

115TH CONGRESS
2D SESSION

S. _____

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. TILLIS, Mr. CORNYN, Mr. RUBIO, Mr. GRAHAM, Mr. JOHNSON, Mr. HELLER, Mr. COTTON, and Mr. CRUZ (for themselves and Mr. GRASSLEY, Mr. LANKFORD, Mr. MCCONNELL, Mr. FLAKE, Mrs. ERNST, Mr. ISAKSON, Mr. MORAN, Mr. SASSE, Mrs. FISCHER, Mr. ROBERTS, Mr. DAINES, Mr. HATCH, Mr. INHOFE, Mr. CORKER, Mr. THUNE, Mr. CRAPO, Mr. HOEVEN, Mr. PERDUE, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on

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A BILL

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, 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 “Keep Families To-
5 gether and Enforce the Law Act”.

1 **SEC. 2. FAMILY UNIFICATION.**

2 (a) IN GENERAL.—Section 235 of the Immigration
3 and Nationality Act (8 U.S.C. 1225) is amended by add-
4 ing at the end the following:

5 “(e) PROTECTIVE CUSTODY OF ARRIVING ALIEN
6 CHILDREN ACCOMPANIED BY PARENTS.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law, including section 3142 of title 18,
9 United States Code, any judicial determination (in-
10 cluding any judicial determination made in *Flores v.*
11 *Sessions et. al.*, (9th Cir. July 5, 2017; C.D. CA.
12 July 24, 2015)), consent decree, or settlement agree-
13 ment issued before the date of enactment of the
14 *Keep Families Together and Enforce the Law Act*,
15 and section 236.3 of title 8, Code of Federal Regula-
16 tions (or a successor regulation), the Secretary of
17 Homeland Security shall not use any appropriated
18 funds or be required to implement the terms of the
19 stipulated settlement agreement filed on January 17,
20 1997, in the United States District Court for the
21 Central District of California in *Flores v. Reno*, CV
22 85-4544-RJK, (commonly known as the “*Flores*
23 *settlement agreement*”) in the case of an alien child
24 under the age of 18 years who is—

25 “(A) accompanied by a parent; and

1 “(B)(i) apprehended at or near the inter-
2 national border of the United States; or

3 “(ii) seeking admission to the United
4 States at a port of entry.

5 “(2) FAMILY UNIT RESIDENTIAL CENTERS.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), the Secretary of Homeland
8 Security shall temporarily house an alien child
9 under the age of 18 years described in para-
10 graph (1) together with the parent of the child
11 in a family residential center maintained by the
12 Secretary of Homeland Security during the
13 pendency of civil or criminal proceedings.

14 “(B) EXCEPTION.—The Secretary of
15 Homeland Security shall not temporarily house
16 an alien child described in subparagraph (A) in
17 the manner described in that subparagraph if
18 the Secretary of Homeland Security—

19 “(i) is unable to verify that an indi-
20 vidual accompanying the alien child is the
21 parent of the alien child;

22 “(ii) determines that the accom-
23 panying parent of the alien child—

24 “(I) has a violent criminal his-
25 tory; or

1 “(IV) a danger to himself or her-
2 self or to others.

3 “(C) CONDITIONS FOR CUSTODY.—The
4 Secretary of Homeland Security shall ensure
5 that each—

6 “(i) family residential facility is secure
7 and safe; and

8 “(ii) alien child and accompanying
9 parent at a family residential facility has—

10 “(I) suitable living accommoda-
11 tions;

12 “(II) access to drinking water
13 and food;

14 “(III) medical assistance in case
15 of emergencies; and

16 “(IV) any other service necessary
17 for the adequate care of a minor child.

18 “(3) PROTECTIVE CUSTODY OF ACCOMPANIED
19 ALIEN CHILDREN INELIGIBLE FOR HOUSING IN A
20 FAMILY RESIDENTIAL CENTER.—If an alien child de-
21 scribed in paragraph (1) may not be housed with the
22 accompanying parent of the alien child in a family
23 residential center under paragraph (2)(A), the alien
24 child shall be treated as an unaccompanied alien
25 child under the William Wilberforce Trafficking Vic-

1 tims Protection Reauthorization Act of 2008 (8
2 U.S.C. 1232 et seq.).

3 “(4) PRIORITIZATION OF ACCOMPANIED MINOR
4 AND FAMILY UNIT PROCEEDINGS.—To the maximum
5 extent practicable, the Secretary of Homeland Secu-
6 rity and the Attorney General shall prioritize civil
7 and criminal proceedings and decisions on requests
8 for relief from removal of accompanied alien children
9 and families who are in custody under this sub-
10 section.”.

11 (b) FAMILY RESIDENTIAL FACILITIES.—The Sec-
12 retary of Homeland Security shall enter into 1 or more
13 interagency agreements with the Attorney General to se-
14 cure additional family residential centers to house accom-
15 panied alien children and parents of such children under
16 section 235(e) of the Immigration and Nationality Act
17 during the pendency of civil or criminal proceedings.

18 (c) APPLICABILITY.—The amendments made by this
19 Act shall apply regardless of the date on which an action
20 giving rise to the admissibility or custody of the accom-
21 panied child or parent occurs.

22 **SEC. 3. ADDITIONAL FAMILY RESIDENTIAL CENTER CAPAC-**
23 **ITY.**

24 The Secretary of Homeland Security shall increase
25 the number of available family residential beds by not less

1 than 1,000, as compared to the number of beds available
2 on the date of enactment of this Act.

3 **SEC. 4. EMERGENCY IMMIGRATION JUDGE RESOURCES.**

4 The Attorney General shall increase the number of
5 immigration judge teams by not less than 225, as com-
6 pared to the number of immigration judge teams on the
7 date of enactment of this Act, including for the purpose
8 of conducting prioritized proceedings for accompanied
9 alien children and families—

10 (1) apprehended at or near the southwest bor-
11 der of the United States; or

12 (2) who are seeking admission to the United
13 States at a port of entry.