

119TH CONGRESS
2D SESSION

H. R. 9745

To require certain protections for any dependent child whose parent is a
detained alien, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2026

Ms. JAYAPAL (for herself, Ms. BARRAGÁN, Mr. CASAR, Ms. CHU, Mr. CORREA, Ms. CROCKETT, Mr. DAVIS of Illinois, Ms. DEXTER, Mr. FROST, Mr. GARCÍA of Illinois, Mr. GOLDMAN of New York, Mr. JOHNSON of Georgia, Mr. KRISHNAMOORTHY, Ms. LEE of Pennsylvania, Mr. LIEU, Mr. MCGOVERN, Ms. MEJIA, Ms. OMAR, Mr. POCAN, Ms. SIMON, Mr. SMITH of Washington, Ms. TLAIB, Mr. TONKO, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. DESAULNIER, and Mr. CARSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require certain protections for any dependent child whose
parent is a detained alien, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Orlin’s Law”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

1 (1) family units should be considered a “hu-
2 manitarian or significant public benefit” as it relates
3 to the authority of the Secretary of Homeland Secu-
4 rity to grant parole under section 212(d)(5) of the
5 Immigration and Nationality Act; and

6 (2) being an alien parent shall not be consid-
7 ered a negative factor when determining child cus-
8 tody.

9 **SEC. 3. SPECIAL RULE FOR PARENTS.**

10 (a) PARENTS.—Not later than 2 hours after taking
11 an alien into custody under the immigration laws (as such
12 term is defined in section 101 of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101)), and prior to transferring
14 the alien to a detention facility, the Secretary of Homeland
15 Security shall request information from the alien on
16 whether the alien is a covered parent and document the
17 response.

18 (b) LIMITATION ON DETENTION.—If the Secretary of
19 Homeland Security determines that an alien who is in cus-
20 tody under the immigration laws is a covered parent, the
21 Secretary shall release such alien unless an immigration
22 judge determines that the Secretary has demonstrated, by
23 clear and convincing evidence, that the alien poses an indi-
24 vidualized risk to the safety of any other person or the

1 community that cannot be mitigated through placement
2 in a supervised release program.

3 (c) SAFETY RISKS.—In the case that a covered par-
4 ent poses an individualized risk described in subsection
5 (b), the Secretary of Homeland Security shall determine
6 the least restrictive placement for the individual, including
7 placement in a community-based supervision program
8 under section 236(g) of the Immigration and Nationality
9 Act.

10 (d) REQUIREMENT.—In the case that an alien is in
11 custody under the immigration laws, the Secretary of
12 Homeland Security shall inquire about the parental sta-
13 tus, or a change in parental status, of such alien during
14 any interaction relating to the determination of the alien's
15 immigration status and no less than once each month.

16 **SEC. 4. IDENTIFYING DETAINED PARENTS.**

17 (a) DETAINED ALIENS.—Any covered parent in the
18 custody of the Department of Homeland Security shall be
19 allowed to—

20 (1) make telephone calls, without charge, to ar-
21 range for the care of each of their dependent chil-
22 dren prior to any transfer, including in preparation
23 for removal;

24 (2) arrange regular in person visits with each of
25 their dependent children; and

1 (3) make daily telephone and video calls to each
2 of their dependent children, without charge.

3 (b) LIMITATION ON TRANSFERS.—The Secretary of
4 Homeland Security may not transfer a covered parent who
5 is detained under the immigration laws to an area of re-
6 sponsibility of U.S. Immigration and Customs Enforce-
7 ment that is a different area of responsibility than the
8 area in which the covered parent was initially detained or
9 the habitual place of residence of the child of such parent,
10 except in exceptional circumstances or if legally required.

11 **SEC. 5. ATTENDING COURT PROCEEDINGS.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-
13 rity shall ensure that any covered parent has the oppor-
14 tunity to—

15 (1) initiate or participate fully and, to the ex-
16 tent practicable, in person in—

17 (A) any family court proceeding;

18 (B) any other proceeding that may impact
19 the right of the individual to take custody of
20 their dependent child; and

21 (C) any case planning activity;

22 (2) make confidential telephone calls, without
23 charge, to any legal counsel, relevant child welfare
24 agency or applicable contracted entity or provider,
25 community and family members, or family court as

1 often as necessary to ensure that the best interests
2 of such dependent child, including a preference for
3 family unity whenever appropriate, may be consid-
4 ered in a child welfare agency or family court pro-
5 ceeding;

