

SECURE THE NORTHERN TRIANGLE ACT

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Introduced July 14, 2016

H.R. _____

Section-by-Section Summary

TITLE I—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION

Subtitle A—Strengthening the Capacity of Central American Governments to Protect and Provide for Their Own People

Section 111: Authorization of appropriations for United States strategy for engagement in Central America

Authorizes \$1.040 billion in FY17 for assistance to El Salvador, Honduras and Guatemala to strengthen their judicial and law enforcement systems; combat corruption and the narcotics trade; counter armed criminal gangs, organized crime, human smugglers, and traffickers; strengthen democratic governance, and address the underlying causes of poverty and inequality, and improve economic development.

Section 112: Strengthening the rule of law and combating corruption

Directs \$260 million of the amount appropriated in section 111, to be made available to the Department of State and the U.S. Agency for International Development to strengthen the rule of law, combat corruption, consolidate democratic governance, and defend human rights.

Section 113: Combating criminal violence and improving citizen security

Directs \$260 million of the amount appropriated in section 111, to be made available to the Department of State and the U.S. Agency for International Development to counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations and human smugglers.

Section 114: Tacking extreme poverty and advancing economic development

Directs \$230 million of the amount appropriated in section 111, to be made available to the Department of State and the U.S. Agency for International Development to address the underlying causes of poverty and inequality and to improve economic development. This also includes funding to improve the reintegration of returned migrants back into society. Finally, it includes a \$15 million transfer to the Inter-American Foundation.

Subtitle B—Conditions, Limitations, and Certifications on United States Assistance

Section 121: Assistance funding available without condition

Authorizes the 25 percent of funds authorized for government-to-government assistance under the U.S. Strategy for Engagement in Central America is available immediately.

Section 122: Conditions on assistance related to smuggling, screening and safety of migrants

Authorizes that 25 percent of funds authorized for government-to-government assistance is available only after it is certified to Congress that the governments of the Northern Triangle have taken effective steps to combat human smuggling, facilitate repatriation from the U.S. of migrants who do not qualify for refugee or protected status, improve safe reintegration services, and cooperate with the United Nations High Commissioner for Refugees (UNHCR) to improve protections for vulnerable populations.

Section 123: Conditions on assistance related to progress on specific issues

Authorizes that 50 percent of funds authorized for government-to-government assistance is available only after it is certified to Congress that the governments of the Northern Triangle have taken effective steps to combat corruption, strengthen judicial independence, counter organized crime, improve civilian policing, implement campaign finance reform, increase government revenues, resolve commercial disputes, and protect journalists, trade unionists, and human rights defenders.

Subtitle C—Effectively Coordinating United States Engagement in Central America

Section 131: United States Coordinator for Engagement in Central America

Directs the President to appoint a senior official to coordinate all of the Federal Government’s efforts in the Northern Triangle and cooperation with international partners to strengthen the rule of law, improve citizens security, and advance economic development, including coordination between the Departments of State, Homeland Security, Justice, Treasury, and Defense, as well as the U.S. Agency for International Development and the Overseas Private Investment Corporation.

Subtitle D—Targeting Assistance to Appropriate Communities in the Northern Triangle

Section 141: Targeting Assistance to Appropriate Communities

Requires the Comptroller General to produce a report showing the number of children migrating from each community or geographic area in the Northern Triangle to the United States and an assessment of whether U.S. foreign assistance is reaching the communities from which children are migrating.

Subtitle E—Regional Millenium Challenge Corporation Compacts

Section 151: MCC Compacts

Authorizes the Millenium Challenge Corporation (MCC) to fund regional compacts. The Northern Triangle countries – among other regions – would be eligible to compete for such compacts.

Subtitle F—United States Leadership for Engaging International Donors and Partners

Section 141: Requirement for strategy to secure support of international donors and partners

Directs the Secretary of State to develop and implement a strategy to secure the support of international donors and partners for the implementation of U.S. Strategy for Engagement in Central America, including support from the Government of Mexico, the Government of Colombia, the Inter-American Development Bank, the Organization of American States, the World Bank, and the International Monetary Fund.

