



## HUMANE Act: Bill Summary

Sen. John Cornyn (R-Texas) and Rep. Henry Cuellar (D-Texas) introduced the Humanitarian Upgrades to Manage and Assist our Nation's Enforcement (HUMANE) Act of 2019 ([S. 1303/H.R. 2522](#)) on May 2, 2019.<sup>1</sup> This bicameral bill attempts to resolve the current humanitarian challenge at the Southern border.

The bill would permit longer-term family detention, expanding the amount of time that migrant children can remain in immigration facilities with their parents, and permit expedited departures of unaccompanied migrant children coming to the U.S. from countries other than Mexico and Canada, reversing existing limitations on that practice. The bill would also make it harder for individuals to apply for asylum, among other provisions. This document provides a summary of the bill's key provisions.

### Migrant Children

**Changes Treatment of Migrant Children in Family Units.** The bill would permit the indefinite detention of migrant children and their parents by requiring the Department of Homeland Security (DHS) to hold family units during the pendency of their immigration proceedings, which can take years. (*Section 2*).

- Establishes that the [Flores Settlement Agreement](#), which governs the conditions of children held in immigration detention, does not apply to migrant children who are apprehended with their parents along the Southern border. (*Section 2*).
- Requires DHS to verify the relationship between migrant children and their parents or other family members by photographing and collecting biometric information from apprehended migrant children, and provides for the use of DNA analysis. (*Sections 2 and 11*).
- Provides that migrant children apprehended with family members who are not their parents are to be treated as unaccompanied migrant children. (*Section 2*).
- Directs DHS and the Department of Justice (DOJ) to prioritize immigration court proceedings for migrant families in detention “[t]o the maximum extent practicable.” (*Section 2*).

**Changes Protections for Unaccompanied Migrant Children.** The bill would amend the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPPRA) to require that all unaccompanied migrant children (UACs) be subject to the contiguous country (*i.e.*, Mexico and Canada) screening. As a result, migrant children may withdraw their requests for admission to the U.S. without understanding the full consequences and with no immigration court hearing. Currently, migrant children from non-contiguous countries cannot be returned on an expedited basis and must be placed into the custody of the Office of Refugee Resettlement (ORR) during the pendency of proceedings (*Section 3*).

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<sup>1</sup> Sen. Cornyn and Rep. Cuellar previously introduced the HUMANE Act ([S. 2611/H.R. 5114](#)) on July 5, 2014, though a significant portion of the bill's provisions have changed.

- Provides that U.S. Customs and Border Protection (CBP) would screen all UACs within 48 hours of being apprehended to determine whether they are a trafficking victim, have fear of return and/or are otherwise admissible to the U.S. UACs that do not fit into those protected categories and are able to make an independent decision to withdraw their admission to the U.S. would be able to choose to return home without an immigration court hearing. (*Section 3*).
- Requires mandatory expedited removal for UACs who have committed a broad range of offenses, including entering the U.S. without documentation more than once when he or she knew the entry was unlawful. (*Section 3*).
- Directs DHS and DOJ to ensure immigration court proceedings for UACs are “prioritized and expeditiously adjudicated.” (*Section 3*).

**Limits Release of UACs to Sponsors.** The bill would limit the ability to place an UAC who is in removal proceedings with a nongovernmental sponsor unless the sponsor is the biological or adoptive parent of the child and is legally present in the U.S. (*i.e.*, not undocumented), among other requirements. The bill also establishes new requirements to conduct home studies to prevent UACs from being placed in the custody of dangerous individuals. (*Section 6*).

- Obligates HHS to provide DHS and DOJ with “any relevant information” about a UAC and his or her sponsor for law enforcement purposes, upon request, including immigration enforcement. (*Section 4*).
- Requires HHS to notify the governor of a state before placing an UAC into the care of a facility or sponsor in such state and to provide a monthly report to the governor on the number of UACs in the state by locality and age. (*Section 8*).

## **Asylum Seekers**

**Requires Arriving Asylum Seekers to Apply at Ports of Entry.** The bill would amend existing asylum law by requiring arriving migrants to apply for asylum at a designated port of entry. The bill makes individuals who arrived in the U.S. anywhere other than at a designated port of entry ineligible for asylum under most circumstances. (*Section 10*).

**Establishes Regional Processing Centers.** The bill directs DHS to establish at least four regional processing centers to process migrant families in “high traffic sectors” of the Border Patrol along the Southern border. (*Section 13*).

- Establishes that DHS would “expeditiously” transport all migrant families apprehended by CBP in such sectors to the nearest regional processing center for criminal history checks, DNA analysis, medical screenings, and asylum interviews and credible fear determinations, among other activities. (*Section 13*).
- Requires DOJ to assign at least two immigration judges to each regional processing center to adjudicate immigration proceedings of migrant families held in the centers. (*Section 13*).

## **Border Security and Immigration Enforcement**

**Authorizes Additional CBP and ICE Personnel.** The bill would authorize CBP to hire more than 600 Office of Field Operations (OFO) officers for the ports of entry each year until the total number of OFO officers equals the staffing levels recommended each year in CBP's Workload Staffing Model. The bill also authorizes Immigration and Customs Enforcement (ICE) to hire no fewer than 1,000 new Enforcement and Removal Operations (ERO) officers, 665 ERO support personnel, and 128 attorneys in the Office of the Principal Legal Advisor to assist with removal, asylum, and custody determination proceedings. (*Section 14*).

**Improves Port of Entry Infrastructure.** The bill would provide DHS with authority to construct new ports of entry along the Southern and Northern borders. The bill also requires DHS to modernize the top 10 high-priority ports of entry on the Southern border by September 30, 2021. (*Section 15*).

**Imposes New Bars on Visa Overstays.** The bill would make all individuals with nonimmigrant visas, such as tourist visas, ineligible for all immigration benefits or relief if they overstay their visa for a period of more than 30 days, with few exceptions, and to sign an acknowledgement confirming that they have been notified of such provisions. The bill directs DHS to detain individuals who subsequently overstay their visa and deport them through expedited removal within 90 days from the date they were detained. These provisions do not apply retroactively. (*Section 17*).

### **Other Provisions**

**Engagement with Mexico and Guatemala.** Within 270 days after the bill's enactment, DHS would be required to submit a strategy to Congress detailing how the U.S. should engage with the governments of Mexico and Guatemala regarding cooperation to secure the Mexico-Guatemala border. (*Section 16*).

**Reports to Congress.** The bill requires the federal government to submit a set of reports to Congress on UACs no later than September 30, 2020. One of the reports, to be submitted by HHS, must include a detailed summary of ORR facilities and contractors being used to house UACs, the number of UACs released to a sponsor with undocumented status, and an assessment of the extent to which HHS is making efforts to educate UACs about their legal rights and provide them access to pro bono counsel, along with other information. (*Section 9*).

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