

115TH CONGRESS
2D SESSION

H. R. 6181

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2018

Mr. CRAWFORD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep Families To-
5 gether and Enforce the Law Act”.

6 **SEC. 2. FAMILY UNIFICATION.**

7 (a) IN GENERAL.—Section 235 of the Immigration
8 and Nationality Act (8 U.S.C. 1225) is amended by add-
9 ing at the end the following:

1 “(e) PROTECTIVE CUSTODY OF ARRIVING ALIEN
2 CHILDREN ACCOMPANIED BY PARENTS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of law, including section 3142 of title 18,
5 United States Code, any judicial determination (in-
6 cluding any judicial determination made in *Flores v.*
7 *Sessions et. al.*, (9th Cir. July 5, 2017; C.D. CA.
8 July 24, 2015)), consent decree, or settlement agree-
9 ment issued before the date of enactment of the
10 Keep Families Together and Enforce the Law Act,
11 and section 236.3 of title 8, Code of Federal Regula-
12 tions (or a successor regulation), the Secretary of
13 Homeland Security shall not use any appropriated
14 funds or be required to implement the terms of the
15 stipulated settlement agreement filed on January 17,
16 1997, in the United States District Court for the
17 Central District of California in *Flores v. Reno*, CV
18 85–4544–RJK, (commonly known as the “*Flores*
19 settlement agreement”) in the case of an alien child
20 under the age of 18 years who is—

21 “(A) accompanied by a parent; and

22 “(B)(i) apprehended at or near the inter-
23 national border of the United States; or

24 “(ii) seeking admission to the United
25 States at a port of entry.

1 “(2) FAMILY UNIT RESIDENTIAL CENTERS.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the Secretary of Homeland
4 Security shall temporarily house an alien child
5 under the age of 18 years described in para-
6 graph (1) together with the parent of the child
7 in a family residential center maintained by the
8 Secretary of Homeland Security during the
9 pendency of civil or criminal proceedings.

10 “(B) EXCEPTION.—The Secretary of
11 Homeland Security shall not temporarily house
12 an alien child described in subparagraph (A) in
13 the manner described in that subparagraph if
14 the Secretary of Homeland Security—

15 “(i) is unable to verify that an indi-
16 vidual accompanying the alien child is the
17 parent of the alien child;

18 “(ii) determines that the accom-
19 panying parent of the alien child—

20 “(I) has a violent criminal his-
21 tory; or

22 “(II) has committed or been con-
23 victed of—

24 “(aa) an aggravated felony
25 under section 101(a)(43);

1 “(bb) a crime involving the
2 attempted use of physical force
3 or threatened use of a deadly
4 weapon;

5 “(cc) an assault resulting in
6 bodily injury (as defined in sec-
7 tion 2266 of title 18, United
8 States Code); or

9 “(dd) an offense described
10 in section 212(a)(2) or
11 237(a)(2);

12 “(iii) determines that the alien child is
13 or has been a victim of domestic abuse or
14 sexual abuse; or

15 “(iv) the alien child is—

16 “(I) a victim of trafficking;

17 “(II) at risk of becoming a victim
18 of trafficking;

19 “(III) in danger of abuse or ne-
20 glect at the hands of the accom-
21 panying parent of the alien child; or

22 “(IV) a danger to himself or her-
23 self or to others.

1 “(C) CONDITIONS FOR CUSTODY.—The
2 Secretary of Homeland Security shall ensure
3 that each—

4 “(i) family residential facility is secure
5 and safe; and

6 “(ii) alien child and accompanying
7 parent at a family residential facility has—

8 “(I) suitable living accommoda-
9 tions;

10 “(II) access to drinking water
11 and food;

12 “(III) medical assistance in case
13 of emergencies; and

14 “(IV) any other service necessary
15 for the adequate care of a minor child.

16 “(3) PROTECTIVE CUSTODY OF ACCOMPANIED
17 ALIEN CHILDREN INELIGIBLE FOR HOUSING IN A
18 FAMILY RESIDENTIAL CENTER.—If an alien child de-
19 scribed in paragraph (1) may not be housed with the
20 accompanying parent of the alien child in a family
21 residential center under paragraph (2)(A), the alien
22 child shall be treated as an unaccompanied alien
23 child under the William Wilberforce Trafficking Vic-
24 tims Protection Reauthorization Act of 2008 (8
25 U.S.C. 1232 et seq.).

1 “(4) PRIORITIZATION OF ACCOMPANIED MINOR
2 AND FAMILY UNIT PROCEEDINGS.—To the maximum
3 extent practicable, the Secretary of Homeland Secu-
4 rity and the Attorney General shall prioritize civil
5 and criminal proceedings and decisions on requests
6 for relief from removal of accompanied alien children
7 and families who are in custody under this sub-
8 section.”.

9 (b) APPLICABILITY.—The amendments made by this
10 Act shall apply regardless of the date on which an action
11 giving rise to the admissibility or custody of the accom-
12 panied child or parent occurs.

13 **SEC. 3. ADDITIONAL FAMILY RESIDENTIAL CENTER CAPAC-**
14 **ITY.**

15 (a) IN GENERAL.—The Secretary of Homeland Secu-
16 rity shall increase the number of available family residen-
17 tial beds by not less than 1,000, as compared to the num-
18 ber of beds available on the date of enactment of this Act.

19 (b) INTERAGENCY AGREEMENT.—The Secretary of
20 Homeland Security shall enter into one or more inter-
21 agency agreements with the Attorney General to secure
22 additional family residential centers to house accompanied
23 alien children and parents of such children under section
24 235(e) of the Immigration and Nationality Act during the
25 pendency of civil or criminal proceedings.

1 **SEC. 4. CONDITIONS ON NEW IMMIGRATION DETENTION**
2 **SITES.**

3 The Secretary of Homeland Security shall secure the
4 written permission of the Governor, both United States
5 Senators, and the United States Representative who rep-
6 resent the State and congressional district of the location
7 any proposed new immigration detention site, including
8 any proposed new family residential center site, before the
9 site is constructed or put into operation.

10 **SEC. 5. EMERGENCY IMMIGRATION JUDGE RESOURCES.**

11 The Attorney General shall increase the number of
12 immigration judge teams by not less than 225, as com-
13 pared to the number of immigration judge teams on the
14 date of enactment of this Act, including for the purpose
15 of conducting prioritized proceedings for accompanied
16 alien children and families—

17 (1) apprehended at or near the southwest bor-
18 der of the United States; or

19 (2) who are seeking admission to the United
20 States at a port of entry.

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