

117TH CONGRESS
1ST SESSION

S. _____

To designate residents of the Hong Kong Special Administrative Region as Priority 2 refugees of special humanitarian concern, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. YOUNG, Mr. CARDIN, Mr. MERKLEY, _____) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To designate residents of the Hong Kong Special Administrative Region as Priority 2 refugees of special humanitarian concern, and for other purposes.

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 “Hong Kong Safe Har-
5 bor Act”.

6 **SEC. 2. DESIGNATION OF CERTAIN RESIDENTS OF HONG**
7 **KONG AS PRIORITY 2 REFUGEES.**

8 (a) IN GENERAL.—The Secretary of State, in con-
9 sultation with the Secretary of Homeland Security, shall

1 designate, as Priority 2 refugees of special humanitarian
2 concern, the following categories of aliens:

3 (1) Individuals who are residents of the Hong
4 Kong Special Administrative Region who suffered
5 persecution, or have a well-founded fear of persecu-
6 tion, on account of their peaceful expression of polit-
7 ical opinions or peaceful participation in political ac-
8 tivities or associations.

9 (2) Individuals who have been formally charged,
10 detained, or convicted on account of their peaceful
11 actions as described in section 206(b)(2) of the
12 United States-Hong Kong Policy Act of 1992 (22
13 U.S.C. 5726).

14 (3) The spouses, children, and parents (as such
15 terms are defined in subsections (a) and (b) of sec-
16 tion 101 of the Immigration and Nationality Act (8
17 U.S.C. 1101)) of individuals described in paragraph
18 (1) or (2), except such parents who are citizens of
19 a country other than the People's Republic of China.

20 (b) PROCESSING OF HONG KONG REFUGEES.—The
21 processing of individuals described in subsection (a) for
22 classification as refugees may occur in Hong Kong or in
23 a third country.

24 (c) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An
25 alien may not be denied the opportunity to apply for ad-

1 mission as a refugee under this section primarily because
2 such alien—

3 (1) qualifies as an immediate relative of a cit-
4 izen of the United States; or

5 (2) is eligible for admission to the United
6 States under any other immigrant classification.

7 (d) FACILITATION OF ADMISSIONS.—An applicant
8 for admission to the United States from the Hong Kong
9 Special Administrative Region may not be denied pri-
10 marily on the basis of a politically motivated arrest, deten-
11 tion, or other adverse government action taken against
12 such applicant as a result of the participation by such ap-
13 plicant in protest activities.

14 (e) EXCLUSION FROM NUMERICAL LIMITATIONS.—
15 Aliens provided refugee status under this section shall not
16 be counted against any numerical limitation under section
17 201, 202, 203, or 207 of the Immigration and Nationality
18 Act (8 U.S.C. 1151, 1152, 1153, and 1157).

19 (f) REPORTING REQUIREMENTS.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, and
22 every 90 days thereafter, the Secretary of State and
23 the Secretary of Homeland Security shall submit a
24 report regarding the matters described in paragraph

25 (2) to—

1 (A) the Committee on the Judiciary of the
2 Senate;

3 (B) the Committee on Foreign Relations of
4 the Senate;

5 (C) the Committee on the Judiciary of the
6 House of Representatives; and

7 (D) the Committee on Foreign Affairs of
8 the House of Representatives.

9 (2) MATTERS TO BE INCLUDED.—Each report
10 required under paragraph (1) shall include—

11 (A) the total number of applications that
12 are pending at the end of the reporting period;

13 (B) the average wait-times for all appli-
14 cants who are currently pending—

15 (i) employment verification;

16 (ii) a prescreening interview with a re-
17 settlement support center;

18 (iii) an interview with U.S. Citizen-
19 ship and Immigration Services; or

20 (iv) the completion of security checks;

21 and

22 (C) the number of denials of applications
23 for refugee status, disaggregated by the reason
24 for each such denial.

1 (3) FORM.—Each report required under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (4) PUBLIC REPORTS.—The Secretary of State
5 shall make each report submitted under this sub-
6 section available to the public on the internet website
7 of the Department of State.

8 (g) SATISFACTION OF OTHER REQUIREMENTS.—
9 Aliens granted status under this section as Priority 2 refu-
10 gees of special humanitarian concern under the refugee
11 resettlement priority system shall be considered to satisfy
12 the requirements under section 207 of the Immigration
13 and Nationality Act (8 U.S.C. 1157) for admission to the
14 United States.

