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PROTECTION FROM PERSECUTION: ESTABLISHING HUMANITARIAN PATHWAYS FOR HONG KONGERS AND UYGHURS

HEARING

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

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PROTECTION FROM PERSECUTION: ESTABLISHING HUMANITARIAN PATHWAYS FOR HONG KONGERS AND UYGHURS

TUESDAY, OCTOBER 19, 2021

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The hearing was held from 10:00 a.m. to 11:49 a.m. in Room 106, Dirksen Senate Office Building, Senator Jeff Merkley, Chair, Congressional-Executive Commission on China, presiding.

Also present: Co-chair McGovern, Senator Ossoff, and Representatives Smith, Malinowski, Steel, Mast, and Wexton.

OPENING STATEMENT OF HON. JEFF MERKLEY, A U.S. SENATOR FROM OREGON; CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Chair MERKLEY. Good morning. Today's hearing of the Congressional-Executive Commission on China entitled "Protection from Persecution: Establishing Humanitarian Pathways for Hong Kongers and Uyghurs" has come to order.

For years, this Commission has documented the Chinese government's repression of its people. Even as that repression continues, the Chinese government continues to seek the repatriation of those searching for protection abroad. China has sought the forcible return of Uyghurs and Kazakhs from Kazakhstan and Thailand. At one point earlier in the COVID–19 pandemic, it appeared to be withholding vaccines from the Turkish government in an attempt to pressure Turkey to ratify an extradition treaty that would put Uyghurs in Turkey at risk of deportation. In Hong Kong, those seeking refuge abroad face arrest and exit bans.

This hearing will examine these threats to those seeking protection from persecution inside and outside China and shed light on the humanitarian pathways available to those fleeing this persecution. As the Chinese government continues its genocide of Uyghurs and other predominantly Muslim ethnic minorities in Xinjiang and continues to trample the political rights and autonomy promised the people of Hong Kong, the situation is bleak. In fact, our Commission's Political Prisoner Database now includes prisoners who are detained in Hong Kong, which the Commission previously has not done—Hong Kong prisoners including those subject to prolonged pretrial detention and those serving lengthy sentences for peacefully exercising their rights.

This Commission will remain steadfast in our fight to shine a bright light on these abuses, as well as the broader human rights and rule-of-law situation in China and the Chinese Communist Party's attempts to export repressive models of governance and stifle free expression globally. Members of Congress will continue to work with the administration and like-minded partners across the globe to push for change in the behavior of the Chinese government and Communist Party. But we can't stop there.

In the face of egregious violations of internationally recognized human rights, we need to take concrete steps to protect those harmed by authoritarian governments. While we cannot control the Chinese government's behavior, we have the power to protect the persecuted who come to our shores. That's what this hearing is about—taking responsibility for actions within our control to advance humane policies to support Uyghurs, the people of Hong Kong, and others seeking protection as refugees, as asylum seekers, or as beneficiaries of humanitarian parole.

In this hearing, we will hear from four witnesses who will help us better understand humanitarian pathways that could be promoted by legislative, executive, or diplomatic action. One of our fellow commissioners will share perspectives on important legislation he is advancing—one of several bills we will hear about today—to take actionable, concrete steps to protect the persecuted. We'll also hear from a leading refugee policy expert on the potential promise offered by designating Uyghurs and Hong Kongers as Priority–2 refugees and as groups of special humanitarian concern.

We will hear the personal testimony of two brave exiles now seeking asylum in the United States. Their stories remind us yet again of not only the human cost of repression, but that the victims of that repression look to the United States for help. When we can offer that help, I feel we must. I look forward to today's testimony informing the work of Congress, the Administration, and international community to do just that.

I'd now like to recognize my Co-chairman, Congressman McGovern, for his opening remarks.

STATEMENT OF HON. JAMES P. MCGOVERN, A U.S. REPRESENTATIVE FROM MASSACHUSETTS; CO-CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Co-chair MCGOVERN. Well, thank you very much, Mr. Chairman, for convening this timely hearing on creating humanitarian pathways for people fleeing persecution in Hong Kong and the Xinjiang Uyghur Autonomous Region in China. For 20 years, this Commission has documented the status of human rights in China, allowing us to see trends across the years. There is no doubt that things have gotten worse under leader Xi Jinping. And the scale of change is seen most dramatically and tragically in the two areas we are looking at today—Hong Kong and the Uyghurs and other Turkic Muslims.

I need not spend time reciting these abuses, which we have documented, and which will be sadly familiar to those who are watching. We appreciate that today's witnesses will testify to their own personal experiences living in Hong Kong and Xinjiang, the suffering they endured, the roads they took to exile, and the hopes

they have on how we can provide a humanitarian pathway to others. In the policy realm, Congress and the executive branch have responded to China's repression with multiple actions. This includes new laws to sanction Chinese officials who are complicit in human rights abuses and to prohibit the export of crowd-control equipment to security forces.

