

AMENDMENT TO H.R. 5230
OFFERED BY MR. KING OF IOWA

Strike title I of division B and insert the following:

1 **TITLE I—PROTECTING**
2 **CHILDREN**

3 **SEC. 101. SAFE REMOVAL OF MINORS.**

4 (a) COUNTRY AGREEMENTS.—Section 235(a)(2) of
5 the William Wilberforce Trafficking Victims Protection
6 Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)) is
7 amended to read as follows:

8 “(2) COUNTRY AGREEMENTS.—The Secretary
9 of State shall negotiate agreements between the
10 United States and other countries with respect to
11 the repatriation of children. Such agreements shall
12 be designed to protect children from severe forms of
13 trafficking in persons, and shall, at a minimum, pro-
14 vide that—

15 “(A) no child shall be returned to the
16 child’s country of nationality or of last habitual
17 residence unless returned to appropriate em-
18 ployees or officials, including child welfare offi-
19 cials where available, of the accepting country’s
20 government;

1 “(B) no child shall be returned to the
2 child’s country of nationality or of last habitual
3 residence outside of reasonable business hours;
4 and

5 “(C) border personnel of the countries that
6 are parties to such agreements are trained in
7 the terms of such agreements.”.

8 (b) REPEALS.—Section 235(a) of the William Wilber-
9 force Trafficking Victims Protection Reauthorization Act
10 of 2008 (8 U.S.C. 1232(a)) is amended—

11 (1) by striking paragraphs (3) and (4);

12 (2) by striking paragraph (5)(D); and

13 (3) by redesignating paragraph (5) as para-
14 graph (3).

15 (c) SCREENING OF APPLICANTS FOR ADMISSION.—

16 Section 235(b)(1)(A)(i) of the Immigration and Nation-
17 ality Act (8 U.S.C. 1225(b)(1)(A)(i)) is amended by strik-

18 ing “(other than an alien described in subparagraph (F))”

19 and inserting “(including a child, whether or not the child

20 is an unaccompanied alien child (as defined in section

21 462(g)(2) of the Homeland Security Act of 2002 (6

22 U.S.C. 279(g))), but not including an alien described in

23 subparagraph (F))”.

1 **SEC. 102. CLARIFICATION OF INTENT REGARDING TAX-**
2 **PAYER-PROVIDED COUNSEL.**

3 Section 292 of the Immigration and Nationality Act
4 (8 U.S.C. 1362) is amended—

5 (1) by striking “(at no expense to the Govern-
6 ment)”; and

7 (2) by adding at the end the following:

8 “Notwithstanding any other provision of law, in no in-
9 stance shall the Government bear any expense for counsel
10 for any person in removal proceedings or in any appeal
11 proceedings before the Attorney General from any such
12 removal proceedings.”.

13 **SEC. 103. SPECIAL IMMIGRANT JUVENILE VISAS.**

14 Section 101(a)(27)(J)(i) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by
16 striking “and whose reunification with 1 or both of the
17 immigrant’s parents is not viable due” and inserting “and
18 who cannot be reunified with either of the immigrant’s
19 parents due”.

20 **SEC. 104. CREDIBLE FEAR INTERVIEWS.**

21 Section 235(b)(1)(B)(v) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
23 striking “208.” and inserting “208, and it is more prob-
24 able than not that the statements made by the alien in
25 support of the alien’s claim are true.”.

1 **SEC. 105. RECORDING EXPEDITED REMOVAL AND CRED-**
2 **IBLE FEAR INTERVIEWS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall establish quality assurance procedures and take
5 steps to effectively ensure that questions by employees of
6 the Department of Homeland Security exercising expe-
7 dited removal authority under section 235(b) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1225(b)) are asked
9 in a uniform manner, and that both these questions and
10 the answers provided in response to them are recorded in
11 a uniform fashion.

