

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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—117th Cong., 1st Sess.**

**S. 1260**

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MENENDEZ

Viz:

1 At the end of title III of division C, add the following:

2 **SEC. 33 \_\_\_\_ . ADMISSION OF CERTAIN HONG KONG RESI-**

3 **DENTS.**

4 (a) **SHORT TITLE.**—This section may be cited as the

5 “Hong Kong Safe Harbor Act”.

6 (b) **DESIGNATION OF CERTAIN RESIDENTS OF HONG**

7 **KONG AS PRIORITY 2 REFUGEES.**—

1           (1) IN GENERAL.—The Secretary of State, in  
2           consultation with the Secretary of Homeland Secu-  
3           rity, shall designate, as Priority 2 refugees of special  
4           humanitarian concern, the following categories of  
5           aliens:

6                   (A) Individuals who are residents of the  
7                   Hong Kong Special Administrative Region who  
8                   suffered persecution, or have a well-founded  
9                   fear of persecution, on account of their peaceful  
10                  expression of political opinions or peaceful par-  
11                  ticipation in political activities or associations.

12                  (B) Individuals who have been formally  
13                  charged, detained, or convicted on account of  
14                  their peaceful actions as described in section  
15                  206(b)(2) of the United States-Hong Kong Pol-  
16                  icy Act of 1992 (22 U.S.C. 5726).

17                  (C) The spouses, children, and parents (as  
18                  such terms are defined in subsections (a) and  
19                  (b) of section 101 of the Immigration and Na-  
20                  tionality Act (8 U.S.C. 1101)) of individuals de-  
21                  scribed in subparagraph (A) or (B), except such  
22                  parents who are citizens of a country other  
23                  than the People’s Republic of China.

24           (2) PROCESSING OF HONG KONG REFUGEES.—  
25           The processing of individuals described in paragraph

1 (1) for classification as refugees may occur in Hong  
2 Kong or in a third country.

3 (3) ELIGIBILITY FOR ADMISSION AS REFU-  
4 GEES.—An alien may not be denied the opportunity  
5 to apply for admission as a refugee under this sub-  
6 section primarily because such alien—

7 (A) qualifies as an immediate relative of a  
8 citizen of the United States; or

9 (B) is eligible for admission to the United  
10 States under any other immigrant classification.

11 (4) FACILITATION OF ADMISSIONS.—An appli-  
12 cant for admission to the United States from the  
13 Hong Kong Special Administrative Region may not  
14 be denied primarily on the basis of a politically moti-  
15 vated arrest, detention, or other adverse government  
16 action taken against such applicant as a result of  
17 the participation by such applicant in protest activi-  
18 ties.

19 (5) EXCLUSION FROM NUMERICAL LIMITA-  
20 TIONS.—Aliens provided refugee status under this  
21 subsection shall not be counted against any numer-  
22 ical limitation under section 201, 202, 203, or 207  
23 of the Immigration and Nationality Act (8 U.S.C.  
24 1151, 1152, 1153, and 1157).

25 (6) REPORTING REQUIREMENTS.—

1           (A) IN GENERAL.—Not later than 180  
2 days after the date of the enactment of this  
3 Act, and every 90 days thereafter, the Secretary  
4 of State and the Secretary of Homeland Security  
5 shall submit a report regarding the matters  
6 described in subparagraph (B) to—

7                   (i) the Committee on the Judiciary of  
8 the Senate;

9                   (ii) the Committee on Foreign Relations  
10 of the Senate;

11                   (iii) the Committee on the Judiciary  
12 of the House of Representatives; and

13                   (iv) the Committee on Foreign Affairs  
14 of the House of Representatives.

15           (B) MATTERS TO BE INCLUDED.—Each  
16 report required under subparagraph (A) shall  
17 include—

18                   (i) the total number of applications  
19 that are pending at the end of the reporting  
20 period;

21                   (ii) the average wait-times for all applicants  
22 who are currently pending—

23                           (I) employment verification;

24                           (II) a prescreening interview with  
25 a resettlement support center;

1 (III) an interview with U.S. Citi-  
2 zenship and Immigration Services; or

3 (IV) the completion of security  
4 checks; and

5 (iii) the number of denials of applica-  
6 tions for refugee status, disaggregated by  
7 the reason for each such denial.

8 (C) FORM.—Each report required under  
9 subparagraph (A) shall be submitted in unclas-  
10 sified form, but may include a classified annex.

11 (D) PUBLIC REPORTS.—The Secretary of  
12 State shall make each report submitted under  
13 this paragraph available to the public on the  
14 internet website of the Department of State.

