

107TH CONGRESS
1ST SESSION

H. R. 505

To amend the Immigration and Nationality Act to provide for the adjustment of status of certain unaccompanied alien children and the establishment of a panel of advisors to assist unaccompanied alien children in immigration proceedings.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2001

Mr. HASTINGS of Florida introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the adjustment of status of certain unaccompanied alien children and the establishment of a panel of advisors to assist unaccompanied alien children in immigration proceedings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alien Unaccompanied
5 Minor Adjustment and Protection Act of 2001”.

1 **SEC. 2. ADJUSTMENT TO PERMANENT RESIDENT STATUS**
2 **OF CERTAIN UNACCOMPANIED CHILDREN.**

3 Section 245 of the Immigration and Nationality Act
4 (8 U.S.C. 1255) is amended by adding at the end the fol-
5 lowing:

6 “(m)(1) The Attorney General may, in the Attorney
7 General’s discretion, adjust the status of an alien under
8 18 years of age who has no lawful immigration status in
9 the United States to that of an alien lawfully admitted
10 for permanent residence if—

11 “(A)(i) the alien (or a parent or legal guardian
12 acting on the alien’s behalf) has applied for the sta-
13 tus; and

14 “(ii) the alien has resided in the United States
15 for a period of 5 consecutive years; or

16 “(B)(i) no parent or legal guardian requests the
17 alien’s return to the country of the parent’s or
18 guardian’s domicile, or with respect to whom the At-
19 torney General finds that returning the child to his
20 or her country of origin would subject the child to
21 mental or physical abuse; and

22 “(ii) the Attorney General determines that it is
23 in the best interests of the alien to remain in the
24 United States notwithstanding the fact that the
25 alien is not eligible for asylum protection under sec-
26 tion 208 or protection under section 101(a)(27)(J).

1 “(2) The Attorney General shall make a determina-
2 tion under paragraph (1)(B)(ii) based on input from a
3 person or entity that is not employed by or a part of the
4 Service and that is qualified to evaluate children and opine
5 as to what is in their best interest in a given situation.

6 “(3) Upon the approval of adjustment of status of
7 an alien under paragraph (1), the Attorney General shall
8 record the alien’s lawful admission for permanent resi-
9 dence as of the date of such approval, but the Secretary
10 of State shall not reduce the number of visas authorized
11 to be issued under sections 201 and 203 as a result of
12 such action.”.

13 **SEC. 3. PANEL OF ADVISORS FOR UNACCOMPANIED ALIEN**
14 **CHILDREN.**

15 (a) ESTABLISHMENT OF PANEL OF ADVISORS FOR
16 UNACCOMPANIED ALIEN CHILDREN.—

17 (1) IN GENERAL.—The Attorney General shall
18 provide for the establishment outside the Immigra-
19 tion and Naturalization Service of a panel of inde-
20 pendent advisors whose responsibility is to serve as
21 guardians ad litem for covered unaccompanied alien
22 children who are in proceedings before such Service
23 under this section. No such individual shall be an
24 employee of the Immigration and Naturalization
25 Service.

1 (2) COMPOSITION.—The Attorney General shall
2 provide for the preliminary designation of at least
3 200 such advisors, or such greater number as may
4 required to carry out this section. Such advisors
5 shall be individuals who are skilled in social services,
6 psychology, education, and other fields relevant to
7 serving as such guardians.

8 (3) DISTRIBUTION.—The advisors shall be des-
9 ignated in a manner that assures that children in all
10 parts of the United States are adequately served.

11 (b) ASSIGNMENT.—Whenever a covered unaccom-
12 panied alien child is a party to an immigration proceeding,
13 the Attorney General shall assign such child an individual
14 from the panel established under subsection (a) to serve
15 as guardian ad litem under this section.

16 (c) RESPONSIBILITIES.—The guardian shall provide
17 advocacy, independent advice, and support to child in con-
18 nection with the immigration proceedings, including any
19 legal proceedings relating to the immigration proceedings.

20 (d) REQUIREMENTS ON THE ATTORNEY GENERAL.—
21 The Attorney General shall serve notice of all matters af-
22 fecting a covered unaccompanied alien child’s immigration
23 status (including all papers filed in an immigration pro-
24 ceeding) on the child’s guardian assigned under this sec-
25 tion.

1 (e) DEFINITION.—In this section, the term “covered
2 unaccompanied alien child” means an alien—

3 (1) who is under 18 years of age;

4 (2) who has no lawful immigration status in the
5 United States and is not within the physical custody
6 of a parent or legal guardian; and

7 (3) whom no parent or legal guardian requests
8 the person’s return to the country of the parent’s or
9 guardian’s domicile or with respect to whom the At-
10 torney General finds that returning the child to his
11 or her country of origin would subject the child to
12 physical or mental abuse.

13 (f) CONSTRUCTION.—Nothing in this section shall be
14 construed as affecting or superseding the appointment of
15 guardians ad litem under other provisions of law.

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