12 (b) FACTORS RELATING TO SWORN STATEMENTS.—
13 Where practicable, any sworn or signed written statement
14 taken of an alien as part of the record of a proceeding
15 under section 235(b)(1)(A) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
17 panied by a recording of the interview which served as the
18 basis for that sworn statement.

19 (c) INTERPRETERS.—The Secretary shall ensure that
20 a competent interpreter, not affiliated with the govern-
21 ment of the country from which the alien may claim asy-
22 lum, is used when the interviewing officer does not speak
23 a language understood by the alien and there is no other
24 Federal, State, or local government employee available
25 who is able to interpret effectively, accurately, and impar-
26 tially.

1 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—
2 Recordings of interviews of aliens subject to expedited re-
3 moval shall be included in the record of proceeding and
4 shall be considered as evidence in any further proceedings
5 involving the alien.

6 (e) NO PRIVATE RIGHT OF ACTION.—Nothing in this
7 section shall be construed to create any right, benefit,
8 trust, or responsibility, whether substantive or procedural,
9 enforceable in law or equity by a party against the United
10 States, its departments, agencies, instrumentalities, enti-
11 ties, officers, employees, or agents, or any person, nor does
12 this section create any right of review in any administra-
13 tive, judicial, or other proceeding.

14 **SEC. 106. PAROLE REFORM.**

15 (a) IN GENERAL.—Paragraph (5) of section 212(d)
16 (8 U.S.C. 1182(d)) is amended to read as follows:

17 “(5) HUMANITARIAN AND PUBLIC INTEREST
18 PAROLE.—

19 “(A) IN GENERAL.—Subject to the provi-
20 sions of this paragraph and section 214(f)(2),
21 the Secretary of Homeland Security, in the sole
22 discretion of the Secretary of Homeland Secu-
23 rity, may on a case-by-case basis parole an alien
24 into the United States temporarily, under such

1 conditions as the Secretary of Homeland Secu-
2 rity may prescribe, only—

3 “(i) for an urgent humanitarian rea-
4 son (as described under subparagraph
5 (B)); or

6 “(ii) for a reason deemed strictly in
7 the public interest (as described under sub-
8 paragraph (C)).

9 “(B) HUMANITARIAN PAROLE.—The Sec-
10 retary of Homeland Security may parole an
11 alien based on an urgent humanitarian reason
12 described in this subparagraph only if—

13 “(i) the alien has a medical emergency
14 and the alien cannot obtain necessary
15 treatment in the foreign state in which the
16 alien is residing or the medical emergency
17 is life-threatening and there is insufficient
18 time for the alien to be admitted through
19 the normal visa process;

20 “(ii) the alien is needed in the United
21 States in order to donate an organ or
22 other tissue for transplant into a close
23 family member; or

24 “(iii) the alien has a close family
25 member in the United States whose death

1 is imminent and the alien could not arrive
2 in the United States in time to see such
3 family member alive if the alien were to be
4 admitted through the normal visa process.

5 “(C) PUBLIC INTEREST PAROLE.—The
6 Secretary of Homeland Security may parole an
7 alien based on a reason deemed strictly in the
8 public interest described in this subparagraph
9 only if the alien has assisted the United States
10 Government in a matter, such as a criminal in-
11 vestigation, espionage, or other similar law en-
12 forcement activity, and either the alien’s pres-
13 ence in the United States is required by the
14 Government or the alien’s life would be threat-
15 ened if the alien were not permitted to come to
16 the United States.

17 “(D) LIMITATION ON THE USE OF PAROLE
18 AUTHORITY.—The Secretary of Homeland Se-
19 curity may not use the parole authority under
20 this paragraph to permit to come to the United
21 States aliens who have applied for and have
22 been found to be ineligible for refugee status or
23 any alien to whom the provisions of this para-
24 graph do not apply.