15 (7) SATISFACTION OF OTHER REQUIRE-  
16 MENTS.—Aliens granted status under this subsection  
17 as Priority 2 refugees of special humanitarian con-  
18 cern under the refugee resettlement priority system  
19 shall be considered to satisfy the requirements under  
20 section 207 of the Immigration and Nationality Act  
21 (8 U.S.C. 1157) for admission to the United States.

22 (c) WAIVER OF IMMIGRANT STATUS PRESUMP-  
23 TION.—

24 (1) IN GENERAL.—The presumption under the  
25 first sentence of section 214(b) of the Immigration

1 and Nationality Act (8 U.S.C. 1184(b)) that every  
2 alien is an immigrant until the alien establishes that  
3 the alien is entitled to nonimmigrant status shall not  
4 apply to an alien described in paragraph (2).

5 (2) ALIEN DESCRIBED.—

6 (A) IN GENERAL.—An alien described in  
7 this paragraph is an alien who—

8 (i) is a resident of the Hong Kong  
9 Special Administrative Region on February  
10 8, 2021;

11 (ii) is seeking entry to the United  
12 States to apply for asylum under section  
13 208 of the Immigration and Nationality  
14 Act (8 U.S.C. 1158); and

15 (iii)(I) had a leadership role in civil  
16 society organizations supportive of the pro-  
17 tests in 2019 and 2020 relating to the  
18 Hong Kong extradition bill and the en-  
19 croachment on the autonomy of Hong  
20 Kong by the People’s Republic of China;

21 (II) had an organizing role for such  
22 protests;

23 (III) acted as a first aid responder for  
24 such protests;

1 (IV) suffered harm while covering  
2 such protests as a journalist;

3 (V) provided paid or pro-bono legal  
4 services to 1 or more individuals arrested  
5 for participating in such protests; or

6 (VI) during the period beginning on  
7 June 9, 2019, and ending on February 8,  
8 2021, was formally charged, detained, or  
9 convicted for his or her participation in  
10 such protests.

11 (B) EXCLUSION.—An alien described in  
12 this paragraph does not include any alien who  
13 is a citizen of a country other than the People's  
14 Republic of China.

15 (d) REFUGEE AND ASYLUM DETERMINATIONS  
16 UNDER THE IMMIGRATION AND NATIONALITY ACT.—

17 (1) PERSECUTION ON ACCOUNT OF POLITICAL  
18 OPINION.—

19 (A) IN GENERAL.—For purposes of ref-  
20 ugee determinations under section 207 of the  
21 Immigration and Nationality Act (8 U.S.C.  
22 1157), an individual whose citizenship, nation-  
23 ality, or residency is revoked for having sub-  
24 mitted to any United States Government agen-  
25 cy a nonfrivolous application for refugee status,

1           asylum, or any other immigration benefit under  
2           the immigration laws (as defined in section  
3           101(a) of such Act (8 U.S.C. 1101(a))) shall be  
4           considered to have suffered persecution on ac-  
5           count of political opinion.

6                   (B) NATIONALS OF THE PEOPLE'S REPUB-  
7           LIC OF CHINA.—For purposes of refugee deter-  
8           minations under section 207 of the Immigration  
9           and Nationality Act (8 U.S.C. 1157), a national  
10          of the People's Republic of China whose resi-  
11          dency in the Hong Kong Special Administrative  
12          Region, or any other area within the jurisdic-  
13          tion of the People's Republic of China, as deter-  
14          mined by the Secretary of State, is revoked for  
15          having submitted to any United States Govern-  
16          ment agency a nonfrivolous application for ref-  
17          ugee status, asylum, or any other immigration  
18          benefit under the immigration laws shall be  
19          considered to have suffered persecution on ac-  
20          count of political opinion.

21                   (2) CHANGED CIRCUMSTANCES.—For purposes  
22          of asylum determinations under section 208 of the  
23          Immigration and Nationality Act (8 U.S.C. 1158),  
24          the revocation of the citizenship, nationality, or resi-  
25          dency of an individual for having submitted to any

1 United States Government agency a nonfrivolous ap-  
2 plication for refugee status, asylum, or any other im-  
3 migration benefit under the immigration laws shall  
4 be considered to be a changed circumstance under  
5 subsection (a)(2)(D) of such section.

6 (e) STATEMENT OF POLICY ON ENCOURAGING AL-  
7 LIES AND PARTNERS TO MAKE SIMILAR ACCOMMODA-  
8 TIONS.—It is the policy of the United States to encourage  
9 allies and partners of the United States to make accom-  
10 modations similar to the accommodations made under this  
11 Act for residents of the Hong Kong Special Administrative  
12 Region who are fleeing oppression by the Government of  
13 the People’s Republic of China.

14 (f) TERMINATION.—This section shall cease to have  
15 effect on the date that is 5 years after the date of the  
16 enactment of this Act.