# S 349

A bill to clarify the rights of all persons who are held or detained at a port of entry or at any detention facility overseen by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

**Congress:** 115 (2017–2019, Ended)
**Chamber:** Senate
**Policy Area:** Immigration
**Introduced:** Feb 9, 2017
**Current Status:** Read twice and referred to the Committee on the Judiciary.
**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Feb 9, 2017)
**Official Text:** https://www.congress.gov/bill/115th-congress/senate-bill/349

## Sponsor

**Name:** Sen. Harris, Kamala D. [D-CA]
**Party:** Democratic • **State:** CA • **Chamber:** Senate

## Cosponsors (7 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---|---|---|
| Sen. Blumenthal, Richard [D-CT] | D · CT | | Feb 9, 2017 |
| Sen. Booker, Cory A. [D-NJ] | D · NJ | | Feb 9, 2017 |
| Sen. Carper, Thomas R. [D-DE] | D · DE | | Feb 9, 2017 |
| Sen. Gillibrand, Kirsten E. [D-NY] | D · NY | | Feb 9, 2017 |
| Sen. Markey, Edward J. [D-MA] | D · MA | | Feb 9, 2017 |
| Sen. Warren, Elizabeth [D-MA] | D · MA | | Feb 9, 2017 |
| Sen. Merkley, Jeff [D-OR] | D · OR | | Sep 26, 2017 |

## Committee Activity

| Committee | Chamber | Activity | Date |
|---|---|---|---|
| Homeland Security Committee | House | Bills of Interest - Exchange of Letters | Feb 23, 2018 |
| Judiciary Committee | Senate | Referred To | Feb 9, 2017 |

## Subjects & Policy Tags

**Policy Area:**

Immigration

## Related Bills

| Bill | Relationship | Last Action |
|---|---|---|
| 115 HR 1006 | Identical bill | **Feb 24, 2017:** Referred to the Subcommittee on Border and Maritime Security. |

## Summary (as of Feb 9, 2017)

This bill amends the Immigration and Nationality Act to provide an individual in any removal, exclusion, or deportation proceeding or inspection (excluding primary inspections as defined by Department of Homeland Security policies) with a right to representation (at no expense to the government) by counsel of such individual's choosing, including remote counseling if counsel cannot personally meet with the individual.

A person held or detained at a port of entry may not submit a valid Record of Abandonment of Lawful Permanent Resident Status or Withdrawal of Application for Admission if such person has been denied access to counsel.

The bill extends the right to be accompanied, represented, and advised by counsel or other qualified representative before a government agency to any person subject to a proceeding, examination, holding, or detention.

The holding or detention of individuals at a port of entry or at any holding or detention facility overseen by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement shall: (1) be limited to the briefest term and the least restrictive conditions practicable, (2) be consistent with the rationale for such holding or detention; and (3) shall include access to food, water, and rest room facilities.

## Actions Timeline

- **Feb 9, 2017:** Introduced in Senate
- **Feb 9, 2017:** Read twice and referred to the Committee on the Judiciary.

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