1 “(E) PAROLE NOT AN ADMISSION.—Parole
2 of an alien under this paragraph shall not be
3 considered an admission of the alien into the
4 United States. When the purposes of the parole
5 of an alien have been served, as determined by
6 the Secretary of Homeland Security, the alien
7 shall immediately return or be returned to the
8 custody from which the alien was paroled and
9 the alien shall be considered for admission to
10 the United States on the same basis as other
11 similarly situated applicants for admission.

12 “(F) REPORT TO CONGRESS.—Not later
13 than 90 days after the end of each fiscal year,
14 the Secretary of Homeland Security shall sub-
15 mit a report to the Committees on the Judici-
16 ary of the House of Representatives and the
17 Senate describing the number and categories of
18 aliens paroled into the United States under this
19 paragraph. Each such report shall contain in-
20 formation and data concerning the number and
21 categories of aliens paroled, the duration of pa-
22 role, and the current status of aliens paroled
23 during the preceding fiscal year.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on the first day of the first

1 month beginning more than 60 days after the date of the
2 enactment of this Act.

3 **SEC. 107. REPORT TO CONGRESS ON PAROLE PROCEDURES**
4 **AND STANDARDIZATION OF PAROLE PROCE-**
5 **DURES.**

6 (a) IN GENERAL.—The Attorney General and the
7 Secretary of Homeland Security shall jointly conduct a re-
8 view, and report to the Judiciary Committees of the House
9 of Representatives and the Senate, not later than 180 days
10 after the date of the enactment of this Act, and annually
11 thereafter, regarding the effectiveness of parole and cus-
12 tody determination procedures applicable to aliens who
13 have established a credible fear of persecution and are
14 awaiting a final determination regarding their asylum
15 claim by the immigration courts. The report shall include
16 the following:

17 (1) An analysis of the rate at which release
18 from detention (including release on parole) is grant-
19 ed to aliens who have established a credible fear of
20 persecution and are awaiting a final determination
21 regarding their asylum claim by the immigration
22 courts throughout the United States, and any dis-
23 parity that exists between locations or geographical
24 areas, including explanation of the reasons for this
25 disparity and what actions are being taken to have

1 consistent and uniform application of the standards
2 for granting parole.

3 (2) An analysis of the effect of the procedures
4 and policies applied with respect to parole and cus-
5 tody determinations both by the Attorney General
6 and the Secretary on the alien's pursuit of their asy-
7 lum claim before an immigration court.

8 (3) An analysis of the effectiveness of the pro-
9 cedures and policies applied with respect to parole
10 and custody determinations both by the Attorney
11 General and the Secretary in securing the alien's
12 presence at the immigration court proceedings.

13 (b) RECOMMENDATIONS.—The report should include
14 recommendations with respect to whether the existing pa-
15 role and custody determination procedures applicable to
16 aliens who have established a credible fear of persecution
17 and are awaiting a final determination regarding their
18 asylum claim by the immigration courts both respect the
19 interests of aliens and ensure the presence of the aliens
20 at the immigration court proceedings. The report should
21 include an assessment on corresponding failure to appear
22 rates, inabsentia orders, and absconders.

1 **SEC. 108. GROUNDS OF INADMISSIBILITY AND DEPORT-**
2 **ABILITY FOR ALIEN GANG MEMBERS.**

3 (a) DEFINITION OF GANG MEMBER.—Section 101(a)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1101(a)) is amended by adding at the end the following:

6 “(53)(A) The term ‘criminal gang’ means an ongoing
7 group, club, organization, or association of 5 or more per-
8 sons that has as one of its primary purposes the commis-
9 sion of 1 or more of the following criminal offenses and
10 the members of which engage, or have engaged within the
11 past 5 years, in a continuing series of such offenses, or
12 that has been designated as a criminal gang by the Sec-
13 retary of Homeland Security, in consultation with the At-
14 torney General, as meeting these criteria. The offenses de-
15 scribed, whether in violation of Federal or State law or
16 foreign law and regardless of whether the offenses oc-
17 curred before, on, or after the date of the enactment of
18 this paragraph, are the following:

19 “(i) A ‘felony drug offense’ (as defined in sec-
20 tion 102 of the Controlled Substances Act (21
21 U.S.C. 802)).