Two administrations have made a genocide determination on the Uyghurs and found that Hong Kong is no longer sufficiently autonomous. They have blocked imports of cotton and tomatoes from Xinjiang based on forced labor, and we in Congress look to pass the Uyghur Forced Labor Prevention Act. All of these are worthy, even as most are punitive in nature. These policies are designed to punish officials responsible and to prevent future harm.

But we must also remember that behind every account of mass atrocities or gross violations of human rights, there is a human being who is suffering, an individual with their own lived experience. So I welcome that the Commission turns its attention today to policy solutions that could have a direct, positive benefit on people. These are actions we can take that do not depend on the whims of the Chinese government. We can do this. Members of Congress of both parties of both bodies have introduced legislation to help those fleeing repression in Hong Kong and Xinjiang find refuge and freedom in the United States.

The purpose of this hearing is not to pick one legislative remedy over any other. We are providing a platform to discuss the solutions and, hopefully, to propel congressional action toward enactment. Some of these measures have passed one body or have been included in larger packages. Our goal is to help get them over the finish line. The second purpose of this hearing is to better understand the situation facing those who have fled to third countries. We have read many accounts of Uyghurs in Central Asia, Southeast Asia, and Turkey who are vulnerable or at risk for deportation. Many Hong Kongers who have left continue to fear that the government may harass their family who remain there, not to mention those in Hong Kong who fear being jailed under the National Security Law. So I look forward to hearing what tools we have in our toolbox to help them.

Even in the United States, Hong Kongers and Uyghurs are among those who endure long waits for adjudication of their asylum claims. Fixing our broken domestic asylum processing system should be a priority, and I'm grateful to welcome here my colleague in the House, Congressman Tom Malinowski of New Jersey, who has dedicated his life to upholding human rights not only in China but around the world. I'm looking forward to hearing his testimony. With that, Mr. Chairman, I yield back.

Chair MERKLEY. Thank you very much, Congressman McGovern. Congressman Smith, you're recognized.

Representative SMITH. I appreciate it very, very much. Thank you, Mr. Chairman.

STATEMENT OF HON. CHRIS SMITH,
A U.S. REPRESENTATIVE FROM NEW JERSEY

Good morning, everybody. This Commission and its commissioners have been at the forefront of addressing human rights abuses in both Xinjiang and in Hong Kong. Thank you for convening this very, very important hearing. Indeed, just last week at the Lantos Commission I presided over a hearing on the sorry state of civil and political rights in Hong Kong, joined by my good friend and colleague Mr. McGovern. It was just in 2019 that both the House and Senate passed our versions of the Hong Kong Human Rights and Democracy Act and the Uyghur Human Rights Act. Both of these bills, while important, and they are making some difference, only go so far.

What is the solution for victims of the most egregious abuses of human rights? A Uyghur who is in a concentration camp, for example, where there are well-founded reports of organ harvesting and forced sterilization, or Hong Kong journalists in jail for exercising what until only recently had been respected as a fundamental right under Hong Kong's Basic Law. Indeed, it has been reported that per capita there are more journalists in jail in Hong Kong right now than in any country in the entire world.

Today's hearing attempts to find solutions for these victims of Chinese Communist Party persecution, first and foremost, by granting asylum to refugees, to oppressed peoples from China's sphere of dominion, be they Uyghurs or Kazakhs, in what has been misleadingly labeled an autonomous region, or Hong Kongers fleeing from what has been a bastion of relative freedom and self-rule, guaranteed by international treaty until very recently (under Xi Jinping.) That freedom has been eroding since a decision by the Standing Committee of the PRC's National People's Congress to pre-screen candidates for Hong Kong's Chief Executive, which gave rise to the Umbrella Movement in 2014.

I first introduced the Hong Kong Human Rights and Democracy Act in 2014 during the 113th Congress. Since then, the decline has only accelerated, with the extradition law of 2019, when the Hong Kong government proposed extraditing alleged criminals to China, and now with the full force and implementation of the National Security Law, resulting in the closure of all independent media including, most egregiously, Apple Daily.

In light of this and even more direct and egregious assaults on human dignity taking place in Xinjiang, we must open our doors more widely to those seeking freedom. Of course, we must ensure proper vetting so that only those who have a legitimate reason to be here are admitted. But what a great opportunity has been given to us to encourage China's most talented to come and strengthen the United States. In addition to what has been proposed using humanitarian groups utilizing P–1 and P–2 categories for bona fide refugees, I also want to suggest that we ought to be looking at those who can benefit—those seeking to flee China for freedom but would also directly benefit Americans, while undermining the ability of China to use capital to further its nefarious ends.

Namely, there is a provision in the Immigration Reform Act of 1990 that opened the pathway to immigration for those willing to invest money in the United States to create employment for Ameri-

cans, with special inducements for those willing to invest in impoverished areas in particular. While the time was not yet ripe for such a law to be fully utilized when it was first introduced, what we see taking place in Hong Kong, where some 90,000 Hong Kongers emigrated during a one-year period from last year to this, should cause us to revisit this concept.

