

115TH CONGRESS
2D SESSION

H. R. 6236

To require the reunification of families separated upon entry into the United States as a result of the “zero-tolerance” immigration policy requiring criminal prosecution of all adults apprehended crossing the border illegally, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2018

Ms. BASS (for herself, Mr. RICHMOND, Mr. MEEKS, Ms. NORTON, Ms. BORDALLO, Ms. MCCOLLUM, Mrs. DINGELL, Ms. BONAMICI, Mrs. NAPOLITANO, Ms. KAPTUR, Mr. SERRANO, Ms. JUDY CHU of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TORRES, Mr. DEUTCH, Mr. HASTINGS, Mr. CÁRDENAS, Ms. KELLY of Illinois, Ms. ADAMS, Mr. LEWIS of Georgia, Ms. JACKSON LEE, Mr. DANNY K. DAVIS of Illinois, Mr. RASKIN, Mr. SOTO, Mr. JEFFRIES, Ms. WILSON of Florida, Mr. POLIS, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Ms. FUDGE, Mr. LIPINSKI, Ms. CLARKE of New York, Ms. SEWELL of Alabama, Mr. KEATING, Mr. CICILLINE, Mr. PERLMUTTER, Mr. SIRES, Ms. WASSERMAN SCHULTZ, Mr. CAPUANO, Mr. VARGAS, Mr. KRISHNAMOORTHY, Ms. FRANKEL of Florida, Mr. TAKANO, Mr. DAVID SCOTT of Georgia, Mr. CLAY, Ms. BLUNT ROCHESTER, Mr. LAWSON of Florida, Ms. MAXINE WATERS of California, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. AL GREEN of Texas, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the reunification of families separated upon entry into the United States as a result of the “zero-tolerance”

immigration policy requiring criminal prosecution of all adults apprehended crossing the border illegally, 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 “Family Unity Rights
 5 and Protection Act”.

6 **SEC. 2. FAMILY REUNIFICATION.**

7 (a) IN GENERAL.—The Secretary of Health and
 8 Human Services, the Secretary of Homeland Security, the
 9 Secretary of State, and the Secretary of Defense together
 10 shall establish and implement coordinated policies, proce-
 11 dures, and strategies to ensure that each covered child is
 12 reunited at the earliest possible date with each parent or
 13 legal guardian from whom the child was separated.

14 (b) NOTIFICATION.—

15 (1) BENEFICIARIES IN THE UNITED STATES.—

16 In carrying out subsection (a), the Secretary of
 17 Health and Human Services, in conjunction with the
 18 Secretary of Homeland Security and the Attorney
 19 General, shall be responsible for notifying parents
 20 and guardians who are in the United States of the
 21 procedures to be used to reunite with each covered
 22 child who was removed from their care and custody
 23 and who is in the United States, the location or loca-

1 tions of each such covered child, and a means to
2 contact each such covered child.

3 (2) BENEFICIARIES ABROAD.—In carrying out
4 subsection (a), the Secretary of Homeland Security,
5 in conjunction with the Secretary of State, the Sec-
6 retary of Health and Human Services, and the At-
7 torney General, shall be responsible for carrying out
8 the duty described in paragraph (1) in a case in
9 which either a covered child or a parent or guardian
10 of a covered child has been removed from the United
11 States under the immigration laws (as defined in
12 section 101(a)(17) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1101(a)(17))).

14 (c) REGISTRY.—

15 (1) IN GENERAL.—The duties described in sub-
16 sections (a) and (b) shall include the creation of an
17 electronic registry for covered children and their par-
18 ents and guardians. These individuals, whether de-
19 tained, incarcerated, or not, shall be afforded an op-
20 portunity to register, or have registered, personal in-
21 formation about themselves, such as their name,
22 date and place of birth, nationality, current location,
23 and contact information. The registry shall be used
24 by the Secretary of Health and Human Services, the
25 Secretary of Homeland Security, the Secretary of

1 State, and the Secretary of Defense as one tool
2 among others in carrying out subsections (a) and
3 (b).

4 (2) LIMITATIONS ON USE.—Information in the
5 registry, as well as other information obtained by
6 the Secretary of Health and Human Services, the
7 Secretary of Homeland Security, the Secretary of
8 State, or the Secretary of Defense in carrying out
9 subsections (a) and (b), shall be used solely to en-
10 sure that each covered child is reunited at the ear-
11 liest possible date with each parent or legal guardian
12 from whom the child was separated. Such secretaries
13 shall establish conditions for the use of the informa-
14 tion—

15 (A) to ensure that the information is not
16 used in, or in pursuit of, any criminal prosecu-
17 tion or other proceeding under the immigration
18 laws (as defined in section 101(a)(17) of the
19 Immigration and Nationality Act (8 U.S.C.
20 1101(a)(17)));

21 (B) to limit the dissemination of such in-
22 formation;

23 (C) to ensure the security, confidentiality,
24 and destruction of such information; and

1 (D) to protect any privacy rights of indi-
2 viduals who are subjects of such information.

