

115TH CONGRESS
2D SESSION

H. R. 6232

To limit the separation of families including an individual with an
developmental disability at or near ports of entry.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2018

Mr. SEAN PATRICK MALONEY of New York (for himself, Ms. BASS, Mr. O'HALLERAN, Mr. MEEKS, Mr. COHEN, Ms. CLARKE of New York, Mr. PAYNE, Mr. ESPAILLAT, Ms. VELÁZQUEZ, Mr. CORREA, Ms. TITUS, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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 limit the separation of families including an individual
with an developmental disability at or near ports of entry.

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 “Preventing Family
5 Separation for Immigrants with Disabilities Act”.

1 **SEC. 2. LIMITATION ON THE SEPARATION OF FAMILIES IN-**
2 **CLUDING AN INDIVIDUAL WITH AN DEVELOP-**
3 **MENTAL DISABILITY.**

4 (a) IN GENERAL.—An agent or officer of a des-
5 ignated agency shall be prohibited from removing a pro-
6 tected individual from his or her family member, at or
7 near the port of entry or within 100 miles of the border
8 of the United States, unless one of the following has oc-
9 curred:

10 (1) A State court, authorized under State law,
11 terminates the rights of a family member, deter-
12 mines that it is in the best interests of the protected
13 individual to be removed from his or her family
14 member, in accordance with the Adoption and Safe
15 Families Act of 1997 (Public Law 105–89), or
16 makes any similar determination that is legally au-
17 thorized under State law.

18 (2) An official from the State or county welfare
19 agency with expertise in trauma and development
20 and an official from the State protection and advo-
21 cacy system make a best interests determination
22 that it is in the best interests of the protected indi-
23 vidual to be removed from his or her family member
24 because the protected individual is in danger of
25 abuse or neglect at the hands of the family member,
26 or is a danger to herself or others.

1 (3) The Chief Patrol Agent or the Area Port
2 Director in their official and undelegated capacity,
3 authorizes separation upon the recommendation by
4 an agent or officer, based on a finding that—

5 (A) the protected individual is a victim of
6 trafficking or is at significant risk of becoming
7 a victim of trafficking;

8 (B) there is a strong likelihood that the
9 adult is not a family member of the protected
10 individual; or

11 (C) the protected individual is in danger of
12 abuse or neglect at the hands of the family
13 member, or is a danger to themselves or others.

14 (b) PROHIBITION ON SEPARATION.—An agency may
15 not remove a protected individual from a family member
16 solely for the policy goal of deterring individuals from mi-
17 grating to the United States or for the policy goal of pro-
18 moting compliance with civil immigration laws.

19 (c) DOCUMENTATION REQUIRED.—The Secretary
20 shall ensure that a separation under subsection (a)(3) is
21 documented in writing and includes, at a minimum, the
22 reason for such separation, together with the stated evi-
23 dence for such separation.

1 **SEC. 3. REQUIRED INFORMATION FOR SEPARATED FAMI-**
2 **LIES.**

3 Not less frequently than once every month, the Sec-
4 retary shall provide the family member of a protected indi-
5 vidual who was separated, the following information, at
6 a minimum:

7 (1) A status report on the monthly activities of
8 the protected individual.

9 (2) Information about the education and health
10 of the protected individual, including any medical
11 treatment provided to the individual or medical
12 treatment recommended for the individual.

13 (3) Information about changes to the individ-
14 ual's immigration status, as well as information
15 about the State protection and advocacy office that
16 has monitoring authority.

17 (4) Other information about the individual, de-
18 signed to promote and maintain family reunification,
19 as the Secretary determines in his or her discretion.

20 **SEC. 4. DEFINITIONS.**

21 In this Act:

22 (1) **AGENT; OFFICER.**—The terms “agent” and
23 “officer” include contractors of the Federal Govern-
24 ment.

25 (2) **DANGER OF ABUSE OR NEGLECT AT THE**
26 **HANDS OF THE FAMILY MEMBER.**—The term “dan-

1 ger of abuse or neglect at the hands of the family
2 member” shall not mean migrating to or crossing
3 the United States border.

4 (3) DESIGNATED AGENCY.—The term “des-
5 ignated agency” means—

6 (A) the Department of Homeland Security;

7 (B) the Department of Justice; and

8 (C) the Department of Health and Human
9 Services.

10 (4) DISABILITIES SPECIALIST.—The term “dis-
11 abilities specialist” means an individual with exper-
12 tise working with individuals with a disability who
13 is—

14 (A) a physician;

15 (B) an osteopath; or

16 (C) a psychologist.

17 (5) FINDING.—The term “finding” means an
18 individualized written assessment or screening by the
19 trained agent or officer that includes a consultation
20 with a disabilities specialist, formalized as required
21 under section 1(c).

22 (6) PROTECTED INDIVIDUAL.—The term “pro-
23 tected individual” means an individual who—

24 (A) has an developmental disability; and

25 (B) has no permanent immigration status.

1 (7) SECRETARY.—Unless otherwise specified,
2 the term “Secretary” means the Secretary of Home-
3 land Security.

○