This would be a new category that does not take slots away from deserving refugees, but rather would bring more capital to the United States to create jobs and could concomitantly drain capital and entrepreneurial talent from China. Seems to be a win-win situation for everyone, except for Xi Jinping and his oppressive cronies. It would give refuge to the talented and creates jobs for Americans and further the strategic objective of draining China of capital. While any such proposal must be examined for its equitable impact and should not be used to diminish our traditional policy of granting refuge to those fleeing oppression, it can be another tool in the toolbox.

I, again, look forward to the testimony of our distinguished witnesses and yield back the balance of my time.

Chair MERKLEY. Thank you very much, Congressman.

I'd now like to turn to our first panel, Congressman Tom Malinowski, who represents New Jersey's 7th Congressional District. In addition to being a member of this Commission, he's a member of the House Foreign Affairs Committee. Congressman Malinowski served as a senior director on President Clinton's National Security Council, a chief advocate for Human Rights Watch, and in the Obama administration as Assistant Secretary of State for Democracy, Human Rights, and Labor, where he helped lead America's fight for human rights around the world. Congressman Malinowski, the floor is yours.

STATEMENT OF HON. TOM MALINOWSKI, A U.S. REPRESENTATIVE FROM NEW JERSEY

Representative MALINOWSKI. Thank you so much, Senator Merkley, Congressman McGovern. It's great to see you and a privilege to take part in today's hearing. Thank you so much for convening us and thank you for your willingness to help move the legislation along, and for continuing to cast a necessary light on the Chinese government's increasing repression in Hong Kong and Xinjiang. I want to focus particularly on Hong Kong today.

I think all of us in this Congress—and I think this is a bipartisan consensus—see that we are in a contest of ideas between democracy and authoritarianism. The chief proponent on the world stage of the ideas of authoritarianism today is the Communist Party of China. Hong Kong is a critical battleground in that contest. It plays a role similar to that played by Berlin during the Cold War with the Soviet Union, in the sense that it is a piece of territory that is important not because of its geographic significance necessarily, not because of its military significance necessarily, but because it has stood as an example to the world of how democratic ideals can lead to success and prosperity for people who are otherwise, in the case of China, denied those principles.

It sometimes seems as if the policy of the Chinese government today is to ensure that no one who is Chinese can be free any-

where. Not just those who are Chinese in mainland China, but those who are living in a place like Hong Kong, which had enjoyed autonomy, or Taiwan, or people of Chinese descent, even in the United States and Europe, who are increasingly subject to harassment and intimidation from the Chinese government in Beijing. The example that Chinese people can be free and prosperous under a democratic system of government is a great threat to the Chinese government, and so they seek to extinguish it.

So that's why Hong Kong is important to us. I've been thinking a lot about what we can practically do about this situation. I support measures, for example, to impose sanctions and other forms of accountability on those who are denying the Hong Kong people their freedom and autonomy. But realistically, I don't think that's going to be enough to deter the Chinese government from continuing on its current path. Therefore, I think we have to focus on what we can practically do to help the Hong Kongers who are trapped in this situation.

Since last summer's crackdown, as you alluded to, I have been trying to advance legislation in the House with Representative Kinzinger and a large group of bipartisan cosponsors that would offer a broad menu of options to deal with the demolition of Hong Kong's democracy. The Hong Kongers we need to help are in very different situations. Some may be protesters still in hiding in Hong Kong. Some may be dissidents who have already managed to get out, perhaps to Taiwan. Some may be Hong Kong graduate students working on a degree in the United States who had posted critically about the Chinese government on social media, or some may be Hong Kong businesspeople who are still in Hong Kong and under pressure to toe the party line or lose their businesses. These are all different situations, so my bill aims to provide something for all of them.

It provides expedited refugee status for those who are under threat from the new National Security Law. We apply the Lautenberg standard, which is the most flexible and, I think, useful standard under U.S. law to expedite refugee status, allowing people to come based on the categories that they belong to. It allows for temporary protective status in the United States for Hong Kongers who would be under threat if forced to go back. It would continue to treat Hong Kong differently from mainland China for immigration purposes, and it includes a high-skill provision—5,000 visas for Hong Kongers with skills and education that would enable them to contribute to the United States, as they have contributed to Hong Kong.

I'd like to highlight this provision in particular, and stress that this legislation and our strategy, in my view, should be about more than just providing humanitarian pathways. Yes, we have to help those who need help, who need a place of refuge. But I think we can be approaching this in a much more strategic way. What I aim to do with these high-skill visas is to send a signal to the Chinese government that if you crush the freedoms of the people of Hong Kong, your loss will be our gain. You will lose the best and brightest people in Hong Kong, those who have been the secret to its prosperity and success, to your greatest adversary, the United States.