TITLE II—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES

Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies to Target Smugglers and Traffickers

Section 211: Enhanced International Cooperation to Combat Human Smuggling and Trafficking

This section directs the Attorney General and the Secretary of Homeland Security to increase their international partnerships to combat human smuggling and trafficking in Mexico and the Northern Triangle. These partnerships include, but are not limited to, transnational criminal investigative units that train trusted law enforcement partners in the affected countries, the Bilateral Human Trafficking Enforcement Initiative with Mexican law enforcement, and advanced training programs for investigators and prosecutors from Mexico and the Northern Triangle. The section appropriates such sums as necessary to carry out these partnership programs.

Section 212: Enhanced Investigation and Prosecution of Human Smuggling and Trafficking

This section directs the Attorney General and the Secretary of Homeland Security to expand efforts to investigate and prosecute human smuggling and trafficking targeting children and families from the Northern Triangle, including but not limited to the continuation and expansion of anti-trafficking coordination teams that enable the two departments to coordinate their efforts to target such smuggling and trafficking networks. The section also directs the Secretary of Homeland Security to increase the resources within the Homeland Security Investigations division of Immigration and Customs Enforcement available to target such smuggling and trafficking operations. This section authorizes such sums as necessary to carry out these activities.

Section 213: Information Campaign on Dangers of Migration

This section directs the Secretary of Homeland Security, in consultation with the Secretary of State, to design and implement a public information campaign to warn potential migrants from the Northern Triangle about the dangers of the journey through Mexico to the United States, and the reality of U.S. immigration law and policy. It directs that these information campaigns be targeted at populations and localities with the highest migration rates; employ a variety of communications media; and be developed in consultation with program officials and other

entities in close contact with migrant populations from the Northern Triangle, including repatriated migrants.

Subtitle B—Strengthening the Ability of the United States Government to Crack Down on Smugglers, Traffickers, and Drug Cartels

Section 221: Enhanced penalties for organized smuggling schemes

This section creates new criminal penalties for smugglers who, acting for profit or financial gain, engage in a scheme to smuggle 10 or more individuals (other than a parent, spouse, or child) to enter or attempt to enter the United States in violation of U.S. immigration laws. The penalty includes fines, imprisonment for not more than 15 years, or both. The section also adds the crime of sexual assault to the current enhanced criminal penalty for anyone violating the existing smuggling and harboring statute. Lastly, the section adds a fine to the existing criminal penalty for bulk cash smuggling.

Section 222: Expanding financial sanctions on narcotics trafficking and money laundering

Directs the Secretaries of Treasury, State, and Defense, as well as the Attorney General and the Director of Central Intelligence to expand implementation of the Foreign Narcotics Kingpin Designation Act by increasing the identification and application of sanctions against significant foreign narcotics traffickers, their organizations and networks and the foreign persons who provide them material support.

TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION

Subtitle A—Providing Alternative Safe Havens in Mexico and the Region

Section 311: Strengthening internal asylum systems in Mexico and other countries

This section requires the Secretary of State, in consultation with the Secretary of Homeland Security, to work with international partners, including the United Nations High Commissioner for Refugees, to support and provide technical assistance to strengthen the domestic capacity of Mexico and other countries in the region to provide asylum to eligible individuals, particularly women and children. Such support and technical assistance should include establishing and expanding in-country reception centers and shelter capacity; improving the asylum screening process and the registration system; creating a corps of trained asylum officers; and developing capacity to conduct best interest determinations for unaccompanied children. This section also requires the Secretary of State, in consultation with the Secretary of Homeland Security, to submit a report describing plans to assist in developing asylum processing capabilities to listed committees in Congress.

Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement

Section 321: Expanding refugee processing in Mexico and Central America for third country resettlement.

