



Texas Congressional Duo Proposes Expedited Processing of Illegal Minors

A bipartisan pair of legislators from Texas, Republican Sen. John Cornyn and Democrat Rep. Henry Cuellar, introduced bills in their respective houses on July 15 that would expedite the processing of minors who have illegally crossed the border into the United States.

Cuellar's bill, H.R. 5114, was filed with the description: "To facilitate the expedited processing of minors entering the United States across the southern border and for other purposes." It has two cosponsors, Reps. Ron Barber (R-Ariz.) and Blake Farenthold (R-Texas).



Cornyn's counterpart measure, S. 2611, bears the description: "Helping Unaccompanied Minors and Alleviating National Emergency Act." It also has two cosponsors, Sens. Richard Burr (R-N.C.) and Roger Wicker (R-Miss.).

The bills — known as the Helping Unaccompanied Minors and Alleviating National Emergency (HUMANE) Act — are too new for their text to have been received by the Government Printing Office.

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"The cartels, the transnational criminal organizations that smuggle people from Central America into the United States, have figured out this loophole in a 2008 law, which dealt with human trafficking," Cornyn said in an interview with *The Fine Print*.

"This is part of their business model, exploiting this," the senator continued. "So, what we would do is we would treat children that come from Central America the same ... as we do now children that come in from Mexico."

The law Cornyn referred to was the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (S. 3061), signed into law by George W. Bush, which has made it nearly impossible to deport unaccompanied minors to Central America.

ABC News reported that the Humane Act would speed up the process by which unaccompanied children who have been apprehended after entering the United States illegally would have their cases heard by a judge. Cuellar noted that there are currently 375,000 such children waiting for a judicial hearing.

"It takes three to five years to have a hearing," ABC quoted Cuellar. "So just like we are used in America to a speedy trial date, we're going to give them a speedy trial date so they won't have to wait three to five years to present their claim for asylum."

Cuellar also commented on how the drug cartels are involved in transporting the children from Central America across the border to Texas: "They're taking young kids with potentials away from their countries. There's a superhighway where the drug cartels have routes. They can move people, they can



Written by [Warren Mass](#) on July 17, 2014

move drugs, and now they're moving, of course, young kids."

Cornyn explained how the legislation would work if enacted into law: "If you have credible fears of persecution in your home country, you might be eligible for asylum. But otherwise you're going to have to go back home and come back in the right way, and so this is something can be done on an expedited basis."

A news release posted on Cornyn's Senate website quoted from a statement that the senator made on MSNBC's *Morning Joe*: "We want to ... work with the President, work across the aisle and try to find a solution.... It's going to get worse unless we solve this problem."

A description of the legislation appearing on both Cornyn's and Cuellar's congressional websites notes that the HUMANE Act would:

- Improve the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 — treating all unaccompanied migrant children crossing our border with equality under the law, and allowing for voluntary reunification with family, whether they are from Mexico, Central America, or any other country.
- Keep current protections for safe repatriation.
- Allow unaccompanied migrant children who have a claim to remain legally in the United States to make this claim in court before an immigration judge within 7 days of the completion of Health and Human Services screening under the TVPRA of 2008. It authorizes up to 40 new immigration judges for this purpose, and keeps current law in place requiring HHS to make all efforts to secure pro-bono legal counsel for the child.
- Require immigration judges to make a determination as to whether an unaccompanied migrant child is eligible to remain in the United States within 72 hours of making their claim. Children who succeed in their claim will be allowed to remain in the United States in the custody of a sponsor while they pursue their legal remedies. Children who do not successfully make such a claim will be reunited with family in their home country.
- Require the Secretary of Health and Human Services to provide unaccompanied migrant children with protective shelter while they are awaiting their initial hearing in court before a judge.
- Allow access to these expedited court hearings for unaccompanied migrant children who have already been released to sponsors with notices to appear in immigration court.
- Require the secretary of Health and Human Services to conduct FBI fingerprint background checks on any person taking custody of an unaccompanied alien child. Prohibits the secretary from releasing children to persons convicted of sex offenses and human trafficking.

In response to the introduction to the HUMANE Act, White House spokesman Josh Earnest — ignoring the fact that Cuellar is a Democrat — said on July 14, simply: "We certainly welcome constructive engagement from Republicans."

Senate Majority Leader Harry Reid (D-Nev.) was clear about his opposition to the HUMANE Act, calling it called it "too broad" and stated: "The answer from me is: No, I won't support it."

"The [William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008] that has created some of the controversy now, there's leeway there [so] that the executive branch of government doesn't need new legislation," said Reid. "The Cornyn-Cuellar legislation covers a lot of issues, other issues



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than the problem we're having at the border."

The illegal immigration issue is complex and has many causes. When Texas Governor Rick Perry was asked by Martha Raddatz, the host of ABC's *This Week* on July 5, "Do you really believe there's some sort of conspiracy to get people into the United States by the federal government, by the Obama administration?" Perry answered: "I have to believe that when you don't respond in any way that you are either inept or you have some ulterior motive ... which you are functioning from."

While the HUMANE Act obviously cannot correct either ineptness or "some ulterior motive," it just might make dealing with the problem of illegal immigrant children, and possibly deporting some of them, a little more efficient.

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