Many other countries are moving in this direction. The United Kingdom has offered residence to hundreds of thousands of Hong Kongers who meet certain criteria; Canada, Australia, Japan are moving in this direction. I think collectively we can send this signal. If you extinguish the prosperity and freedom of Hong Kong, we will allow Hong Kongers to rebuild that prosperity and freedom, in effect to rebuild Hong Kong in the United States, in the United Kingdom, in Canada, in Australia. This will communicate to the Chinese government that what they are doing is futile and it will fail, because the freedom that they're trying to extinguish, the example that these amazing people have set in Hong Kong, an example that threatens them, will continue in other places.

That's the best way to deter the Chinese government, I think, from intensifying repression in Hong Kong, because they will be afraid that even more people will take advantage of these visas, in addition to being the best way of helping the largest number of people who need that help. So with that, thank you so much for looking at this bill and for helping us advance it. I yield back my time.

Chair MERKLEY. Well, thank you very much, Congressman, and for your very concrete advocacy through your promotion of the Hong Kong People's Freedom and Choice Act, and the specifics in it. I think we should actually have five-minute rounds, given the number of people who are waiting, rather than seven minutes. We have a second panel and we do need to adjourn by 11:50 a.m. so we'll just try to keep things moving. I'll encourage people to stick with five minutes.

One thing I wanted to ask about—you mentioned TPS for Hong Kongers. TPS applies to people who are already in the United States. The Administration has already granted deferred enforced departure, DED, as it's referred to—which gives 18 months of protection. Does this essentially provide the equivalent of TPS, although for a shorter period of time? Or is it still important to provide TPS itself?

Representative MALINOWSKI. I would say yes. It's a good step that they've taken to provide some immediate relief from anxiety for these Hong Kongers who are not going to be immediately forced to go back and suffer potential prosecution or persecution for anything they may have said while in the United States. But I don't think it's realistic to think that this is going to be resolved in 18 months, and so I think permanent—more permanent—I know it's temporary, but the more long-term protection provided by TPS I think would be important.

Chair MERKLEY. Well, thank you. You mentioned the high-skill provision, which would enable highly skilled individuals—I think 5,000 positions—to be able to gain admission to the United States. One of the things that China has done in other cases is to take away passports to prevent people from leaving. Is there any sign that China might be inclined to take that strategy to prevent highly skilled Hong Kongers, if you will, from coming to the United States?

Representative MALINOWSKI. Well, I think they are very threatened by this, and in a sense, that should encourage us to move even more rapidly. I think they see exactly what I suggested is the

case, that their moves in Hong Kong are backfiring, in the sense that the people that are most responsible for the economic success of Hong Kong are lining up to leave. Between what the United Kingdom is doing and what we are proposing to do there, I wouldn't be surprised if they try to make it harder, but I think that's an argument for us to move faster rather than slower.

Chair MERKLEY. Thank you, Congressman. Finally, how does this current situation compare to how we dealt with dissidents or persecuted groups during the Cold War with the former Soviet Union and then with Russia?

Representative MALINOWSKI. Thank you for that question. I think it's very analogous. I think at our best, during the Cold War, we sought to counter the weaknesses of the Soviet communist system with the strengths of our democracy. We did so with confidence. We stood up for human rights. We held the Soviet Union accountable for its crimes domestically and around the world. But we also took every possible opportunity to open our doors to people from the former Soviet Union and other Eastern bloc countries who sought to come to the United States to make a better life for themselves.

One of those people is sitting in front of you right now. I came from Poland, when it was a communist country, at age 6. And I think I've made a few contributions to the United States. But I think the presence or willingness to open our doors to people of talent and imagination from the former Soviet bloc also drained those countries of the talent they needed to maintain their success. And the results were seen dramatically in 1989, with the fall of the Berlin Wall.

Chair MERKLEY. Thank you.

Congressman McGovern.

Co-chair MCGOVERN. Well, thank you very much. Let me again thank my colleague from New Jersey for being here. You know, as I said in my opening remarks, much of what we have done in Congress in response to the growing repression in China has been punitive in nature. I mean, we have passed legislation with targeted sanctions on officials in the Chinese government who are responsible for these policies, and I think that has been an appropriate response. But this is about focusing on people, and I certainly support what the gentleman is doing.

I think the challenge that we have in both the House and the Senate is how we get these good pieces of legislation enacted. You know, I think this is part of a bigger bill in the House. I have some legislation that's part of a bigger bill in the House, but I think it's unclear how that bigger bill is going to move. So would the gentleman be in favor of us maybe separating some of these pieces of the bigger bill, just so we get them done, and if we get the bigger bill, fine, but it's hard for me to believe that there are very many people, Democrats or Republicans, who will be opposed to your bill. I mean, there are a lot of good ideas that somehow don't ever make it, and it's sometimes very frustrating, so I'd be interested in your analysis on that.

