

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. LIMITATIONS ON DANGEROUS DEPORTATION**
4 **PRACTICES.**

5 (a) CERTIFICATION REQUIRED.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, and every 180
8 days thereafter, the Secretary of Homeland Security
9 shall, except as provided in paragraph (2), certify in
10 writing to Congress that the Department of Home-

1 land Security will not deport or otherwise remove a
2 migrant from the United States through an entry or
3 exit point on southern border of the United States—

4 (A) in a location where a dangerous lack of
5 public order would threaten the life and safety
6 of the migrant; or

7 (B) in a different sector from the sector
8 where the migrant was originally detained.

9 (2) EXCEPTION.—The certification required
10 under paragraph (1) shall not apply to the deporta-
11 tion or removal of a migrant otherwise described in
12 that paragraph if—

13 (A) the manner of the deportation or re-
14 moval is justified by a compelling governmental
15 interest; or

16 (B) the migrant agrees to be deported or
17 removed in such manner after being notified of
18 the intended manner of deportation or removal
19 and being given the option of deportation or re-
20 moval to a safer or different sector.

21 (b) ADDITIONAL INFORMATION REQUIRED.—The
22 Secretary of Homeland Security shall include, with each
23 certification required under subsection (a)—

24 (1) the specific locations on the southern border
25 of the United States where lateral repatriations and

1 deportations by U.S. Immigration and Customs En-
2 forcement have occurred during the 180-day period
3 preceding the submission of the certification; and

4 (2) an assessment of the risk factors described
5 in subsection (d) associated with each such location.

6 (c) PROHIBITION ON CONFISCATION OF PROP-
7 ERTY.—Notwithstanding any other provision of law, law-
8 ful, nonperishable belongings of a migrant that are con-
9 fiscated by personnel operating under Federal authority
10 shall be returned to the migrant before repatriation.

11 (d) DETERMINATIONS OF DANGEROUS LACK OF
12 PUBLIC ORDER.—For purposes of subsection (b)(2), the
13 Secretary shall determine if there is a dangerous lack of
14 public order in a location by assessing the following risk
15 factors:

16 (1) Deportations taking place at such location
17 between 9:00 p.m. and 6:00 a.m.

18 (2) High rates of homicide and other violent
19 crimes or the presence and activities of organized
20 criminal groups in cities and towns in Mexico near
21 such location.

22 (3) The adequacy of infrastructure and social
23 services to receive migrants, such as temporary shel-
24 ter, in Mexico near such location.