



Bill Summary: Secure and Protect Act of 2019

Senator Lindsey Graham (R – South Carolina) [introduced](#) the Secure and Protect Act of 2019, [S.1494](#), on May 15, 2019. The bill would make the Flores Settlement Agreement that sets the current standards for detention of migrant children inapplicable, and thus allow for longer detention of children. It would also amend the Trafficking Victims Protection Reauthorization Act (TVPRA) to allow for expedited deportations of unaccompanied migrant children (UACs) from noncontiguous countries. In addition, the bill would require asylum seekers to apply for protections at refugee processing centers in Central America and Mexico and the U.S. authorities to hire new immigration judges.

Specifically, the Secure and Protect Act of 2019 would:

Migrant families:

- Allow for detention of any migrant children in removal proceedings apprehended with their parents or guardians.
- Extend the time that migrants children may spend in detention from the current 20 days established by the settlement agreement in *Flores v. Reno* (a class action lawsuit originally filed in 1985 that challenged the federal government's treatment, detention, and release of immigrant children) to 100 days.
- Prioritize removal proceedings of migrant children and families with children and set a 100-day completion goal within which an immigration court must decide such asylum cases.
- Gives the Secretary of Homeland Security sole discretion to determine standards for detention related to migrant children.
- Prohibits states from requiring that immigration family detention centers be licensed by the state.
- Restricts eligibility for Special Immigrants Juvenile status (SIJS) only to those who cannot reunify with either parent.

Unaccompanied children:

- Allow for the expedited deportation of UACs within 48 hours of their apprehensions. Current laws only subject children from contiguous countries - Mexico and Canada – to expedited deportation.
- Change the definition of “credible fear” to what is currently defined as “reasonable fear.” This change would require UACs to meet a higher standard of proof showing they are “more likely than not” to face persecution in their home countries, rather than the current standard of showing only a “significant possibility” of being persecuted or tortured if returned home. Require UACs to stay in Office of Refugee Resettlement (ORR) custody until decisions in their cases are final.
- Remove jurisdiction over UACs’ initial applications from asylum officers to immigration officers trained in applicable laws, interviewing minors, and child trafficking.
- Make the immigration officers’ decisions final and unreviewable.

Asylum seekers:

- Limit eligibility to claim asylum only to those individuals, who entered the U.S. at designated ports of entry
- Change the definition of “credible fear” to what is currently defined as “reasonable fear.” This change would require asylum seekers to meet a higher standard of proof showing they are “more likely than not” to face persecution in their home countries, rather than the current standard of showing only a “significant possibility” of being persecuted or tortured if returned home.
- Establish at least four refugee processing centers in Mexico and Central America, requiring asylum seekers from these as well as their neighboring countries to apply for asylum at the centers without entering the U.S.
- Requires a fee for applying for asylum at the refugee processing centers.
- Make refugee officers responsible for adjudicating cases submitted at the processing centers.
- Broaden the grounds of ineligibility for asylum to include any felonies and prior removals.

Immigration judges:

- Direct the Attorney General to increase the total number of immigration judges by at least 500 as well as increase support staff.