This section requires the Secretary of State, in consultation with the Secretary of Homeland Security, to work with international partners, including the United Nations High Commissioner for Refugees, to support and provide technical assistance to Mexico and other countries in the region to increase access to global resettlement for eligible individuals with protection needs, particularly women and children. Such support and technical assistance should include establishing in-country refugee reception centers; improving refugee registration systems and security screening; creating a corps of trained refugee officers; and developing capacity to conduct best interest determinations for unaccompanied children. This section also requires the Secretary of State, in consultation with the Secretary of Homeland Security, to submit a report describing plans to assist in developing refugee processing capabilities to listed committees in Congress

Subtitle C—Improving the Efficiency of the Central American Minors Program

Section 331: Expansion

This section requires U.S. Citizenship and Immigration Services to increase the resources directed to the Central American Minors (CAM) Refugee and Parole Program, including increasing refugee officers for in-country processing and establishing additional site locations.

Section 332: Expedited Processing

This section requires U.S. Citizenship and Immigration Services to make a final determination on applications for protection under the Central American Minors (CAM) Refugee and Parole Program within 180 days, unless the security screening cannot be completed during the time period.

Section 333: Referral to UNHCR

This section requires U.S. Citizenship and Immigration Services or the State Department’s Bureau of Population, Refugees, and Migration to refer any child who is the proposed beneficiary of an application under the Central American Minors (CAM) Refugee and Parole Program and who is facing immediate risk of harm to the United Nations High Commissioner for Refugees for registration and safe passage to an established emergency transit center for refugees.

TITLE IV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER

Section 401: Definitions; authorization of appropriations

Defines certain terms used in Title IV, and authorizes funding to carry out activities by the Department of Health and Human Services and Department of Education pertaining to monitoring unaccompanied alien children while in the United States, overseeing the safety and well-being of unaccompanied alien children being placed with a sponsor, and providing funds to states and school districts.

Subtitle A—Strengthening the Government’s Ability to Oversee the Safety and Well-being of Children

Section 411: Background checks to ensure the safe placement of unaccompanied alien children

Requires the Director of the Office of Refugee Resettlement to perform record checks of prospective sponsors and adults in the sponsor’s home prior to placement of an unaccompanied alien child with a sponsor. Checks are conducted solely for the purpose of determining whether a potential sponsor is a suitable sponsor for placement of an unaccompanied alien child. These checks include fingerprint-based checks of the national crime information databases, and searches of State criminal registries, National Sex Offender Registry, and State child abuse and neglect registries and databases. The Director of the Office of Refugee Resettlement is provided authority to make placement determination that are in the best interest of the child, but certain felonies disqualify people who are not the parent or legal guardian of the child from serving as a sponsor. Agencies maintaining the records must have an appeals process, which must be completed within 30-days, and the Secretary must provide information to prospective sponsors on how to appeal the results of a record check. Authorizes funding for these activities.

Section 412: Responsibility of sponsor for immigration court compliance and child well-being

Requires the Secretary of Health and Human Services, in consultation with the Attorney General, to establish procedures to ensure all sponsors know their rights and responsibilities prior to placement of an unaccompanied alien child in their home, including responsibilities related to appearance in immigration court, enrollment of the child in school, provide health care, report potential trafficking, how to seek assistance if necessary, and complaint procedures.

Section 413: Monitoring unaccompanied alien children

Specifies minimum requirements related to monitoring unaccompanied alien children after being placed with a sponsor, including the need for the Department of Health and Human Services to complete an individualized assessment of the need for services following placement and during removal proceedings, a case management visit to the child, and, if needed, orientation services for the sponsor and their family. Requires the Director of the Office of Refugee Resettlement to evaluate referrals of the most vulnerable unaccompanied alien children for appointment of a child advocate and provide technical assistance to care providers. Clarifies that child advocates for unaccompanied alien children must have access to certain materials and documents necessary to perform duties as a child advocate. Authorizes funding for these activities.

Subtitle B—Funding to States and School Districts; Supporting Education and Safety

Section 421: Funding to States to conduct state criminal checks and child abuse and neglect checks

Authorizes funding to State agencies that administer state criminal records and child abuse and neglect registries to ensure the state administered checks required under section 411 for prospective sponsors of unaccompanied alien children and resident adults in the home of these prospective sponsors are completed in a timely manner when requested by the Director of the Office of Refugee Resettlement.