Representative MALINOWSKI. We do tend to move slowly, don't we? Yes. I am for any pathway that will work. This is part of the large China bill, the EAGLE Act, in the House of Representatives.

There are a lot of important provisions in that bill that many of us would like to see enacted into law. So if the larger bill moves, great. If not, I would be absolutely in favor of separating this and other consensus provisions out. To be frank, there was one objection in the Senate when we tried to move this bill late last year. Senator Merkley knows better than us the particular difficulties of moving things through the Senate if even one Senator objects to a piece of legislation. But I think if we can get over that, I would be thrilled if this and some of the other bills being discussed today could be fast-tracked and enacted.

Co-chair MCGOVERN. Well, I appreciate that. Again, I'm not necessarily recommending one course or the other. We get everything done, that's great, but as I pointed out, behind all of the atrocities that we talk about and that we highlight are human beings, and many of those people are in the United States and in other countries seeking at a minimum temporary peace of mind, and their families are in jeopardy. And so I think if, in fact, we mean what we say about our concern about human rights in China, we need to make sure that we do what we can for those who have left the country. So, anyway, I support the gentleman's bill, I thank him for his advocacy, and I yield back.

Chair MERKLEY. Thank you, again, for your testimony, Congressman Malinowski. And we're going to be turning to our next panel, but just a couple comments before we do. Let me pause for a moment and see if any of our members online had questions for Congressman Malinowski before we proceed. Hearing none, I think we're going to proceed to our second panel. Thank you very much, Congressman.

I'd like to highlight two other bipartisan bills relevant to this hearing—the Hong Kong Safe Harbor Act, led by Senator Rubio in the Senate and Congressman Curtis in the House, the Uyghur Human Rights Protection Act, led by Senator Coons in the Senate and Congressman Deutch in the House. Both are strong, bipartisan bills that take some of the steps that we'll be discussing today. The Hong Kong Safe Harbor Act designates certain Hong Kong residents with Priority 2 status for refugee consideration. It exempts Hong Kong refugee admissions from the numerical limitations on U.S. entry, and it makes it easier for Hong Kongers to travel to the United States to declare asylum.

The Uyghur Human Rights Protection Act would extend the Priority 2 refugee status consideration to Uyghurs and other predominantly Muslim ethnic minorities in Xinjiang. The bill also states that Chinese government retaliation against individuals for seeking U.S. entry, including loss of passport or other travel documents, is not a reason to deny refugee status and could be a basis for consideration of refugee status. I'd now like to turn to our second panel, which will help us understand the context for these bills.

Olivia Enos is a senior policy analyst at the Asian Studies Center at the Heritage Foundation, where she focuses on human rights challenges in Asia. Her research spans a wide range of subjects, including democracy and governance challenges, human trafficking and human smuggling, religious freedom, refugee issues, and other social challenges in the region. Ms. Enos has a regular column with Forbes magazine. She graduated with a bachelor's in government

from Patrick Henry College and a master's in Asian Studies from Georgetown University.

Sunny Cheung is a Hong Kong politician in exile. As a former student leader of the Hong Kong Higher Institutions International Affairs Delegation, he took an active role in the 2019 Hong Kong movement. He testified before the United Kingdom Parliament and U.S. Congress and organized multiple large-scale marches in Hong Kong. Ahead of the 2020 Legislative Council election he participated and emerged victorious in the Hong Kong democratic camp's primaries, which Beijing later declared to be a violation of the National Security Law. He is now pursuing a master's at Johns Hopkins University's Paul H. Nitze School of Advanced International Studies.

Tahir Hamut Izgil is a prominent film director and poet in the Uyghur language. He grew up in Kashgar, an ancient city in the southwest of the Uyghur homeland. After attending college in Beijing, he returned to Xinjiang and in the late 1990s and 2000s emerged as a film director, best known for the groundbreaking drama The Moon is a Witness. His poetry has appeared in English translation in the New York Review of Books, in Gulf Coast, in the Berkeley Poetry Review, and elsewhere. In 2017, as the Chinese state began the mass internment of Uyghur intellectuals, he fled with his family to the United States. His memoir of the Uyghur crisis, Waiting to Be Arrested at Night, is forthcoming from Penguin Press, as well as several foreign publishers.

We now turn to each of our witnesses in the same order for their testimony. Welcome, and I thank each of you for your championing of human rights.

STATEMENT OF OLIVIA ENOS, SENIOR POLICY ANALYST, ASIAN STUDIES CENTER, THE HERITAGE FOUNDATION

Ms. ENOS. Chairman Merkley, Co-chair McGovern, thank you for inviting me to testify today. Tursunay Ziyawudun, a female Uyghur camp survivor, described to the BBC the situation she faced while being held in a political reeducation camp in China. Ziyawudun said that women were selected nightly and removed from their cells to be raped, even gang raped, by camp officials. She spoke not merely as an observer, but as someone who experienced this firsthand. She recounted: "You can't tell anyone what happened. You can only lie down quietly. It is designed to destroy everyone's spirit."

