A) by striking “In cases where” and in-  
9 serting “If”; and

10 (B) by inserting “or as a result of informa-  
11 tion provided to the Department of Homeland  
12 Security in retaliation against individuals for  
13 exercising or attempting to exercise their em-  
14 ployment rights or other legal rights” after  
15 “paragraph (2)”; and

16 (2) in paragraph (2), by adding at the end the  
17 following:

18 “(C) At a facility about which a workplace  
19 claim has been filed or is contemporaneously  
20 filed.”.

21 (b) UNLAWFUL EMPLOYMENT OF ALIENS.—Section  
22 274A(e) of the Immigration and Nationality Act (8 U.S.C.  
23 1324a(e)) is amended by adding at the end the following:

24 “(10) CONDUCT IN ENFORCEMENT ACTIONS.—

1           “(A) ENFORCEMENT ACTION.—If the Sec-  
2           retary of Homeland Security undertakes an en-  
3           forcement action at a facility about which a  
4           workplace claim has been filed or is contem-  
5           poraneously filed, or as a result of information  
6           provided to the Department of Homeland Secu-  
7           rity in retaliation against employees for exer-  
8           cising their rights related to a workplace claim,  
9           the Secretary shall ensure that—

10                   “(i) any aliens arrested or detained  
11                   who are victims of or material witnesses to  
12                   workplace claim violations or criminal ac-  
13                   tivity (as described in subparagraph (T) or  
14                   (U) of section 101(a)(15)) are not removed  
15                   from the United States until after the Sec-  
16                   retary—

17                           “(I) notifies the appropriate  
18                           agency with jurisdiction over such vio-  
19                           lations or criminal activity; and

20                           “(II) provides such agency with  
21                           the opportunity to interview such  
22                           aliens; and

23                   “(ii) no aliens entitled to a stay of re-  
24                   moval or abeyance of removal proceedings  
25                   under this section are removed.

1                   “(B) PROTECTIONS FOR VICTIMS OF  
2 CRIME, LABOR, AND EMPLOYMENT VIOLA-  
3 TIONS.—

4                   “(i) STAY OF REMOVAL OR ABEYANCE  
5 OF REMOVAL PROCEEDINGS.—An alien  
6 against whom removal proceedings have  
7 been initiated under chapter 4 of title II,  
8 who has filed a workplace claim, who is a  
9 material witness in any pending or antici-  
10 pated proceeding involving a bona fide  
11 workplace claim or civil claim arising from  
12 criminal activity, or who has filed for relief  
13 under section 101(a)(15)(U), shall be enti-  
14 tled to a stay of removal or an abeyance of  
15 removal proceedings and to employment  
16 authorization until the resolution of the  
17 workplace claim or the denial of relief  
18 under section 101(a)(15)(U) after exhaus-  
19 tion of administrative or judicial appeals,  
20 whichever is later.

21                   “(ii) DURATION.—Any stay of re-  
22 moval or abeyance of removal proceedings  
23 and employment authorization issued pur-  
24 suant to clause (i) shall remain valid until  
25 the resolution of the workplace claim or

1 the denial of relief under section  
2 101(a)(15)(U) after the exhaustion of ad-  
3 ministrative or judicial appeals, and shall  
4 be extended by the Secretary of Homeland  
5 Security for a period of not longer than 10  
6 additional years upon determining that—

7 “(I) such relief would enable the  
8 alien asserting a workplace claim or  
9 civil claim arising from criminal activ-  
10 ity, or assisting in investigation or  
11 prosecution of criminal activity, to  
12 pursue the matter to resolution, ac-  
13 cording to any agency administering  
14 any statute underlying these claims or  
15 any other credible evidence;

16 “(II) the deterrent goals of any  
17 statute underlying a workplace claim,  
18 criminal activity, or civil claim arising  
19 from criminal activity would be  
20 served, according to any agency ad-  
21 ministering such a statute or any  
22 other credible evidence; or

23 “(III) such extension would oth-  
24 erwise further the interests of justice.