22 “(ii) An offense under section 274 (relating to
23 bringing in and harboring certain aliens), section
24 277 (relating to aiding or assisting certain aliens to
25 enter the United States), or section 278 (relating to
26 importation of alien for immoral purpose).

1 “(iii) A crime of violence (as defined in section
2 16 of title 18, United States Code).

3 “(iv) A crime involving obstruction of justice,
4 tampering with or retaliating against a witness, vic-
5 tim, or informant, or burglary.

6 “(v) Any conduct punishable under sections
7 1028 and 1029 of title 18, United States Code (re-
8 lating to fraud and related activity in connection
9 with identification documents or access devices), sec-
10 tions 1581 through 1594 of such title (relating to
11 peonage, slavery and trafficking in persons), section
12 1952 of such title (relating to interstate and foreign
13 travel or transportation in aid of racketeering enter-
14 prises), section 1956 of such title (relating to the
15 laundering of monetary instruments), section 1957
16 of such title (relating to engaging in monetary trans-
17 actions in property derived from specified unlawful
18 activity), or sections 2312 through 2315 of such title
19 (relating to interstate transportation of stolen motor
20 vehicles or stolen property).

21 “(vi) A conspiracy to commit an offense de-
22 scribed in clauses (i) through (v).

23 “(B) Notwithstanding any other provision of law (in-
24 cluding any effective date), the term applies regardless of

1 whether the conduct occurred before, on, or after the date
2 of the enactment of this paragraph.”.

3 (b) INADMISSIBILITY.—Section 212(a)(2) of such Act
4 (8 U.S.C. 1182(a)(2)) is amended by adding at the end
5 the following:

6 “(J) ALIENS ASSOCIATED WITH CRIMINAL
7 GANGS.—Any alien is inadmissible who a con-
8 sular officer, the Secretary of Homeland Secu-
9 rity, or the Attorney General knows or has rea-
10 son to believe—

11 “(i) to be or to have been a member
12 of a criminal gang (as defined in section
13 101(a)(53)); or

14 “(ii) to have participated in the activi-
15 ties of a criminal gang (as defined in sec-
16 tion 101(a)(53)), knowing or having reason
17 to know that such activities will promote,
18 further, aid, or support the illegal activity
19 of the criminal gang.”.

20 (c) DEPORTABILITY.—Section 237(a)(2) of the Im-
21 migration and Nationality Act (8 U.S.C. 1227(a)(2)) is
22 amended by adding at the end the following:

23 “(G) ALIENS ASSOCIATED WITH CRIMINAL
24 GANGS.—Any alien is deportable who the Sec-

1 retary of Homeland Security or the Attorney
2 General knows or has reason to believe—

3 “(i) is or has been a member of a
4 criminal gang (as defined in section
5 101(a)(53)); or

6 “(ii) has participated in the activities
7 of a criminal gang (as so defined), knowing
8 or having reason to know that such activi-
9 ties will promote, further, aid, or support
10 the illegal activity of the criminal gang.”.

11 (d) DESIGNATION.—

12 (1) IN GENERAL.—Chapter 2 of title II of the
13 Immigration and Nationality Act (8 U.S.C. 1181 et
14 seq.) is amended by inserting after section 219 the
15 following:

16 “DESIGNATION

17 “SEC. 220. (a) IN GENERAL.—The Secretary of
18 Homeland Security, in consultation with the Attorney
19 General, and the Secretary of State may designate a group
20 or association as a criminal street gang if their conduct
21 is described in section 101(a)(53) or if the group or asso-
22 ciation conduct poses a significant risk that threatens the
23 security and the public safety of United States nationals
24 or the national security, homeland security, foreign policy,
25 or economy of the United States.