Today we know that Uyghurs face ongoing genocide and crimes against humanity. We understand the scope of their plight, many forcibly sterilized, subject to forced abortions, subjugated through forced labor, and detained en masse. There are today between 1.8 and 3 million Uyghurs held in the camps. And Uyghurs are far from the only Chinese citizens facing severe human rights violations.

Hong Kongers watched as the freedom they had enjoyed since 1997 and the one country, two systems framework that safeguarded it, crumbled. Many Americans observed with admiration as Hong Kongers took to the streets in 2019 and 2020 to defend the liberties they held so dear. When the CCP swiftly instituted the

National Security Law, or NSL, the Hong Kong people's future changed forever.

Both Uyghurs and Hong Kongers continue to face persecution at the hands of the CCP, and many policymakers are asking themselves what can be done. In the midst of intractable crises, the U.S. has a tool at its disposal to practically provide help to those in need, the U.S. Refugee Admissions Program. One especially salient tool is conferring the label "group of special humanitarian concern" by extending Priority 2, or P–2, status. P–2 status has several advantages to its counterparts, a point that I'm happy to dwell on further in Q&A. But I would like to highlight three benefits in particular.

First, if granted P–2 status, Uyghurs and Hong Kongers would be considered a group of special humanitarian concern. As a member of a P–2 category, individuals are part of a group identified by the U.S. refugee program as of special humanitarian concern but are still required to prove their individual case of persecution. Previous recipients of P–2 include groups from Burma and Thailand, religious minorities from the Middle East, and translators/individuals who assisted the U.S. Government in both Iraq and Afghanistan. The designation gives individuals who are members of this group of special humanitarian concern preference within the refugee admissions system.

Second, P–2 refugees can bypass UNHCR, NGO, and embassy referral. P–2 recipients can also apply whether they are inside or outside of their country of origin. This is especially important given that Hong Kong citizens who turned up at embassies or consulates in Hong Kong were often turned away due to intimidation from the CCP, a situation likely to affect Uyghurs as well.

Third, P–2 refugees receive the same level of stringent vetting as other refugee categories. While P–2 refugee applicants can skip the initial referral process, they are subject to normal stringent vetting procedures that are baked into the U.S. refugee program. In fact, P–2 refugees follow all of the same protocols, except for that referral process that I outlined above.

According to the U.S. Department of State's website, the Bureau of Population, Refugees, and Migration makes a preliminary determination as to whether individual applicants qualify for access and should be presented to DHS for interview. Applicants who clearly do not meet the access requirements are screened out even before they have the DHS interview. They are also subject to all the same security and medical checks of every other refugee category. In the midst of long-term crises like the ones facing Uyghurs and Hong Kongers, the U.S. should consider the most applicable tools in its toolbox to provide safe haven.

Given this, the U.S. Congress and the executive branch should first designate Uyghurs and Hong Kongers for Priority 2 processing status. Such a move builds upon the atrocity determination sanctions against CCP officials responsible for undermining human rights and freedom in both contexts and is a practical way to alleviate suffering in the midst of intractable crises. Such an option should be extended as soon as possible since Uyghur and Hong Kong lives are presently at stake.

Second, the U.S. can't resettle all Uyghurs and Hong Kongers alone. It must build a coalition of allies and partners to resettle them. The Biden administration has identified coordination and cooperation with allies as a key cornerstone of its foreign policy. One way to act on this commitment is to bring allies into the conversation. Third, the United States should prioritize diplomacy with key countries hosting Uyghurs, including Turkey, Malaysia, Thailand, and Kazakhstan. These countries all face significant pressure from China to deport Uyghurs back to Xinjiang, in violation of the principle of non-refoulement.

The U.S. has the opportunity to tangibly assist Uyghurs and Hong Kongers, to demonstrate that we hear their cry for help. Will we answer it? Will we extend safe haven? That choice is ours. Thank you.

Chair MERKLEY. Thank you. Mr. Cheung.

STATEMENT OF SUNNY CHEUNG, ADVISOR, HONG KONG DEMOCRACY COUNCIL, AND NOMINEE, 2020 HONG KONG PRO-DEMOCRACY PRIMARIES

Mr. CHEUNG. Chairman Merkley, Co-chairman McGovern, and members of the Commission, thank you for your kind invitation. It is my honor to testify here again.

Two years ago, I was in the same Senate building with my dear friends Joshua Wong and Denise Ho to explain the summer uprising of the Hong Kongers in 2019, and to push forward the Hong Kong Human Rights and Democracy Act. Two years later, Joshua's life changed within two years, and he just spent his 21st birthday in prison last week, facing false charges including one under the notorious National Security Law, the NSL, for which the maximum sentence can be life imprisonment. Activist Denise Ho, on the other hand, is also living on the edge of being prosecuted, just within two years. From the fiery uprising to the wintery persecution, Hong Kong is no longer the same. And now I'm here again, alone, without them.

