

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—116th Cong., 1st Sess.**

**S. 1494**

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, 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  
\_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. PROTECTION OF FAMILY VALUES IN APPRE-**

4 **HENSION PROGRAMS.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPREHENDED INDIVIDUAL.—The term

7 “apprehended individual” means an individual ap-

8 prehended by personnel of the Department of Home-

1 land Security or of a cooperating entity pursuant to  
2 a migration deterrence program carried out at a bor-  
3 der.

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

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

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

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

20 (b) PROCEDURES FOR MIGRATION DETERRENCE  
21 PROGRAMS AT THE BORDER.—

22 (1) PROCEDURES.—In any migration deterrence  
23 program carried out at a border, the Secretary of  
24 Homeland Security and cooperating entities shall for  
25 each apprehended individual—

1 (A) as soon as practicable, but not later  
2 than 2 hours after such an individual is appre-  
3 hended—

4 (i) inquire as to whether the appre-  
5 hended individual is—

6 (I) a parent, legal guardian, or  
7 primary caregiver of a child; or

8 (II) traveling with a spouse or  
9 child; and

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

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

18 (i) the best interests of such individ-  
19 ual's child, if any;

20 (ii) family unity whenever possible;  
21 and

22 (iii) other public interest factors, in-  
23 cluding humanitarian concerns and con-  
24 cerns related to the apprehended individ-  
25 ual's physical safety.

1 (c) MANDATORY TRAINING.—The Secretary of  
2 Homeland Security, in consultation with the Secretary of  
3 Health and Human Services, the Attorney General, the  
4 Secretary of State, and independent immigration, child  
5 welfare, family law, and human rights law experts, shall—

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

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

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

23 (1) REQUIREMENT FOR ANNUAL REPORT.—Not  
24 later than 1 year after the date of the enactment of  
25 this Act, and annually thereafter, the Secretary of

1 Homeland Security shall submit to Congress a re-  
2 port that describes the impact of migration deter-  
3 rence programs on parents, legal guardians, primary  
4 caregivers of a child, individuals traveling with a  
5 spouse or child, and individuals who present humani-  
6 tarian considerations or concerns related to the indi-  
7 vidual's physical safety.

8 (2) CONTENTS.—Each report submitted under  
9 paragraph (1) shall include for the previous 1-year  
10 period an assessment of—

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

16 (B) the number of occasions in which both  
17 parents, or the primary caretaker of such a  
18 child was removed, repatriated, or referred for  
19 prosecution as part of a migration deterrence  
20 program;

21 (C) the number of apprehended individuals  
22 traveling with close family members who are re-  
23 moved, repatriated, or referred for prosecution;  
24 and

1                   (D) the impact of migration deterrence  
2                   programs on public interest factors, including  
3                   humanitarian concerns and physical safety.

4           (e) REGULATIONS.—Not later than 120 days after  
5 the date of the enactment of this Act, the Secretary of  
6 Homeland Security shall promulgate regulations to imple-  
7 ment this section.