1                   “(iii) DEFINITIONS.—In this para-  
2 graph:

3                   “(I) CIVIL CLAIM ARISING FROM  
4 CRIMINAL ACTIVITY.—The term ‘civil  
5 claim arising from criminal activity’  
6 means any written or oral claim,  
7 charge, complaint, or grievance filed  
8 with, communicated to, or submitted  
9 to a Federal, State, or local agency or  
10 court related to the violation of appli-  
11 cable Federal, State, and local laws  
12 arising from criminal activity de-  
13 scribed in section 101(a)(15)(U)(iii).

14                   “(II) MATERIAL WITNESS.—Not-  
15 withstanding any other provision of  
16 law, the term ‘material witness’ means  
17 an individual who presents a declara-  
18 tion from an attorney investigating,  
19 prosecuting, or defending the claim or  
20 from the presiding officer overseeing  
21 the claim attesting that, to the best of  
22 the declarant’s knowledge and belief,  
23 reasonable cause exists to believe that  
24 the testimony of the individual will be

1 relevant to the outcome of the work-  
2 place claim.

3 “(III) WORKPLACE CLAIM.—The  
4 term ‘workplace claim’ means any  
5 written or oral claim, charge, com-  
6 plaint, or grievance filed with, commu-  
7 nicated to, or submitted to the em-  
8 ployer, a Federal, State, or local agen-  
9 cy or court, or an employee represent-  
10 ative related to the workplace injury  
11 or illness or to the violation of appli-  
12 cable Federal, State, and local labor  
13 laws, including laws concerning wages  
14 and hours, labor relations, family and  
15 medical leave, occupational health and  
16 safety, civil rights, or nondiscrimina-  
17 tion.”.

18 (c) CONTINUED APPLICATION OF WORKFORCE AND  
19 LABOR PROTECTION REMEDIES.—Section 274A(e) of the  
20 Immigration and Nationality Act (8 U.S.C. 1324a(e)), as  
21 amended by subsection (b), is further amended by adding  
22 at the end the following:

23 “(11) RIGHTS, REMEDIES, AND RELIEF.—Not-  
24 withstanding an employee’s status as an unauthor-  
25 ized noncitizen during the time of relevant employ-

1       ment or during the back pay period or the failure of  
2       the employer or employee to comply with the re-  
3       quirements under this section or with any other pro-  
4       vision of Federal law relating to the unlawful em-  
5       ployment of noncitizens—

6               “(A) all rights, remedies, and relief pro-  
7               vided under any Federal, State, or local law re-  
8               lating to workplace rights, including reinstatement  
9               and back pay, are available to such em-  
10              ployee; and

11              “(B) a court may not prohibit such an em-  
12              ployee from pursuing other causes of action giving  
13              rise to liability in a civil action.”.

14                               **TITLE VI—GENERAL**  
15                               **PROVISIONS**

16   **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

17       There are authorized to be appropriated such sums  
18   as are necessary to carry out this Act and the amendments  
19   made by this Act.

20   **SEC. 602. SUPPLEMENTAL APPROPRIATION.**

21       In any month in which the number of unaccompanied  
22   children referred to the Department of Health and Human  
23   Services pursuant to section 462 of the Homeland Security  
24   Act of 2002 (6 U.S.C. 279) and section 235 of the  
25   William Wilberforce Trafficking Victims Protection Reau-

1 thORIZATION Act of 2008 (8 U.S.C. 1232) exceeds 10,000,  
2 as determined by the Secretary of Health and Human  
3 Services, an additional \$30,000,000, to remain available  
4 until expended, shall be made available for obligation for  
5 every 500 unaccompanied children above that level (in-  
6 cluding a pro rata amount for any increment less than  
7 500), for carrying out such sections 462 and 235 and the  
8 activities authorized by this Act and the amendments  
9 made by this Act.