Section 422: Funding to school districts for unaccompanied alien children

Authorizes funding to school districts that experience a large increase in the number of unaccompanied alien children enrolled in the school district. Funding can be used to enhance opportunities for immigrant children and youth, including unaccompanied alien children.

Section 423: Immediate enrollment of unaccompanied alien children in schools

Clarifies that schools must immediately enroll unaccompanied alien children in public school following placement with a sponsor living in the area served by the school district. Requires the school district to remove barriers to enrollment and participation in educational programs and services, such as policies related to documentation that negatively impact the ability of unaccompanied alien children to enroll in public schools.

TITLE V—ENSURING ORDERLY AND HUMANE MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION

Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum

Section 511: Court Appearance Compliance and Legal Orientation

This section requires the Secretary of Homeland Security, in consultation with the Attorney General, to establish legal orientation programs for all individuals detained by the Department of Homeland Security. To ensure appearance at all immigration proceedings, such programs shall inform individuals of the basic procedures of immigration hearings; their obligations relating to such hearings; their rights under Federal immigration laws, including available legal protections and the procedure for requesting such protection; the consequences of filing frivolous legal claims and of failing to appear for proceedings; and other appropriate subjects. Individuals shall be given access to these programs regardless of current immigration status, prior immigration history, or potential for immigration relief. This section also requires the Department of Justice to develop a 2-year pilot program at not fewer than 2 immigration courts to provide nondetained individuals with pending asylum claims access to legal information, and requires the Attorney General to submit a report to the Senate and House Judiciary Committees describing the extent to which nondetained individuals are provided with access to counsel.

Section 512: Fair Day in Court for Kids

This section authorizes the Department of Justice (DOJ) to appoint or provide legal counsel to individuals in immigration proceedings, requires individuals to automatically receive a copy of their A-file during immigration proceedings, and requires the Department of Homeland Security (DHS) to facilitate access to counsel for individuals in immigration proceedings and those detained inside an immigration detention facility or at a border facility. This section requires DOJ to appoint counsel to children, particularly vulnerable individuals, and individuals whose circumstances are such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of immigration proceedings. This section also requires DHS to establish a pilot program to increase immigration court appearance rates by contracting with community-based organizations to provide appropriate case management services. This section also requires DHS to submit to Congress, on an annual basis, a report regarding the extent to

which certain individuals have been provided access to counsel. Lastly, this section provides that when someone who should be represented under this provision is ordered removed without counsel, he or she may file a motion to reopen the case to obtain representation.

Subtitle B—Reducing Significant Delays in Immigration Court

Section 521: Eliminate Immigration Court Backlogs

This section requires the Department of Justice (DOJ) to increase the total number of immigration judges to adjudicate pending cases and efficiently process future cases, and requires DOJ to ensure that immigration judges have sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities. This section also requires DOJ to increase the number of staff attorneys and necessary support staff at the Board of Immigration Appeals. Lastly, it directs the Government Accountability Office to conduct a study on the hurdles to efficient hiring of immigration court judges and propose solutions for improving efficiency of the hiring process.

Section 522: Improved Training for Immigration Judges and members of the Board of Immigration Appeals

This section requires the Executive Office for Immigration Review to conduct robust training programs for immigration judges and members of the Board of Immigration Appeals. Such training shall include expansion of existing training for new immigration judges and Board members, continuing education regarding current developments in immigration law, and training on issuing decisions and standards of review.

Section 523: New Technology to Improve Court Efficiency

This section requires the Executive Office for Immigration Review to modernize its case management and related electronic systems to improve efficiency in the processing of immigration court proceedings.

Subtitle C—Reducing the Likelihood of Remigration

Section 531: Establishing reintegration and monitoring services for repatriating children

Requires the Secretaries of Homeland Security and Health and Human Services to consult with the UN High Commissioner for Refugees to develop a best-interests determination process to ensure that a best interests determination by a child welfare professional or agency is conducted for all children before any decision to repatriate a child to his or her home country and develop a child-centered repatriation process for children for whom repatriation is determined to be in their best interests. Requires the Secretary of State and U.S. Agency for International Development Administrator to engage regional governments to establish comprehensive reintegration services that ensure the safety, protection, and well-being of migrants.