

December 12, 2025

Re: **Oppose H.R. 4371, Kayla Hamilton Act**

Dear Representative:



National Political  
Advocacy Department  
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**Deirdre Schifeling**  
Chief Political &  
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**Anthony D. Romero**  
Executive Director

**Deborah N. Archer**  
President

The American Civil Liberties Union strongly urges your office to vote NO on H.R. 4371, the “Kayla Hamilton Act,” introduced by Rep. Russell Fry. This dangerous bill would endanger children as young as 12, giving the government power to keep children from their families and subject them to prolonged detention as well as invasive physical body searches. HR 4371 masquerades as protective legislation, but actually exposes children to violence and criminalization while also advancing White House Deputy Chief of Staff Stephen Miller’s mass deportation agenda against immigrant families. Like so many of the Miller/Trump administration’s actions, this bill is an attack on critical-anti-trafficking protections for children guaranteed in the bipartisan Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). We urge your office to reject these efforts to strip children of their rights and accelerate their deportation to danger. **The ACLU will score this vote.**

First, H.R. 4371 would allow immigration agents to subject unaccompanied children as young as 12 to invasive bodily searches to search for “gang affiliation” markings before authorizing their release.<sup>1</sup> Nothing in the bill prevents agents from subjecting children to a strip search to find such markings—compounding trauma and leaving emotional and psychological scars on the child.<sup>2</sup> As the Supreme Court noted in a 2009 ruling finding that school officials violated a young girl’s Fourth Amendment rights by subjecting her to an invasive physical search for prescription drugs, “adolescent vulnerability intensifies the patent intrusiveness of the exposure” of a child’s body in a search, and many communities have banned such searches no matter the basis. Now, this bill would attempt to authorize immigration officials to conduct an invasive search, including potentially a strip-search, simply because the child is an immigrant.<sup>3</sup> No parent would want their 12-year-old child, alone and in detention, to have their body searched by a stranger—but that is what the legislation would require. H.R. 4371 will result in child suffering and severe psychological damage from these degrading and humiliating searches, amounting to state-inflicted child abuse.

H.R. 4371 would also subject children to prolonged and unnecessary detention in prison-like conditions by first, taking kids away and denying them release to family who are not lawful permanent residents or U.S. citizens.<sup>4</sup>

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<sup>1</sup> Kayla Hamilton Act, H.R.4371, 119<sup>th</sup> Cong. (2025).

<sup>2</sup> Addressing Trauma: Eliminating Strip Searches, JUV. L. CTR. (June 1, 2017) <https://jlc.org/sites/default/files/attachments/2020-04/AddressingTraumaEliminatingStripSearch%20March%202020.pdf>.

<sup>3</sup> Safford Unified School Dist. #1 v. Redding, 557 U.S. 364 (2009).

<sup>4</sup> Kayla Hamilton Act, Sec.3(D)(i).

This would mean that children who came alone to the U.S. to reunite with family who are in the U.S. on visas or undocumented parents would be subject to prolonged detention during their immigration proceedings instead of at home with their loved ones.

Even short periods of time in detention can have a devastating impact on children, as numerous medical experts have repeatedly found.<sup>5</sup> According to the recent filings in the Flores Settlement Agreement, children detained *with* their parents were regressing developmentally in detention in Texas; for kids alone in these facilities, the impact will be predictably worse.<sup>6</sup> Congress should be ending the detention of children—not prolonging it.

Further, this bill doesn't just take kids from the community to detention facilities run by the Office of Refugee Resettlement; it also authorizes their detention in “secure facilities” —meaning a prison—if the agency determines they are a “flight risk,” has a “gang-related tattoo,” or “any pending charge” for alleged gang-related activity in the U.S. or abroad.<sup>7</sup> We have seen how reckless and expansive this administration has been in misidentifying “gang tattoos” that honor family or celebrate soccer teams to send innocent people to be tortured in CECOT in El Salvador.<sup>8</sup> Given everything we know—especially about the torture of men our government sent to CECOT—it would be unconscionable for Congress to hand the Trump administration power to use tattoos and untested accusations to jail children.