1 “(b) EFFECTIVE DATE.—Designations under sub-
2 section (a) shall remain in effect until the designation is
3 revoked after consultation between the Secretary of Home-
4 land Security, the Attorney General, and the Secretary of
5 State or is terminated in accordance with Federal law.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents for such Act is amended by inserting after the
8 item relating to section 219 the following:

“220. Designation.”.

9 (e) MANDATORY DETENTION OF CRIMINAL STREET
10 GANG MEMBERS.—

11 (1) IN GENERAL.—Section 236(c)(1)(D) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1226(c)(1)(D)) is amended—

14 (A) by inserting “or 212(a)(2)(J)” after
15 “212(a)(3)(B)”; and

16 (B) by inserting “237(a)(2)(G) or” before
17 “237(a)(4)(B)”.

18 (2) ANNUAL REPORT.—Not later than March 1
19 of each year (beginning 1 year after the date of the
20 enactment of this Act), the Secretary of Homeland
21 Security, after consultation with the appropriate
22 Federal agencies, shall submit a report to the Com-
23 mittees on the Judiciary of the House of Represent-
24 atives and of the Senate on the number of aliens de-

1 tained under the amendments made by paragraph
2 (1).

3 (f) ASYLUM CLAIMS BASED ON GANG AFFILI-
4 ATION.—

5 (1) INAPPLICABILITY OF RESTRICTION ON RE-
6 MOVAL TO CERTAIN COUNTRIES.—Section
7 241(b)(3)(B) of the Immigration and Nationality
8 Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the
9 matter preceding clause (i), by inserting “who is de-
10 scribed in section 212(a)(2)(J)(i) or section
11 237(a)(2)(G)(i) or who is” after “to an alien”.

12 (2) INELIGIBILITY FOR ASYLUM.—Section
13 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A))
14 is amended—

15 (A) in clause (v), by striking “or” at the
16 end;

17 (B) by redesignating clause (vi) as clause
18 (vii); and

19 (C) by inserting after clause (v) the fol-
20 lowing:

21 “(vi) the alien is described in section
22 212(a)(2)(J)(i) or section 237(a)(2)(G)(i)
23 (relating to participation in criminal street
24 gangs); or”.

1 (g) TEMPORARY PROTECTED STATUS.—Section 244
2 of such Act (8 U.S.C. 1254a) is amended—

3 (1) by striking “Attorney General” each place
4 it appears and inserting “Secretary of Homeland Se-
5 curity”;

6 (2) in subparagraph (c)(2)(B)—

7 (A) in clause (i), by striking “or” at the
8 end;

9 (B) in clause (ii), by striking the period
10 and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(iii) the alien is, or at any time after
13 admission has been, a member of a crimi-
14 nal gang (as defined in section
15 101(a)(53)).”; and

16 (3) in subsection (d)—

17 (A) by striking paragraph (3); and

18 (B) in paragraph (4), by adding at the end
19 the following: “The Secretary of Homeland Se-
20 curity may detain an alien provided temporary
21 protected status under this section whenever
22 appropriate under any other provision of law.”.

23 (h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section
24 101(a)(27)(J)(iii) of the Immigration and Nationality Act
25 (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

- 1 (1) in subclause (I), by striking “and”;
- 2 (2) in subclause (II), by inserting “and” at the
3 end; and
- 4 (3) by adding at the end the following:
- 5 “(III) no alien who is, or was at any
6 time after admission has been, a member
7 of a criminal gang (as defined in section
8 101(a)(53)) shall be eligible for any immi-
9 gration benefit under this subparagraph;”.

10 (i) **EFFECTIVE DATE.**—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act and shall apply to acts that occur before, on,
13 or after the date of the enactment of this Act.

