

S 844

Unaccompanied Alien Child Protection Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Immigration

Introduced: Mar 12, 2007

Current Status: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S3005-

Latest Action: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S3005-3010) (Mar 12, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/844>

Sponsor

Name: Sen. Feinstein, Dianne [D-CA]

Party: Democratic • **State:** CA • **Chamber:** Senate

Cosponsors (12 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cantwell, Maria [D-WA]	D · WA		Mar 12, 2007
Sen. Feingold, Russell D. [D-WI]	D · WI		Mar 12, 2007
Sen. Hagel, Chuck [R-NE]	R · NE		Mar 12, 2007
Sen. Kennedy, Edward M. [D-MA]	D · MA		Mar 12, 2007
Sen. Kerry, John F. [D-MA]	D · MA		Mar 12, 2007
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Mar 14, 2007
Sen. Kohl, Herb [D-WI]	D · WI		Mar 15, 2007
Sen. Collins, Susan M. [R-ME]	R · ME		Mar 19, 2007
Sen. Bingaman, Jeff [D-NM]	D · NM		Mar 29, 2007
Sen. Brown, Sherrod [D-OH]	D · OH		Apr 11, 2007
Sen. Landrieu, Mary L. [D-LA]	D · LA		May 10, 2007
Sen. Murray, Patty [D-WA]	D · WA		Jul 17, 2007

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Mar 12, 2007

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

No related bills are listed.

Unaccompanied Alien Child Protection Act of 2007 - Addresses the care and custody of unaccompanied alien children (children), defined as children under the age of 18 with no lawful immigration status and no parent or legal guardian in the United States who is available to provide care and physical custody.

Directs immigration officers who find such children at U.S. land borders or ports of entry to permit them to withdraw their applications for admission and return to their country of nationality or last habitual residence. States that such children shall have the right to consult with a consular officer prior to repatriation and with the Office of Refugee Resettlement (the Office) at the Department of Health and Human Services (HHS).

Gives the Office jurisdiction over the care and custody of all unaccompanied alien children except: (1) the Department of Justice (DOJ) shall have responsibility for those imprisoned for a federal crime or in DOJ custody pending prosecution; and (2) the Department of Homeland Security (DHS) shall have responsibility for those who threaten national security.

Requires federal departments or agencies to transfer such children in their custody to the Office.

Specifies the order of preference for placing released children, including custody rights of parents and legal guardians. Requires the Office to protect such children from smugglers and traffickers.

Prohibits the placement of such children in adult detention facilities or in facilities housing delinquent children unless they exhibit violent or criminal behavior. Specifies the preference order for such children's placement.

Requires the Office and DHS to: (1) promulgate detention standards; and (2) develop procedures to prohibit the unreasonable use of restraints, solitary confinement, or pat or strip searches.

Expresses the sense of Congress that the U.S. government should ensure that it does not repatriate children into settings that would threaten their life and safety.

Requires the Office to develop procedures for determining the age of aliens in DHS or Office custody.

Authorizes the Director of the Office to appoint qualified and duly trained child advocates for such children.

Requires the Director to: (1) provide professional training for such child advocates; and (2) implement a pilot program for their appointment.

States that the Director should ensure that such children in Office or DHS custody, except those being repatriated to a contiguous country, have immigration counsel.

Requires the Executive Office for Immigration Review (EOIR) to develop and implement model guidelines for the legal representation of alien children in immigration proceedings.

Bars such children in Office custody from consenting to immigration actions, including voluntary departure, unless first afforded an opportunity to consult with counsel.

Makes such child advocate and counsel provisions applicable to all such children in federal custody on, before, or after the effective date of this Act.

Amends the Immigration and Nationality Act to revise special immigrant juvenile visa provisions. Requires an alien to be

18 years or younger and present in the United States on the date of visa application. (Provides a transition rule for aliens who applied for such visa before enactment of this Act and were between the ages of 19-21 at the time of application.) Authorizes waiver of certain grounds of inadmissibility.

Commends the Immigration and Naturalization Service (INS) for its issuance of the 1998 Guidelines for Children's Asylum Claims and encourages implementation of such guidelines by INS and its successor. Calls upon EOIR to adopt such guidelines in its handling of children's asylum claims.

Requires such children apprehended by DHS, except those subject to contiguous country rules, to be placed in removal proceedings. Exempts such children from certain bars to asylum.

Amends the Homeland Security Act of 2002 (HSA) to make the Director responsible for: (1) placement suitability assessments for such children; and (2) ensuring that minimum standards of care are met for residential alternatives to detention.

States that the amendments to HSA made by this Act shall be effective as if enacted as part of HSA.

Actions Timeline

- **Mar 12, 2007:** Introduced in Senate
- **Mar 12, 2007:** Sponsor introductory remarks on measure. (CR S3004-3005)
- **Mar 12, 2007:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S3005-3010)