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<sup>5</sup> “Press Release: New Report Documents the Mental and Physical Harm Experienced by Children in Immigration Detention,” FXB Center for Health & Human Rights at Harvard University, January 11, 2024, <https://fxb.harvard.edu/blog/2024/01/11/press-release-new-report-documents-the-mental-and-physical-harm-experienced-by-children-in-immigration-detention/>; Myriam Vidal Valero, “U. S. Immigration policy: Mental health impacts of increased detentions and deportations,” *Monitor on Psychology* 56, no. 6 (2025), <https://www.apa.org/monitor/2025/09/mental-health-immigration-enforcement>; Lisa Fortuna et al., “Special Report: U.S. Immigration Policy and the Mental Health of Children and Families,” *Psychiatry Online* 60, no. 8 (2025), <https://psychiatryonline.org/doi/10.1176/appi.pn.2025.08.8.19>; Isabella Priestley et al., “The impact of immigration detention on children’s mental health: systematic review,” *The British Journal of Psychiatry* 227, no. 6 (2025), <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/impact-of-immigration-detention-on-childrens-mental-health-systematic-review/5999502392197C4867B779D38A3FBF36>.

<sup>6</sup> Jenny L. Flores, et al. v. Pamela Bondi, et al., Case No. 2:85-cv-04544-DMG-AGR, 5 (C.D. Cal December 8, 2025), <https://youthlaw.org/wp-content/uploads/plaintiffs-response-to-supplemental-ice-report.pdf>; Id. at 222.

<sup>7</sup> Kayla Hamilton Act, Sec.(3)(C).

<sup>8</sup> Cecilia Vega, “U.S. sent 238 migrants to Salvadoran mega-prison; documents indicate most have no apparent criminal records,” CBS News, April 6, 2025, <https://www.cbsnews.com/news/what-records-show-about-migrants-sent-to-salvadoran-prison-60-minutes-transcript/>; Melissa Sanchez, “He Was Asked About His Tattoos and a TikTok Video in Court. Five Days Later, He Was in a Salvadoran Prison,” ProPublica, July 29, 2025, <https://www.propublica.org/article/venezuelan-immigrant-cecot-release-story>.

The recent Flores counsel pleadings also document the numerous times federal agencies have relied on “flight risk” with no further or individual facts or reasoning to leave families with young children in detention at the Dilley facility in Texas.<sup>9</sup> Federal law—including the TVPRA which this bill seeks to amend—requires that children be placed in the least restrictive setting if they cannot be released to family,<sup>10</sup> again because of the harm that detention inflicts on children’s mental, physical, and emotional health and because of its impact on a child’s ability to get education, health care, recreation, and other basic services necessary for child development. Putting kids in a juvenile jail without a court finding and only based on the agency’s determination that the child has a “gang tattoo” deprives children of their due process rights and is yet another attempt to vilify and criminalize immigrant children simply because they are immigrants.

Finally, this bill exempts itself from the notice and comment period under the Administrative Procedures Act, allowing the administration to put forward regulations without any input from child and medical experts. This is again a clear attempt to avoid due process in order to push through dangerous and harmful regulations that undermine federal law, including anti-trafficking protections.

H.R. 4371 is manifestly not legislation to protect children, and it is part of a larger concerted effort by the Trump/Miller administration to strip away basic protections and due process rights from children who came alone to reunite with their families and/or to seek safety from violence. Over the last several weeks and months, we have seen this administration:

- Attempt to end legal services for unaccompanied children;<sup>11</sup>
- Announce a new call center to track down and arrest thousands of unaccompanied children<sup>12</sup>, and a new 287g program to target hundreds of thousands of these children;<sup>13</sup>

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<sup>9</sup> Jenny Flores, et al. v. Pamela Bondi, et al., Case No. 2:85-cv-04544-DMG-AGR, Decl. of Javier Hidalgo, Ex. 1 at 5 (C.D. Cal December 8, 2025), <https://youthlaw.org/wp-content/uploads/plaintiffs-response-to-supplemental-ice-report.pdf>.