6 (3) fully comply with each family court or child
7 welfare agency order impacting the custody of such
8 dependent child;

9 (4) submit United States passport applications
10 or other relevant travel document applications for
11 the purpose of obtaining travel documents for such
12 dependent child;

13 (5) have timely and free access to a notary pub-
14 lic for purposes of applying for a passport for such
15 dependent child or executing guardianship or other
16 agreements to ensure the safety of such dependent
17 child;

18 (6) have adequate time and opportunity before
19 removal to obtain passports, apostilled birth certifi-
20 cates, travel documents, medical records, educational
21 records, and other necessary records on behalf of
22 such dependent child if such child will accompany
23 the individual to the country of removal or eventu-
24 ally join the individual in such country;

1 (7) have adequate time and access to any docu-
2 ments in the possession of the Secretary of Home-
3 land Security that are necessary to make arrange-
4 ments for the dependent child's care, travel, or safe-
5 ty, including access to any identity document and
6 passport of the covered parent;

7 (8) have adequate time and notice regarding
8 their dependent child's travel arrangements with re-
9 spect to removal, including the time of travel, report-
10 ing location, manner of transportation, and who is
11 facilitating such travel; and

12 (9) share information regarding such travel ar-
13 rangements with his or her legal counsel, consulate,
14 dependent child, child welfare agencies, or other
15 caregivers before the alien departs the United
16 States.

17 (b) IMMIGRATION COURT PROCEEDINGS.—During a
18 proceeding before an immigration court the immigration
19 judge shall, as the judge determines necessary, appoint
20 counsel to a covered parent, at the expense of the Govern-
21 ment, during family integrity custody review proceedings.

22 **SEC. 6. PARENTAL RIGHTS.**

23 If a dependent child is physically separated from a
24 covered parent as a result of such parent's detention under
25 the immigration laws, and a State court has not made a

1 determination that the parental rights of such parent have
2 been terminated, there is a presumption that—

3 (1) the parental rights remain intact; and

4 (2) such separation does not constitute an af-
5 firmative determination of abandonment, abuse, or
6 neglect under Federal or State law.

7 **SEC. 7. REMOVAL OF DETAINED PARENTS.**

8 (a) REQUEST FOR REMOVAL WITH DEPENDENT
9 CHILD.—The Secretary of Homeland Security shall pro-
10 vide oral and written notice to each covered parent who
11 is subject to a final order of removal, in each covered par-
12 ent’s preferred language, that the alien may, in writing—

13 (1) request removal from the United States
14 with, and to the same country as, their dependent
15 children; and

16 (2) amend a request described in paragraph
17 (1).

18 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed to give effect to any request under
20 this section made under duress or any other coercive con-
21 dition.

22 **SEC. 8. TRAINING AND NATIONAL COORDINATOR.**

23 (a) ESTABLISHMENT.—There is established within
24 the headquarters of U.S. Immigration and Customs En-

1 enforcement an Office of Detained Parent Coordination,
2 headed by the National Coordinator.

3 (b) RESPONSIBILITIES.—The National Coordinator
4 shall be responsible for the following:

5 (1) Serving as the primary point of contact and
6 subject-matter expert for Enforcement and Removal
7 Operations personnel of U.S. Immigration and Customs
8 Enforcement regarding State child welfare or
9 guardianship issues related to detained aliens.

10 (2) Conducting data collection and analysis, in-
11 cluding evaluating, on an ongoing basis, information
12 collected from a U.S. Immigration and Customs En-
13 forcement records system.

14 (3) Assigning and maintaining field points of
15 contact for matters pertaining to detained covered
16 parents.

17 (4) Providing guidance to each field point of
18 contact assigned under paragraph (3) on—

19 (A) participation in family court, child wel-
20 fare, or guardianship proceedings for detained
21 covered parents;

22 (B) visitation protocols for detained cov-
23 ered parents; and

1 (C) facilitation of participation by detained
2 covered parents in child welfare services and
3 programs.

4 (5) Ensuring that detained covered parents are
5 provided the opportunity to—

6 (A) consult with counsel and consular offi-
7 cials;

8 (B) communicate with family courts, child
9 welfare personnel, and family members or
10 friends to arrange guardianship or care, in ac-
11 cordance with sections 4 and 5;

12 (C) obtain travel documents or make nec-
13 essary travel arrangements, for the dependent
14 child of such alien; and

15 (D) access necessary services to meet case
16 plans, status and permanency goals in child
17 welfare proceedings.

