



The Children's Safe Welcome Act

Senators Jeff Merkley

Historically, our immigration system was designed with only adults in mind. Over the past few decades, our nation has only made piecemeal changes to reflect the distinctive needs of children. In an effort to profoundly reduce suffering and trauma to children, we need comprehensive reforms to the system such that it is consistent with the best interests of children.

The **Children's Safe Welcome Act** re-envisioning how children are treated in government custody by structuring every step of the process around child welfare principles and ensuring children's safety and well-being. The legislation embeds child welfare best practices into every stage of our immigration system involving unaccompanied and accompanied noncitizen children by:

- **Codifying minimum child welfare protections** such as health and safety standards, state licensing requirements, and the best interests of the child standard.
- **Mandating child protection professionals** at children's first point of contact with the federal immigration system.
- **Increasing minimum health and safety standards** for children and families in Customs and Border Protection facilities.
- **Prohibiting family separations**, with extremely narrow exceptions only in cases where it is critical to protect the safety of the child.
- **Prohibiting the use of family detention facilities**, without exception.
- **Ensuring all children are placed in a non-adversarial setting** for their asylum case processing.
- **Creating a process for keeping families together** by allowing children who arrive at the border in the care of grandparents, adult siblings, or aunts or uncles (non-parent/non-legal guardian family members) to stay together.
- **Phasing out large congregate care facilities and prioritizes family-based placements** for unaccompanied children.
- **Requiring children to be placed in the least restrictive environment** and limits the placement of children in harmful restrictive facilities.
- **Prioritizing the swift release of children with disabilities** and access to services in the community.
- **Limiting the use of influx facilities** and prohibits the placement of unaccompanied children in influx facilities for more than 20 days.
- **Guaranteeing legal representation** for unaccompanied children at every stage of removal proceedings.
- **Prohibiting information sharing** about unaccompanied children, with narrow exceptions.
- **Replacing the outdated and offensive word "alien" with "noncitizen"** in federal statute.

- **Establishing an Ombudsperson** to monitor and oversee compliance with this Act.
- **Mandating access for members of Congress**, accompanying staff, and credentialed press (without cameras) to visit federal immigration facilities.

This legislation is supported by leading experts, advocates, and organizations representing noncitizen children in all stages of our immigration system, including in particular The National Center for Youth Law and the Young Center for Immigrant Children's Rights.

For questions or to cosponsor please contact Matt Traylor (Matthew_Traylor@merkle.senate.gov) and Jordan Schott (Jordan_Schott@merkle.senate.gov) on Senator Merkley's staff.