



Protection of Children Act of 2017

On January 12, 2017, Representative John Carter (R-Texas) introduced [H.R. 495](#), “Protection of Children Act of 2017.” The bill would provide for expedited removal of unaccompanied alien children (UACs) who are unable to prove they are victims of trafficking or have fear of returning to their country.

What would the Protection of Children Act do?

- **Eliminate differences between UACs from contiguous and non-contiguous countries.** The Protection of Children Act would allow Customs and Border Protection (CBP) officers to screen children from Central American countries and other non-contiguous countries for trafficking and fear of returning home within 48 hours, treating them in the same manner as children from Mexico and Canada.
 - A 48-hour window to screen and process a child is inadequate. Victims who face trauma —especially victims who are children — need more than a few hours to overcome the shock and horror of abuse, threats, sexual assault, and violence to disclose what they have experienced.
 - Expediting the screening process of these children would result in more victims going unidentified, leading many to be sent back to unstable, dangerous situations.
 - Honduras, Guatemala, and El Salvador are unsafe countries with spiraling crime and gang activity and some of the highest murder rates in the [world](#).
- **Move responsibility for initial asylum screening from trained asylum officers to CBP agents.** The bill would make CBP agents responsible for considering initial asylum claims by unaccompanied minors. The current practice of an asylum officer performing the screening provides children opportunities to articulate better their fears of returning home.
 - This change would increase responsibilities of CBP officers while decreasing their ability to actively patrol the border.
 - CBP officers may lack training in asylum applications and working with children, which could lead to incorrect decisions about whether a child has an eligible asylum claim that cannot be reviewed by a court.
- **Weaken UACs’ access to counsel.** The bill would remove the Department of Health and Human Services’ (HHS) ability to provide legal representation to children paid for by the government. Access to counsel is critical for UACs, who are unable to navigate the complicated immigration system on their own.
- **Keep UACs in DHS custody for longer.** The bill would permit DHS to hold a child for 30 days, instead of no more than 72 hours, before transferring the child to HHS custody. Long periods in custody have been shown to have [negative impacts](#) on children’s physical and mental health, such as suffering from depression, post-traumatic stress disorder, loss of appetite, and trouble sleeping.

- **Require the immigration status of a UAC's family member.** The Office of Refugee Resettlement (ORR) would need to collect an unaccompanied child's caretaker's immigration status and inform the Department of Homeland Security (DHS). If a caretaker is undocumented, DHS would be required to begin deportation proceedings. This change could force some parents to choose between leaving their children with strangers and placing themselves at risk of deportation.