18 (6) Coordinating with relevant Enforcement
19 and Removal Operations personnel, field office direc-
20 tors, State or local court or child welfare personnel,
21 legal counsel representing covered parents, and con-
22 sular officials to facilitate the timely response to any
23 issue or complaint received by U.S. Immigration and
24 Customs Enforcement regarding the parental or
25 guardianship interests of a detained alien.

1 (7) Establishing and maintaining a national,
2 publicly available designated mechanism through
3 which family courts, child welfare agencies, legal
4 counsel, and other stakeholders may provide the Sec-
5 retary of Homeland Security with notice of family
6 court proceedings, child welfare matters, case plan-
7 ning activities, or other proceedings affecting a cov-
8 ered parent's custodial rights or relationship with
9 their dependent child, for the purpose of facilitating
10 the parent's timely notice of and meaningful partici-
11 pation in such proceedings.

12 (8) Facilitating the removal of covered parents
13 with each dependent child, as requested.

14 (9) Assisting with obtaining travel documents
15 for dependent children as needed.

16 (10) Coordinating with Federal and State or
17 local child welfare agencies, caretakers, foreign gov-
18 ernments, or other appropriate stakeholders.

19 (11) Establishing travel procedures (that do not
20 use contractors) for a dependent child to travel and
21 be conveyed safely to the detention facility in which
22 the covered parent is located for reunification and
23 travel prior to removal.

24 (c) TRAINING.—The Secretary of Homeland Security,
25 in consultation with independent child welfare and family

1 law experts, shall develop and provide training on the pro-
2 tections required under this Act to each employee of the
3 Department of Homeland Security, including detention fa-
4 cility staff who interact with covered parents.

5 (d) STAFF.—The Office of Detained Parent Coordi-
6 nation shall be staffed by not less than 8 full-time employ-
7 ees.

8 (e) QUALIFICATION OF NATIONAL COORDINATOR.—
9 The National Coordinator shall have not less than 10
10 years of experience in child welfare, family court matters,
11 or guardianship matters.

12 (f) ONLINE DETAINEE LOCATOR SYSTEM.—The Sec-
13 retary of Homeland Security shall ensure that the online
14 detainee locator system maintained by the Department, or
15 any successor system, is updated to include information
16 on whether aliens were referred by State and local law en-
17 forcement agencies prior to transfer into the custody of
18 U.S. Immigration and Customs Enforcement.

19 **SEC. 9. COMMUNITY-BASED CASE MANAGEMENT PROGRAM.**

20 Section 236 of the Immigration and Nationality Act
21 (8 U.S.C. 1226) is amended by adding at the end the fol-
22 lowing:

23 “(g) COMMUNITY-BASED CASE MANAGEMENT PRO-
24 GRAM.—The Secretary of Homeland Security shall estab-
25 lish, outside of the purview of U.S. Immigration and Cus-

1 toms Enforcement, a community-based case management
 2 program that—

3 “(1) provides alternatives to detaining aliens;
 4 and

5 “(2) offers a continuum of community-based
 6 support options and services, including—

7 “(A) case management;

8 “(B) access to—

9 “(i) social services;

10 “(ii) medical and mental health serv-
 11 ices;

12 “(iii) housing;

13 “(iv) transportation; and

14 “(v) legal services; and

15 “(C) provides services in the appropriate
 16 language.”.

17 **SEC. 10. REPORTING REQUIREMENTS.**

18 (a) IN GENERAL.—On a quarterly basis, the Sec-
 19 retary of Homeland shall publish on the Department of
 20 Homeland Security website—

21 (1) the number of covered parents that were—

22 (A) detained by U.S. Immigration and
 23 Customs Enforcement;

1 (B) transferred to the custody of the De-
2 partment of Homeland Security from a State or
3 local law enforcement agency;

4 (C) supported by the Secretary to make
5 custody arrangements for each of their depend-
6 ent children immediately after being taken into
7 custody; and

8 (D) supported by the Director of U.S. Im-
9 migration and Customs Enforcement to make
10 custody arrangements while in U.S. Immigra-
11 tion and Customs Enforcement custody;

12 (2) the number of such aliens in any ongoing
13 proceeding, disaggregated by type of proceeding in-
14 cluding family court, child welfare, or guardianship
15 proceeding;

16 (3) the number of such aliens with respect to
17 which U.S. Immigration and Customs Enforcement
18 facilitated participation in such proceedings;

19 (4) the minimum, maximum, average, and me-
20 dian duration for which covered parents who are de-
21 tained by U.S. Immigration and Customs Enforce-
22 ment are in the custody;

23 (5) information on the placement of dependent
24 children whose parent is a detained alien, including
25 placement in foster care; and

1 (6) the number of dependent children removed
2 with their parent, disaggregated by the citizenship
3 status and age of such children.