I was the lucky one who could escape the political purge, and yet I had to leave my motherland and seek asylum because I've become a wanted figure by the Hong Kong government. Recently, the Ministry of Foreign Affairs of the PRC issued a report blaming the U.S. for interference in Hong Kong. Just like Chairman Merkley and Co-chairman McGovern, I was named and denounced in the report by the Foreign Ministry of the PRC twice.

If I was told two years ago that pro-democracy leaders in Hong Kong would be either in jail or in exile, I would not have believed it, as Hong Kong had long been politically different from the PRC. Hong Kong is no longer the same.

Last July, I was one of the nominees who emerged victorious in a primary election with Joshua Wong, Gwyneth Ho, Lester Shum, Owen Chow, and many, many other outstanding activists. Unfortunately, in January 2021 the Hong Kong government arrested every single one of the participants in the primary election under the NSL, accusing them of subverting the regime. If I had been in Hong Kong, I would have been arrested as well. The mass arrest has almost eradicated the whole pro-democracy camp in Hong Kong

and put nearly all of my friends in prison for almost a year without a valid reason.

In addition to this mass arrest of political leaders, political persecution is still ongoing at an unprecedented scale on the ground. Earlier today five students from the Chinese University of Hong Kong were charged with rioting and sentenced to four years in jail because of their participation in protecting their university from the siege of the Hong Kong police force two years ago. What happened that day at the CUHK and another university, Polytechnic University—forced the U.S. Senate to pass the Hong Kong Human Rights and Democracy Act. However, those courageous students are paying the price just because they want to pursue justice and freedom so badly. One of the students told us just today that she would not regret what she did, because the law itself is unjust and could not prove her guilty.

Journalists are also in danger. The Hong Kong government is planning to introduce a new anti-fake news law to scrutinize the industry. Apparently, the definition of fake news can be freely manipulated by the Chinese government. We can imagine the Hong Kong government will utilize this law once again to arrest journalists who dare to report the truth and oversee the government.

Another alarming phenomenon is the demise of the interest group in Hong Kong civil society. In the first nine months of this year, 50 pressure groups were dismissed. Hong Kong is no longer the same. Many historical groups disappeared overnight. For example, the well-known organization the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, which organized an annual June 4th vigil in Victoria Park, was disbanded because the Hong Kong police argues that the group is an agent of foreign forces and colluding with foreign powers to subvert the regime. There are also more pro-democracy concern groups and labor unions which represent different walks of life in Hong Kong, including teachers, doctors, civil servants, and lawyers, all disbanded due to the worsening political climate in Hong Kong. They all need the urgent help of the U.S. Government to escape political threats.

As this Congress has made clear, a free and autonomous Hong Kong is in the national interest of the United States. The U.S. Government should provide a safe harbor for those Hong Kongers who have stood up for liberty and suffered the consequences of safeguarding the liberal values that the U.S. Congress has supported Hong Kong people in pursuing. While Hong Kong will not return to its heyday anytime soon, preserving Hong Kongers' voices and movement is the best hope for the future rejuvenation of an autonomous Hong Kong.

We should remember that it is good to help them survive, but it is equally important to help them build a life. A policy to help them resettle in U.S. society is necessary. Therefore, I urge the U.S. Congress to pass the Hong Kong Safe Harbor Act and the Hong Kong People's Freedom and Choice Act, to speed up the asylum application process. Moreover, Congress should encourage the Department of Homeland Security to announce more details of Deferred Enforced Departure, the DED scheme. President Biden announced it two months ago, but the information is still very limited.

Lastly, Congress and the administration should work with NGOs, the private sector, and charity groups in civil society and expand community involvement in the settlement of Hong Kongers by robustly promoting community sponsorship. The sooner they settle in, the sooner they can give back to the United States. Hong Kong is no longer the same, but the lionhearts who survive and strive for freedom are always the same. No matter where we are, we will not give up. I come here alone, but we will walk out together.

I have been in exile for more than a year, but I can still remember the city landscape of Hong Kong and the names and faces of my dear friends who are now political prisoners. I will not forget them, and I hope the U.S. will not forget them. I will stand on the side of our brave Hong Kongers, the side of human dignity and liberty. This is the revolution of our time. We will liberate our Hong Kong. Please stand with us. Thank you.

Chair MERKLEY. Thank you, Mr. Cheung.

And now we'll turn to the testimony of Mr. Izgil. He will have a simultaneous translator to help convey the essence of his remarks. Welcome.

STATEMENT OF TAHIR HAMUT IZGIL, UYGHUR POET AND FILMMAKER

Mr. IZGIL. Good morning. Thank you for giving me this opportunity to testify. In the spring of 2017, the Chinese communist government launched a large-scale detention of Uyghurs and other local ethnic groups. In August of the same year, I fled to the United States to seek asylum for the safety of my family and myself. I was one of the very few lucky Uyghurs who was able to leave at that time. Many other Uyghurs could not get the same opportunity. They couldn't get passports, or their passports were confiscated. They lost the ability to travel abroad, and they were interned in concentration camps established by the Chinese government.