14 **SEC. 109. UNACCOMPANIED ALIEN CHILD DEFINED.**

15 Section 462(g)(2) of the Homeland Security Act of
16 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

- 17 “(2) The term ‘unaccompanied alien child’—
- 18 “(A) means an alien who—
- 19 “(i) has no lawful immigration status
20 in the United States;
- 21 “(ii) has not attained 18 years of age;
- 22 and
- 23 “(iii) with respect to whom—
- 24 “(I) there is no parent or legal
25 guardian in the United States;

1 “(II) no parent or legal guardian
2 in the United States is available to
3 provide care and physical custody; or

4 “(III) no sibling over 18 years of
5 age, aunt, uncle, grandparent, or
6 cousin over 18 years of age is avail-
7 able to provide care and physical cus-
8 tody; except that

9 “(B) such term shall cease to include an
10 alien if at any time a parent, legal guardian,
11 sibling over 18 years of age, aunt, uncle, grand-
12 parent, or cousin over 18 years of age of the
13 alien is found in the United States and is avail-
14 able to provide care and physical custody (and
15 the Secretary of Homeland Security and the
16 Secretary of Health and Human Services shall
17 revoke accordingly any prior designation of the
18 alien under this paragraph).”.

19 **SEC. 110. MODIFICATIONS TO PREFERENTIAL AVAIL-**
20 **ABILITY FOR ASYLUM FOR UNACCOMPANIED**
21 **ALIEN MINORS.**

22 Section 208 of the Immigration and Nationality Act
23 (8 U.S.C. 1158) is amended—

24 (1) by striking subsection (a)(2)(E); and

25 (2) by striking subsection (b)(3)(C).

1 **SEC. 111. NOTIFICATION AND TRANSFER OF CUSTODY RE-**
2 **GARDING UNACCOMPANIED ALIEN MINORS.**

3 Section 235(b) of the William Wilberforce Trafficking
4 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
5 1232(b)) is amended—

6 (1) in paragraph (2), by striking “48 hours”
7 and inserting “7 days”; and

8 (2) in paragraph (3), by striking “72 hours”
9 and inserting “30 days”.

10 **SEC. 112. INFORMATION SHARING BETWEEN DEPARTMENT**
11 **OF HEALTH AND HUMAN SERVICES AND DE-**
12 **PARTMENT OF HOMELAND SECURITY.**

13 Section 235(b) of the William Wilberforce Trafficking
14 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
15 1232(b)) is amended by adding at the end the following:

16 “(5) INFORMATION SHARING.—The Secretary
17 of Health and Human Services shall share with the
18 Secretary of Homeland Security any information re-
19 quested on a child who has been determined to be
20 an unaccompanied alien child and who is or has
21 been in the custody of the Secretary of Health and
22 Human Services, including the location of the child
23 and any person to whom custody of the child has
24 been transferred, for any legitimate law enforcement
25 objective, including enforcement of the immigration
26 laws.”.

1 **SEC. 113. SAFE THIRD COUNTRY.**

2 Section 208(a)(2)(A) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

4 (1) by striking “Attorney General” and insert-
5 ing “Secretary of Homeland Security”; and

6 (2) by striking “removed, pursuant to a bilat-
7 eral or multilateral agreement, to” and inserting
8 “removed to”.

9 **SEC. 114. ADDITIONAL IMMIGRATION JUDGES AND ICE**
10 **PROSECUTORS.**

11 (a) EXECUTIVE OFFICE FOR IMMIGRATION RE-
12 VIEW.—Subject to the availability of appropriations, in
13 each of fiscal years 2014 through 2016, the Attorney Gen-
14 eral shall increase by not less than 50 the number of posi-
15 tions for full-time immigration judges within the Executive
16 Office for Immigration Review above the number of such
17 positions for which funds were allotted for fiscal year
18 2013.

19 (b) IMMIGRATION AND CUSTOMS ENFORCEMENT OF-
20 FICE OF THE PRINCIPAL LEGAL ADVISOR.—Subject to
21 the availability of appropriations, in each of fiscal years
22 2014 through 2016, the Secretary of Homeland Security
23 shall increase by not less than 60 the number of positions
24 for full-time trial attorneys within the Immigration and
25 Customs Enforcement Office of the Principal Legal Advi-

1 sor above the number of such positions for which funds
2 were allotted for fiscal year 2013.