3 (d) STATE CHILD WELFARE.—The duties described
4 in subsections (a) and (b) shall include the establishment
5 and implementation of policies and procedures to inform
6 the appropriate State child welfare agencies whether a
7 parent or guardian of a covered child received the requisite
8 notices and whether reasonable efforts were made to re-
9 unite the parent or guardian with each covered child who
10 was removed from their care and custody prior to the
11 State’s filing of a petition to terminate parental rights.

12 (e) REPORT.—Not later than 14 days after the date
13 of the enactment of this Act, the Secretary of Health and
14 Human Services, the Secretary of Homeland Security, the
15 Secretary of State, and the Secretary of Defense collec-
16 tively shall submit a report to the Congress describing the
17 policies, procedures, and strategies established and imple-
18 mented under subsection (a).

19 (f) DEFINITION.—For purposes of this section, the
20 term “covered child” means an unaccompanied alien child
21 (as defined in section 462(g)(2) of the Homeland Security
22 Act of 2002 (6 U.S.C. 279(g)(2))) who was removed from
23 the care and custody of a parent or legal guardian by a
24 Federal official or employee at or near a port of entry,
25 or within 100 miles of a border of the United States, pur-

1 suant to the Zero-Tolerance Policy for Criminal Illegal
 2 Entry announced by the Attorney General on April 6,
 3 2018.

4 **SEC. 3. CONDITIONS ON TERMINATION OF PARENTAL**
 5 **RIGHTS.**

6 Section 475(5)(E)(ii) of the Social Security Act (42
 7 U.S.C. 675(5)(E)(ii)) is amended by striking “; or” and
 8 inserting the following: “and a compelling reason in this
 9 subparagraph for the State to not file (or join in the filing
 10 of such a petition) shall include the removal of the parent
 11 from the United States or the involvement of the parent
 12 in (including detention or incarceration pursuant to) a
 13 civil proceeding under the immigration laws (as defined
 14 in section 101(a)(17) of the Immigration and Nationality
 15 Act (8 U.S.C. 1101(a)(17))), or a criminal misdemeanor
 16 proceeding under section 275(a) of the Immigration and
 17 Nationality Act (8 U.S.C. 1325(a)), unless the parent is
 18 unfit or unwilling to be a parent of the child. Before a
 19 State may file to terminate the parental rights under such
 20 this subparagraph, the State (or the county or other polit-
 21 ical subdivision of the State, as the case may be) shall
 22 make reasonable efforts—”

23 “(I) to identify, locate, and con-
 24 tact (including, if appropriate,
 25 through the diplomatic or consular of-

1 fices of a country to which the parent
2 or legal guardian was removed or
3 where a parent, legal guardian, or rel-
4 ative resides) any parent or legal
5 guardian of the child, and where pos-
6 sible, any potential adult relative of
7 the child (as described in section
8 471(a)(29));

9 “(II) to notify such a parent or
10 legal guardian of the intent of the
11 State (or the county or other political
12 subdivision of the State, as applicable)
13 to file (or join in the filing of) such a
14 petition;

15 “(III) to reunify the child with
16 any such parent or legal guardian;
17 and

18 “(IV) provide and document ap-
19 propriate services to the parent or
20 legal guardian; or”.

21 **SEC. 4. FAMILY ADJUDICATION.**

22 Section 235(a) of the Immigration and Nationality
23 Act (8 U.S.C. 1225(a)) is amended by adding at the end
24 the following:

1 “(6) FAMILY UNITY.—In the case of an alien
2 under 18 years of age who arrives in the United
3 States (whether or not at a designated port of ar-
4 rival and including an alien who is brought to the
5 United States after having been interdicted in inter-
6 national or United States waters) accompanied by
7 one or more family members (such as a parent, legal
8 guardian, spouse, son, daughter, brother, sister,
9 aunt, uncle, cousin, or other family member who has
10 lived with the alien), all inspections of the alien by
11 immigration officers, and all immigration or asylum
12 interviews or proceedings involving the alien (such as
13 proceedings under this section or section 208,
14 209(b), or 240), shall be consolidated, to the max-
15 imum extent authorized by law, with those of each
16 accompanying family member, in order to maintain
17 family unity and ensure that the rights of the alien
18 are protected, unless—

19 “(A) a parent of the alien (unless the
20 rights of the parent have been terminated), or
21 legal guardian of the alien, requests otherwise;

22 “(B) such consolidation will prejudice the
23 rights of the alien; or

24 “(C) such consolidation will prejudice the
25 rights of any of the accompanying family mem-

1 bers, in which case such family member may re-
2 quest that such consolidation, as applied to
3 them, be discontinued.”.

○