15 **SEC. 3. WAIVER OF IMMIGRANT STATUS PRESUMPTION.**

16 (a) IN GENERAL.—The presumption under the first
17 sentence of section 214(b) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1184(b)) that every alien is an immi-
19 grant until the alien establishes that the alien is entitled
20 to nonimmigrant status shall not apply to an alien de-
21 scribed in subsection (b).

22 (b) ALIEN DESCRIBED.—

23 (1) IN GENERAL.—An alien described in this
24 paragraph is an alien who—

1 (A) is a resident of the Hong Kong Special
2 Administrative Region on February 8, 2021;

3 (B) is seeking entry to the United States
4 to apply for asylum under section 208 of the
5 Immigration and Nationality Act (8 U.S.C.
6 1158); and

7 (C)(i) had a leadership role in civil society
8 organizations supportive of the protests in 2019
9 and 2020 relating to the Hong Kong extra-
10 dition bill and the encroachment on the auton-
11 omy of Hong Kong by the People's Republic of
12 China;

13 (ii) had an organizing role for such pro-
14 tests;

15 (iii) acted as a first aid responder for such
16 protests;

17 (iv) suffered harm while covering such pro-
18 tests as a journalist;

19 (v) provided paid or pro-bono legal services
20 to 1 or more individuals arrested for partici-
21 pating in such protests; or

22 (vi) during the period beginning on June
23 9, 2019, and ending on February 8, 2021, was
24 formally charged, detained, or convicted for his
25 or her participation in such protests.

1 (2) EXCLUSION.—An alien described in this
2 paragraph does not include any alien who is a citizen
3 of a country other than the People’s Republic of
4 China.

5 **SEC. 4. REFUGEE AND ASYLUM DETERMINATIONS UNDER**
6 **THE IMMIGRATION AND NATIONALITY ACT.**

7 (a) PERSECUTION ON ACCOUNT OF POLITICAL OPIN-
8 ION.—

9 (1) IN GENERAL.—For purposes of refugee de-
10 terminations under section 207 of the Immigration
11 and Nationality Act (8 U.S.C. 1157), an individual
12 whose citizenship, nationality, or residency is re-
13 voked for having submitted to any United States
14 Government agency a nonfrivolous application for
15 refugee status, asylum, or any other immigration
16 benefit under the immigration laws (as defined in
17 section 101(a) of such Act (8 U.S.C. 1101(a)) shall
18 be considered to have suffered persecution on ac-
19 count of political opinion.

20 (2) NATIONALS OF THE PEOPLE’S REPUBLIC OF
21 CHINA.—For purposes of refugee determinations
22 under section 207 of the Immigration and Nation-
23 ality Act (8 U.S.C. 1157), a national of the People’s
24 Republic of China whose residency in the Hong
25 Kong Special Administrative Region, or any other

1 area within the jurisdiction of the People's Republic
2 of China, as determined by the Secretary of State,
3 is revoked for having submitted to any United
4 States Government agency a nonfrivolous application
5 for refugee status, asylum, or any other immigration
6 benefit under the immigration laws shall be consid-
7 ered to have suffered persecution on account of po-
8 litical opinion.

9 (b) CHANGED CIRCUMSTANCES.—For purposes of
10 asylum determinations under section 208 of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1158), the revocation
12 of the citizenship, nationality, or residency of an individual
13 for having submitted to any United States Government
14 agency a nonfrivolous application for refugee status, asy-
15 lum, or any other immigration benefit under the immigra-
16 tion laws shall be considered to be a changed circumstance
17 under subsection (a)(2)(D) of such section.

18 **SEC. 5. STATEMENT OF POLICY ON ENCOURAGING ALLIES**
19 **AND PARTNERS TO MAKE SIMILAR ACCOM-**
20 **MODATIONS.**

21 It is the policy of the United States to encourage al-
22 lies and partners of the United States to make accom-
23 modations similar to the accommodations made under this
24 Act for residents of the Hong Kong Special Administrative

1 Region who are fleeing oppression by the Government of
2 the People's Republic of China.

3 **SEC. 6. TERMINATION.**

4 This Act shall cease to have effect on the date that
5 is 5 years after the date of the enactment of this Act.