3 **SEC. 115. MINORS IN CUSTODY.**

4 (a) MINORS IN DEPARTMENT OF HEALTH AND
5 HUMAN SERVICES CUSTODY.—Section 235(c)(2) of the
6 William Wilberforce Trafficking Victims Protection Reau-
7 thorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended
8 by striking the last two sentences.

9 (b) MINORS IN EXPEDITED REMOVAL PRO-
10 CEEDINGS.—Section 235(b)(1)(B)(ii) of the Immigration
11 and Nationality Act (8 U.S.C. 1225(b)(1)(B)(ii)) is
12 amended by striking “asylum.” and inserting “asylum (or
13 may be detained if the alien is an unaccompanied alien
14 child (as defined in section 462(g)(2) of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 279(g))).”.

16 **SEC. 116. LIMITATION ON DEFERRED ACTION FOR CHILD-**
17 **HOOD ARRIVALS; RESTRICTIONS ON EMPLOY-**
18 **MENT AUTHORIZATION FOR ALIENS NOT IN**
19 **LAWFUL STATUS.**

20 No agency or instrumentality of the Federal Govern-
21 ment may use Federal funding or resources—

22 (1) to consider or adjudicate any new or pre-
23 viously denied application of any alien requesting
24 consideration of deferred action for childhood arriv-

1 als, as authorized by Executive memorandum on Au-
2 gust 15, 2012; or

3 (2) to authorize any alien to work in the United
4 States if such alien—

5 (A) was not lawfully admitted into the
6 United States in compliance with the Immigra-
7 tion and Nationality Act (8 U.S.C. 1101 et
8 seq.); and

9 (B) is not in lawful status in the United
10 States on the date of the enactment of this Act.

11 **SEC. 117. PROTECTING CHILDREN FROM HUMAN TRAF-**
12 **FICKERS, SEX OFFENDERS, AND OTHER**
13 **CRIMINALS.**

14 Section 235(c)(3) of the William Wilberforce Traf-
15 ficking Victims Protection Reauthorization Act of 2008 (8
16 U.S.C. 1232(c)(3)) is amended—

17 (1) in subparagraph (A), by inserting “, includ-
18 ing a mandatory biometric criminal history check”
19 before the period at the end; and

20 (2) by adding at the end the following—

21 “(D) PROHIBITION ON PLACEMENT WITH
22 SEX OFFENDERS AND HUMAN TRAFFICKERS.—

23 “(i) IN GENERAL.—The Secretary of
24 Health and Human Services may not place
25 an unaccompanied alien child in the cus-

1 tody of an individual who has been con-
2 victed of—

3 “(I) a sex offense (as defined in
4 section 111 of the Sex Offender Reg-
5 istration and Notification Act (42
6 U.S.C. 16911)); or

7 “(II) a crime involving a severe
8 form of trafficking in persons (as de-
9 fined in section 103 of the Trafficking
10 Victims Protection Act of 2000 (22
11 U.S.C. 7102)).

12 “(ii) REQUIREMENTS OF CRIMINAL
13 BACKGROUND CHECK.—A biometric crimi-
14 nal history check under subparagraph (A)
15 shall be based on a set of fingerprints or
16 other biometric identifiers and conducted
17 through—

18 “(I) the Federal Bureau of Inves-
19 tigation; and

20 “(II) criminal history repositories
21 of all States that the individual lists
22 as current or former residences.”.

1 **SEC. 118. INCLUSION OF ADDITIONAL GROUNDS FOR PER**
2 **SE INELIGIBILITY FOR ASYLUM.**

3 Section 208(b)(2)(A)(iii) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1158(b)(2)(A)(iii)) is amended by
5 inserting after “a serious nonpolitical crime” the fol-
6 lowing: “(including any drug-related offense punishable by
7 a term of imprisonment greater than 1 year)”.

