

Section 1: Short Title and Purposes

- Stop Cruelty to Migrant Children Act

Section 2: Definitions

Section 3: Ensuring that Families Remain Together

- End all family separations except when authorized by a state court or child welfare agency, or when Customs and Border Protection and an independent child welfare specialist agree that a child is a trafficking victim, not the child of an accompanying adult, or is in danger of abuse or neglect.

Section 4: Health and Safety Protections for Detained Children

Protect Existing Legal Protections for Children

- Ensure that nothing in this Act jeopardizes the *Flores* Settlement Agreement and clarifies that family units are covered by the agreement.

CBP Prompt Medical Assessments

- Require a basic medical assessment by trained personnel of all children taken into DHS custody within 1 hour. Full medical evaluation required within 48 hours.
- In order to maintain sufficient medical staffing to achieve this standard, U.S. Public Health Service Commissioned Corps should be trained by the Office of Refugee Resettlement and deployed to border patrol stations, CBP processing facilities, and ORR shelters, as necessary.

CBP Detention Standards, Food, & Hygiene

- Require CBP to provide three meals a day that meet the Department of Agriculture's Nutrition Standards for School Meals.
- Require CBP to provide basic hygiene products, including include soap, a tooth brush with toothpaste, a change of clothes, towel, access to showers and toilets, feminine hygiene products, diapers, diaper rash ointment, and baby wipes. Facilities should also be equipped with appropriate temperature control and ventilation.
- Ensure individuals detained by CBP are given access to previously prescribed medication

ICE Detention Standards

- Requires ICE facilities to be compliant with the Performance-Based National Detention Standards developed by U.S. Immigration and Customs Enforcement in 2011, including the revisions issued in December 2016.

ORR Detention Standards

- Require the Office of Refugee Resettlement to execute new contracts for standard and influx shelters only with nonprofit entities operating shelters subject to:
 - State licensure, and
 - *Flores* settlement conditions, including the requirement for all children to be promptly placed in the least restrictive, non-secure, licensed facility, or "as expeditiously as possible," in the event of an emergency or influx.
- In approving new contracts for standard and influx facilities, ORR must give priority to facilities holding less than 100 unaccompanied children.

- Children cannot be sent from licensed facilities to unlicensed facilities except for family reunification on transitions out of care.

Section 5: Release of Families and Unaccompanied Children from Detention

ORR Detained Child to Staff Ratio

- Develop a staff-to-child ratio standard for Federal field specialists and third-party case coordinators. In the meantime, a ratio is set to one Federal field specialist per 50 unaccompanied children and one third-party case coordinator per 50 unaccompanied children. These positions are key to approving sponsors and moving children out of ORR facilities.
- Full time case managers should have a maximum 5 new cases per month (not to exceed 8 total active cases per month) or the state maximum, whichever is lower.
- Provide funding to hire more staff performing home study services.

Rescind Information Sharing Memorandum of Agreement

- Rescind the information sharing agreement between DHS and HHS, which allows HHS to share fingerprints and other information about potential sponsors with ICE for deportation, deterring family members from coming forward to sponsor children. Current policy included in the FY19 omnibus prevents ICE from using information received from HHS for deportation decisions, but not from receiving that information from HHS.

Family Case Management Program Expansion

- Fully fund the Family Case Management Program, and limit contractors to nonprofit entities with regionally specific expertise. During the 2016 pilot, families in the Family Case Management Program had a 99 percent compliance rate showing up for hearings according to the DHS Inspector General's analysis and costs 89% less than family detention.

Immigration Detention Priorities

- Prohibits detention of the following vulnerable populations, except in extraordinary circumstances:
 - a person known to suffer from a serious physical or mental illness;
 - a person who has a disability;
 - an elderly person;
 - is pregnant or breastfeeding woman;
 - a person under 18 years of age; or
 - a person who demonstrates that they are the primary caregiver of a person under 18 years of age or an infirm person; or
 - a person whose detention is otherwise not in the public interest.

Section 6: Improvements to Asylum Procedure

- In general, children cannot be turned away or delayed from crossing the border

Prohibit Border Patrol Acting as Asylum Officers

- Change definition of an asylum officer in the INA to include only USCIS employees.

USCIS Non-adversarial Asylum Processing

- Rescinds recent memo from USCIS that would make it harder for unaccompanied children to present asylum claims to USCIS in a non-adversarial setting.

Funding for Nonprofit Humanitarian/Respite Centers

- \$100 million per year to nonprofit respite centers and other providers caring for people released from DHS custody.

Section 7: Access by Counsel at Detention Facilities

Legal Assistance

- Fair Day in Court for Kids Act of 2019
 - This section requires the Secretary of Homeland Security to ensure that unaccompanied alien children have access to counsel inside all detention, holding, and border facilities.
- Require DHS to provide access to counsel for all detained people held in ICE, CBP, or HHS facilities, and authorize \$55 million to pay for this expansion through the Legal Orientation Program (LOP).

Section 8: Immigration Court Improvements

More Immigration Judges and Court Staff

- Hire 75 more immigration judges and court staff (75 law clerks & 300 support staff)
- Prohibit numeric judicial performance standards or other standards that could negatively impact the fair administration of justice by the immigration courts.
- Encourage merit based hiring on immigration judges.

Section 9: Accountability and Oversight

Data Reporting and Transparency

- Require weekly reporting to Congress on total number of children in custody at month end, broken out by age, by custody agency, by detention location, by average length of stay; number of children separated from family members at the end of each month; number of pregnant women in custody at month end, broken out by custody agency, by detention location; average duration of MPP wait time in Mexico, by month.
 - A monthly summary of this report will be made public on the DHS website.

Congressional Access to ORR, ICE, and CBP Facilities

- Allow Members of Congress and accompanying staff and credentialed press (without cameras) to visit any facility with 24 hour notice.