

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit dangerous deportation practices.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for
other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 At the end of title I, add the following:

2 **SEC. 1117. LIMITATIONS ON DANGEROUS DEPORTATION**
3 **PRACTICES.**

4 (a) CERTIFICATION REQUIRED.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, and every 180
7 days thereafter, the Secretary of shall, except as
8 provided in paragraph (2), certify in writing to Con-
9 gress that the Department will not deport or other-
10 wise remove a migrant from the United States
11 through an entry or exit point on Southern border—

1 (A) in a location where a dangerous lack of
2 public order would threaten the life and safety
3 of the migrant; or

4 (B) in a different sector from the sector
5 where the migrant was originally detained.

6 (2) EXCEPTION.—The certification required by
7 paragraph (1) shall not apply to the deportation or
8 removal of a migrant otherwise described in that
9 paragraph if—

10 (A) the manner of the deportation or re-
11 moval is justified by a compelling governmental
12 interest; or

13 (B) the migrant agrees to be deported or
14 removed in such manner after being notified of
15 the intended manner of deportation or removal
16 and being given the option of deportation or re-
17 moval to a safer or different sector.

18 (b) ADDITIONAL INFORMATION REQUIRED.—The
19 Secretary shall submit to Congress with each certification
20 required by subsection (a) the following information:

21 (1) The specific locations on the Southern bor-
22 der where lateral repatriations and deportations by
23 U.S. Immigration and Customs Enforcement have
24 occurred during the 180-day period preceding the
25 submission of the certification.

1 (2) An assessment of the risk factors described
2 in subsection (d) associated with each such location.

3 (c) PROHIBITION ON CONFISCATION OF PROP-
4 ERTY.—Notwithstanding any other provision of law, law-
5 ful, nonperishable belongings of a migrant that are con-
6 fiscated by personnel operating under Federal authority
7 shall be returned to the migrant before repatriation.

8 (d) DETERMINATIONS OF DANGEROUS LACK OF
9 PUBLIC ORDER.—For purposes of this section, the Sec-
10 retary shall determine if there is a dangerous lack of pub-
11 lic order in a location by assessing, at a minimum, the
12 following risk factors:

13 (1) Deportations taking place at that location
14 between 9 p.m. and 6 a.m.

15 (2) High rates of homicide and other violent
16 crimes or the presence and activities of organized
17 criminal groups in cities and towns in Mexico near
18 that location.

19 (3) The adequacy of infrastructure and social
20 services to receive migrants, such as temporary shel-
21 ter, in Mexico near that location.