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Statement of the American Immigration Lawyers Association

Submitted to the Committee on the Judiciary of the U.S. House of Representatives

June 14, 2017 Markup

Protection of Children Act of 2017 (H.R. 495)

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As the national bar association of more than 15,000 immigration lawyers and law professors, the American Immigration Lawyers Association (AILA) respectfully opposes the “Protection of Children Act of 2017” ([H.R. 495](#)). Far from protecting children, this bill would harm vulnerable child victims of violence. H.R. 495 would amend the Trafficking Victims Protection Reauthorization Act (TVPPRA) to undermine the fundamental principles governing the care and protection of unaccompanied children that have been developed over the past two decades. If passed, H.R. 495 would result in children who are eligible for, and desperately need, humanitarian protection in the United States being sent back to the violence they escaped. In addition H.R. 495 does the following:

- **Lowers due process standards for unaccompanied children** by subjecting *all* unaccompanied children to an expedited screening by Border Patrol rather than the Office of Refugee Resettlement (ORR). This bill waters down critical safeguards that ensure unaccompanied children are not returned to danger. Given the ongoing humanitarian situation in several Central American countries, Congress should not even contemplate lowering standards but should improve protections for all unaccompanied children.
- **Significantly lengthens the amount of time unaccompanied children would spend in DHS custody** before being transferred to the more child-appropriate custody of Health and Human Services (HHS). DHS facilities are unsuitable to care for children and the bill’s provision to lengthen DHS custody for children beyond 72 hours is immoral.
- **Before placing an unaccompanied child with an adult guardian, the bill requires the sponsor to provide their immigration status to DHS.** Yet the bill requires DHS to initiate removal proceedings against sponsors that are unlawfully present making it impossible for children to be reunified with undocumented family members. The bill would force the government to hold children in prolonged federal custody, which is contrary to long-standing child welfare and protection principles.
- **Changes the eligibility criteria in the Special Immigrant Juvenile Status definition** by granting protection only to children who suffered abuse, neglect, or abandonment at the hands of *both* parents and who cannot be reunified with *either* one. H.R. 495 would leave these children without the vital protection that legal immigration status can provide.

The current legal standards protecting unaccompanied children are among the most carefully developed in the world and we urge Congress not to scale back its protections for vulnerable children.

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AILA Doc. No. 17061336. (Posted 6/13/17)
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