

108TH CONGRESS
1ST SESSION

H. R. 2853

To designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. MCGOVERN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section.

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 “Colombian Temporary
5 Protected Status Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) Colombia has been embroiled in a 38-year
2 internal conflict, resulting in the death of tens of
3 thousands civilians and combatants;

4 (2) the 2 main armed antigovernment rebel
5 groups, the Revolutionary Armed Forces of Colom-
6 bia (Fuerzas Armadas Revolucionarias de Colombia,
7 or FARC) and the National Liberation Army
8 (Ejercito de Liberacion Nacional, or ELN) control,
9 operate in, or influence 40 to 50 percent of Colom-
10 bia's territory;

11 (3) the FARC and ELN regularly attack civil-
12 ian populations, commit extrajudicial killings and
13 massacres, collect war taxes, compel civilians into
14 their ranks, and engage in other coercive practices
15 against the civilian population, including the growing
16 of illicit crops;

17 (4) the main paramilitary groups, such as the
18 United Self-Defense Groups of Colombia
19 (Autodefensas Unidas de Colombia, or AUC), have
20 grown dramatically in recent years to become a
21 major national force, operating in nearly every de-
22 partment of the country;

23 (5) the AUC and related paramilitary groups
24 are responsible, according to human rights groups,
25 for over 70 percent of extrajudicial killings and

1 forced disappearances in Colombia since 1995, and
2 regularly attack civilian populations and engage in
3 other coercive practices against the civilian popu-
4 lation, including the growing of illicit crops;

5 (6) the FARC, ELN, and AUC, all designated
6 by the Department of State as foreign terrorist or-
7 ganizations, have an estimated combined force of
8 35,000 combatants;

9 (7) according to Colombian and international
10 refugee organizations, the number of people newly
11 displaced by political violence increased by 30 per-
12 cent from 317,340 in 2000 to 412,000 in 2002,
13 making Colombia's internally displaced population of
14 approximately 3 million people the second largest
15 population of internally displaced people in the
16 world;

17 (8) Afro-Colombian communities, especially the
18 largely Afro-Colombian province of Choco, registered
19 the highest percentage of population displaced in
20 2002;

21 (9) according to Colombian and international
22 human rights organizations, the number of people
23 killed or disappeared per day increased from 14 in
24 2000 to 20 in 2002;

1 (10) according to the United Nations High
2 Commissioner for Human Rights 2003 Annual Re-
3 port, direct violations by the Colombian military in-
4 creased in 2002;

5 (11) according to Colombian and international
6 human rights organizations and the State Depart-
7 ment's own country reports, significant collaboration
8 between the AUC and related paramilitary forces
9 and the Colombian Armed Forces remain persistent
10 and pervasive, especially at the local, departmental,
11 and regional level;

12 (12) kidnappings, perpetrated mainly by the
13 FARC, ELN and criminal organizations, target
14 mainly middle and upper classes and political and
15 business leaders, while declining from 3,706 in 2000
16 to 2,986 in 2002, remain unacceptably high and af-
17 fect the daily security of the target populations;

18 (13) President Uribe has reduced by more than
19 50 percent the budgets for the Colombian Human
20 Rights Ombudsman Office (La Procuraduria) and
21 for local, regional and federal-level attorneys and of-
22 ficers of the Colombian Human Rights Defenders
23 Office (Defensoria del Pueblo);

24 (14) investigations and prosecutions of human
25 rights crimes have stalled or been dismissed during

1 the 2002–2003 tenure of Colombian Attorney Gen-
2 eral Luis Camilo Osorio;

3 (15) there is little likelihood of a resumption of
4 peace negotiations between the Colombian govern-
5 ment and the largest rebel force, the FARC, fol-
6 lowing the collapse of talks in 2002; and

7 (16) the violence of the war, which had been
8 mostly contained in rural areas prior to 2002, has
9 now spread to urban areas, with cities such as
10 Medellin experiencing an average of 13 killings a
11 day, is daily escalating with no foreseeable relief in
12 either rural or urban regions.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of the Congress that, in view of the
15 recent escalation of the current civil war in Colombia, Co-
16 lombia qualifies for designation under section
17 244(b)(1)(A) of the Immigration and Nationality Act (8
18 U.S.C. 1254a(b)(1)(A)), pursuant to which Colombian na-
19 tionals would be eligible for temporary protected status in
20 the United States.

21 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
22 **PORARY PROTECTED STATUS TO COLOM-**
23 **BIANS.**

24 (a) DESIGNATION.—

1 (1) IN GENERAL.—For purposes of section 244
2 of the Immigration and Nationality Act (8 U.S.C.
3 1254a), Colombia shall be treated as if it had been
4 designated under subsection (b) of that section, sub-
5 ject to the provisions of this section.

6 (2) PERIOD OF DESIGNATION.—The initial pe-
7 riod of such designation shall begin on the date of
8 enactment of this Act and shall remain in effect for
9 2 years.

10 (b) ALIENS ELIGIBLE.—In applying section 244 of
11 the Immigration and Nationality Act (8 U.S.C. 1254a)
12 pursuant to the designation made under this section, sub-
13 ject to section 244(c)(3) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1254a(c)(3)), an alien who is a na-
15 tional of Colombia meets the requirements of section
16 244(c)(1) of that Act (8 U.S.C. 1254a(c)(1)) only if—

17 (1) the alien has been continuously physically
18 present in the United States since the date of enact-
19 ment of this Act;

20 (2) the alien is admissible as an immigrant, ex-
21 cept as otherwise provided under section
22 244(c)(2)(A) of the Immigration and Nationality
23 Act (8 U.S.C. 1254a(c)(2)(A)), and is not ineligible
24 for temporary protected status under section

1 244(c)(2)(B) of that Act (8 U.S.C. 1254a(c)(2)(B));
2 and

3 (3) the alien registers for temporary protected
4 status in a manner that the Secretary of Homeland
5 Security shall establish.

6 (c) CONSENT TO TRAVEL ABROAD.—The Secretary
7 of Homeland Security shall give the prior consent to travel
8 abroad described in section 244(f)(3) of the Immigration
9 and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien
10 who is granted temporary protected status pursuant to the
11 designation made under this section, if the alien estab-
12 lishes to the satisfaction of the Secretary of Homeland Se-
13 curity that emergency and extenuating circumstances be-
14 yond the control of the alien require the alien to depart
15 for a brief, temporary trip abroad. An alien returning to
16 the United States in accordance with such an authoriza-
17 tion shall be treated the same as any other returning alien
18 provided temporary protected status under section 244 of
19 the Immigration and Nationality Act (8 U.S.C. 1254a).

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