

116TH CONGRESS  
1ST SESSION

# H. R. 3864

To amend the Immigration and Nationality Act to require a DNA test to determine the familial relationship between an alien and an accompanying minor, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2019

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

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## A BILL

To amend the Immigration and Nationality Act to require a DNA test to determine the familial relationship between an alien and an accompanying minor, 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 “End Child Trafficking  
5       Now Act”.

1 **SEC. 2. DNA TESTING.**

2 Section 211 of the Immigration and Nationality Act  
3 (8 U.S.C. 1181) is amended by adding at the end the fol-  
4 lowing:

5 **“SEC. 211A. FAMILIAL RELATIONSHIP DOCUMENTARY RE-**  
6 **QUIREMENTS.**

7 “(a) IN GENERAL.—Except as provided in subsection  
8 (b), an alien who has attained 18 years of age may not  
9 be admitted into the United States with a minor.

10 “(b) EXCEPTIONS.—An alien described in subsection  
11 (a) may be admitted into the United States with a minor  
12 if—

13 “(1) the alien presents to the Secretary of  
14 Homeland Security documents to prove that the  
15 alien is a relative or guardian of the minor;

16 “(2) the alien presents to the Secretary of  
17 Homeland Security a witness to testify that the alien  
18 is a relative or guardian of the minor; or

19 “(3) a DNA test administered by the Secretary  
20 of Health and Human Services proves that the alien  
21 is a relative of the minor.

22 “(c) ADMINISTRATION OF DNA TEST.—The Sec-  
23 retary of Homeland Security shall request, and the Sec-  
24 retary of Health and Human Services shall administer, a  
25 DNA test only in the case that the Secretary of Homeland  
26 Security is unable to determine, based on the evidence pre-

1 sented under paragraphs (1) and (2) of subsection (b),  
2 that the alien is a relative or guardian of the minor accom-  
3 panying the alien.

4 “(d) DENIAL OF CONSENT.—

5 “(1) ALIEN.—An alien described in subsection  
6 (a) is inadmissible if—

7 “(A) the Secretary of Homeland Security  
8 determines that the alien has presented insuffi-  
9 cient evidence under paragraphs (1) and (2) of  
10 subsection (b) to prove that the alien is a rel-  
11 ative of the minor; and

12 “(B) the alien refuses to consent to a DNA  
13 test.

14 “(2) MINOR.—A minor accompanying an alien  
15 who is inadmissible under paragraph (1) shall be  
16 treated as an unaccompanied alien child (as defined  
17 in section 462(g) of the Homeland Security Act of  
18 2002 (6 U.S.C. 279(g))).

19 “(e) DNA TEST RESULTS.—In the case that the re-  
20 sults of the DNA test fail to prove that the alien described  
21 in subsection (a) is a relative of a minor accompanying  
22 the alien, an immigration officer shall conduct interviews  
23 as necessary to determine whether the alien is a relative  
24 or guardian of the minor.

1 “(f) ARREST.—An immigration officer may arrest,  
2 pursuant to section 287, an alien described in subsection  
3 (a) if the immigration officer—

4 “(1) determines, after conducting interviews  
5 pursuant to subsection (d), that the alien is not re-  
6 lated to the minor accompanying the alien; and

7 “(2) has reason to believe that the alien is  
8 guilty of a felony offense, including the offense of  
9 human trafficking, recycling of a minor, and alien  
10 smuggling.

11 “(g) DEFINITIONS.—In this section—

12 “(1) the term ‘minor’ means an alien who has  
13 not attained 18 years of age;

14 “(2) the term ‘recycling’ means, with respect to  
15 a minor, that the minor is being used to enter the  
16 United States on more than 1 occasion, by an alien  
17 who has attained 18 years of age and is neither the  
18 relative nor the guardian of the minor; and

19 “(3) the term ‘relative’ means an individual re-  
20 lated by consanguinity within the second degree as  
21 determined by common law.”.

22 **SEC. 3. CRIMINALIZING RECYCLING OF MINORS.**

23 (a) IN GENERAL.—Chapter 69 of title 18, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing:

1   **“§ 1430. Recycling of minors**

2           “(a) IN GENERAL.—Whoever, being 18 years of age  
3 or over, knowingly uses, for the purpose of entering the  
4 United States, a minor to whom the individual is not a  
5 relative or guardian, shall be fined under this title, impris-  
6 oned not more than 10 years, or both.

7           “(b) RELATIVE.—In this section, the term ‘relative’  
8 means an individual related by consanguinity within the  
9 second degree as determined by common law.”.

10          (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 69 of title 18, United States Code, is amended  
12 by adding at the end the following new item:

“1430. Recycling of minors.”.

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