4 (b) SUBMISSION TO CONGRESS.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, and
7 every 180 days thereafter, the Secretary of Home-
8 land Security shall submit a report that contains the
9 information collected under subsection (a) for the
10 preceding 180-day period to—

11 (A) the Committee on the Judiciary, Com-
12 mittee on Homeland Security and Govern-
13 mental Affairs, and the Committee on Health,
14 Education, Labor, and Pensions of the Senate;
15 and

16 (B) the Committee on the Judiciary, Com-
17 mittee and Homeland Security, and the Com-
18 mittee on Education and Workforce of the
19 House of Representatives.

20 (2) INITIAL REPORT.—The initial report sub-
21 mitted under paragraph (1) shall include a detailed
22 summary of the efforts of the Secretary to carry out
23 this Act, including a description of the manner in
24 which the Secretary plans collect and store the data
25 required to be included in each report.

1 (3) SUBSEQUENT REPORTS.—Each subsequent
2 report submitted under paragraph (1) shall include,
3 for the preceding 180-day period—

4 (A) the number employees of the Depart-
5 ment, coordinating entities, and detention facili-
6 ties provided annual training under section 8;
7 and

8 (B) the number of new employees of the
9 Department, coordinating entities, and deten-
10 tion facilities who have been provided an initial
11 training under that section.

12 (c) METHODS.—In carrying out this section, the Sec-
13 retary shall ensure that—

14 (1) the methods for collecting information are
15 consistent from year to year so as to enable the
16 tracking of trends across years; and

17 (2) personally identifiable information is pro-
18 tected.

19 **SEC. 11. REMEDIES.**

20 (a) IN GENERAL.—Notwithstanding the immigration
21 laws (as such term is defined in section 101 of the Immi-
22 gration and Nationality Act (8 U.S.C. 1101)), in the case
23 of a covered parent described in subsection (b), the Sec-
24 retary of Homeland Security shall—

1 (1) if the parent desires reunification, facilitate
2 the reunification in the United States of any depend-
3 ent child with the parent in a community-based set-
4 ting, at the expense of the Government, as expedi-
5 tiously as possible, but not later than 2 months after
6 the removal of the covered parent; and

7 (2) facilitate, at the expense of the Government,
8 the ability of the parent to make necessary arrange-
9 ments for their dependent child to remain in the
10 United States, including participation in any family
11 court or child welfare proceedings.

12 (b) COVERED PARENT DESCRIBED.—A covered par-
13 ent described in this subsection is a covered parent—

14 (1) who was removed from the United States;

15 (2) with respect to whom the Secretary did not
16 afford the protections required under this Act; and

17 (3) whose dependent child remained in the
18 United States after the parent's removal.

19 **SEC. 12. SAVINGS CLAUSE.**

20 Nothing in this Act may be construed to impede,
21 delay, or limit the obligations of the Secretary of Home-
22 land Security, the Attorney General, or the Secretary of
23 Health and Human Services under—

(1) section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232);

(2) section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); or

(3) the stipulated settlement agreement filed in the United States District Court for the Central District of California on January 17, 1997 (CV 85–10BUR26159 V3Y S.L.C.4544–RJK) (commonly known as the “Flores Settlement Agreement”).

SEC. 13. DEFINITIONS.

In this Act:

(1) COVERED PARENT.—The term “covered parent” means an alien who is a parent of a dependent child, which child is physically present in the United States.

(2) DEPENDENT CHILD.—The term “dependent child” means an individual who—

(A) has not attained the age of 18; or

(B) is incapable of self-support because of physical, medical, or mental disability.

(3) PARENT.—The term “parent” means—

(A) a biological or adoptive parent, or an adult otherwise recognized by the law of a foreign country as a parent, whose parental rights

1 have not been relinquished or terminated under
2 State law or the law of a foreign country;

3 (B) a legal guardian of a child under State
4 law or the law of a foreign country; or

5 (C) a kin caregiver.

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