

Section by Section of UAC Provisions in VAWA/TVPA S.47 (113th)

Prepared by the Women’s Refugee Commission, Lutheran Immigration Refugee Service (LIRS), Kids In Need of Defense (KIND), and The Young Center for Immigrant Children’s Rights

Title XI Sec 1101 Sexual Abuse in Custodial Settings

In addition to DHS, this provision requires HHS to publish a final regulations for implementing the Prison Rape Elimination Act of 2003 (PREA) within 180 days. The scope applies to all HHS facilities that maintain custody of UACs.

Subtitle D UAC

Sec.1261- APPROPRIATE CUSTODIAL SETTINGS FOR UNACCOMPANIED MINORS WHO REACH THE AGE OF MAJORITY WHILE IN FEDERAL CUSTODY

Requires that DHS consider placing youth in the least restrictive setting for UACs if transferred from HHS to DHS upon reaching 18. Makes these youth eligible for ATDs, utilizing a continuum of services including placement with an individual or organizational sponsor or supervised group home. Considerations for ATDs will be based on youth’s danger to self, danger to community and risk of flight.

Sec. 1262- APPOINTMENT OF CHILD ADVOCATES FOR UNACCOMPANIED MINORS

Within 2 years of enactment of VAWA 2013, independent child advocate programs for vulnerable or trafficked UACs will be established at three additional sites. Within 3 years child advocate program will be further expanded to serve up to six additional sites. In choosing locations for the establishment of child advocate programs, priority will be given to locations with the largest number of UACs in detention and the most vulnerable populations of children. Also requires HHS to report annually to Congress and a GAO study on the effectiveness of the program. Appropriations of \$1M for fiscal years 2014 and 2015, and \$2M for 2016 and 2017 are authorized.

Sec. 1263- ACCESS TO FEDERAL FOSTER CARE AND UNACCOMPANIED REFUGEE MINOR PROTECTIONS FOR CERTAIN U VISA RECIPIENTS

Makes UACs who obtain U visa relief eligible for the Unaccompanied Refugee Minor Program.

Sec. 12640- GAO STUDY OF THE EFFECTIVENESS OF BORDER SCREENINGS

Requires a GAO study into the effectiveness of CBP screening of children from contiguous countries, as required by the TVPRA 2008, and for it to be reported to the House and Senate judiciary committees.