<sup>10</sup> Jenny L. Flores, et al. v. Jefferson B. Sessions, III, et al., Case No. 2:85-cv-04544, 11 (9th Cir. July 5, 2017); The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA, P.L. 110-457) § 235(c)(2).

<sup>11</sup> Associated Press, “Judge orders White House to restore legal aid to unaccompanied migrant children,” NPR, April 2, 2025, <https://www.npr.org/2025/04/02/nx-s1-5348831/judge-trump-administration-legal-aid-to-migrant-children>; <https://jacobin.com/2025/12/trump-privatize-migrants-legal-aid>.

<sup>12</sup> Associated Press, “Judge orders White House to restore legal aid to unaccompanied migrant children,” <https://www.npr.org/2025/04/02/nx-s1-5348831/judge-trump-administration-legal-aid-to-migrant-children>.

<sup>13</sup> “ICE and State, Local Law Enforcement 287(g) Partners Launch Initiative to Protect Vulnerable Children the Biden Administration Allowed to be Placed with Unvetted Sponsors,” Department of Homeland Security, November 14, 2025, <https://www.dhs.gov/news/2025/11/14/ice-and-state-local-law-enforcement-287g-partners-launch-initiative-protect>.

- Refuse to comply with the Ms. L family separation settlement agreement;<sup>14</sup>
- Attempt to disappear around 600 unaccompanied kids to Guatemala, including children with protection claims, over a holiday weekend;<sup>15</sup> and
- Threaten children with \$5,000 fees and the imprisonment of their parents if they do not waive their legal rights,<sup>16</sup> and pressuring these kids to sign legal documents accepting criminal liability and abandoning due process protections without the assistance of a lawyer;<sup>17</sup> and
- Detain children with their parents in a facility without clean drinking water; and deport even children with cancer away from the only home they know.

This bill once again exploits a terrible tragedy, but rather than increasing protections and due process rights for vulnerable children, it undermines those rights at a time when the administration is actively working to deport children and use them as bait to arrest and deport their parents. Congress should be introducing legislation that protects children—not a bill that will imprison and criminalize them. We urge your office to reject this legislative attack on vulnerable children and to vote NO on H.R. 4371. Please contact Sarah Mehta, Deputy Director of Policy and Government Affairs, Equality Division, ACLU at [smehta1@aclu.org](mailto:smehta1@aclu.org) with any questions.

Sincerely,



Naureen Shah  
Director, Policy and Government Affairs, ACLU Equality Division

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<sup>14</sup> Mark Betancourt and Ailsa Chang, “ACLU says Trump administration is breaching family separation settlement,” NPR, October 27, 2025, <https://www.npr.org/2025/10/27/nx-s1-5584004/aclu-says-trump-administration-is-breaching-family-separation-settlement>.

<sup>15</sup> Emily Green, Ted Hesson, and Kristina Cooke, “Exclusive: Guatemalan document undercuts US claims on child deportations,” Reuters, September 3, 2025, <https://www.reuters.com/legal/government/guatemalan-document-undercuts-us-claims-child-deportations-2025-09-03/>.

<sup>16</sup> Isabelle Taft, “DHS is Billing Unaccompanied Immigrant Kids \$5,000,” The Intercept, October 24, 2025, <https://theintercept.com/2025/10/24/dhs-ice-immigrant-teenagers-detention-fines/>.

<sup>17</sup> Christian Martinez, “Trump administration offers unaccompanied migrant children \$2,500 to voluntarily leave US, letter shows,” Reuters, October 3, 2025, <https://www.reuters.com/legal/government/trump-administration-offers-unaccompanied-migrant-children-2500-voluntarily-2025-10-04/>.