Refusal to give passports to Uyghurs is one of the most important methods enforced by the Chinese government to inhibit Uyghurs from taking refuge abroad. Radio Free Asia and the Uyghur Human Rights Project reported extensively 10 years ago on this violation of their right to travel freely. Then, in 2015, the Chinese government began confiscating passports from the very few Uyghurs who had them. The confiscations initially started with the passports of Uyghurs who worked in the government. The large-scale detention in 2017 marked the beginning of the confiscation of ordinary citizens' passports. However, even Uyghurs who have been able to go abroad despite such obstacles still have great difficulty in achieving secure living conditions.

It has been four years since I applied for asylum here in the United States and I still have not received asylum. My two daughters' Chinese passports expired in 2019, and they have no official status here. Some Uyghurs in the United States have been waiting for asylum status for seven or eight years. Although some Uyghur Americans are living in safe conditions and have work opportunities in the United States, many have not been granted legal resident status, and they are going through many hardships and anxi-

eties. Many continue to receive threats from the Chinese government.

Uyghurs elsewhere around the world are in dire need of humanitarian assistance and resettlement to a safe place. These refugees' precarious fate is a huge worry for Uyghur diaspora communities. For example, more than 50 Uyghur asylum seekers are being held in prisons in Thailand, with no country willing to take them. Tens of thousands of Uyghurs in Turkey are living in fear of being unable to obtain legal status or being unable to relocate to another country. Uyghurs who are abroad are in great danger when their Chinese passports expire. This is because the Chinese government has deliberately refused to renew them. The government tells Uyghurs they must go to China for renewal, unlike Chinese citizens who can renew their passports at the Chinese embassy or consulate. The Uyghur Human Rights Project called this the weaponization of passports. Uyghurs living in countries such as Saudi Arabia, the United Arab Emirates, and Egypt are experiencing great hardship after their passports expire because they don't have a valid passport to travel anywhere else, but at the same time they cannot get asylum status. They live in constant fear of being extradited to China.

In Turkey, more than 200 people have been waiting in UNHCR refugee camps to be granted safe haven. In Afghanistan, more than 100 Uyghur families in Kabul are living in horrendous straits, in great fear of the Chinese government which has close ties with the Taliban regime. The danger is that some governments are treating Uyghur refugees as assets to bargain with China over a variety of interests.

The root cause of this tragedy is the Chinese government's genocide against the Uyghurs. While the U.S. Government and several Western parliaments formally recognize the Uyghur genocide, the international community must do more and provide humanitarian assistance to Uyghurs abroad who are the victims of these crimes against humanity.

In conclusion, I urge Congress to find out why the Uyghurs' U.S. asylum applications have been in limbo for so many years, at a time when the U.S. Government has recognized the genocide.

It's also urgent that the U.S. Congress pass a law to provide safe resettlement for Uyghur refugees around the world. At this time, when effective measures have not been taken to end China's genocide against the Uyghurs, it will give Uyghurs some hope for the future if Congress passes a U.S. law to bring refugees to safety. Thank you.

Chair MERKLEY. Thanks so much to each of you for bringing your life experience and your expertise to the U.S. Congress and to this Commission. To clarify where we're at now, in regard to individuals from Hong Kong, the Administration has granted Deferred Enforced Departure, which means that those who are here in the United States are protected for 18 months but are not granted P–2 status. In regard to those who are in exile, the Uyghurs from China, there is neither Deferred Enforced Departure nor P–2 status, so I want to, then, focus on this P–2 status question.

Ms. Enos, you've laid out the advantages of that, that people can apply from inside or outside the country, that there is a significant

vetting, they have to show their individual persecution, but they qualify as part of a group. What is the Biden administration's current position on establishing P–2 status for those from Hong Kong and for Uyghurs?

Ms. ENOS. Thank you for that question. That I know of, the Biden administration has not taken action in order to extend P–2 status, as you mentioned, for Hong Kongers. They do have that DED status, which is almost equivalent to TPS, it just stems from a different authorizing executive branch. So Hong Kongers obviously do have the ability to come here to work and to stay here without fear of deportation, but for Uyghurs, that is not the case.

In my mind, and please pardon me if this goes beyond the scope of the question, both TPS and humanitarian parole, which is another option that has been raised, neither is applicable to Hong Kongers and Uyghurs for many reasons but principally because they only provide temporary relief. They don't actually provide long-term relief in the way that a Priority 2 status does, and I think it's very difficult to argue that a permanent law, like the National Security Law, or the longstanding persecution of Uyghurs, that long predates our 2017 knowledge of the camps, is in any way temporary. So we should be looking—the U.S. Government, the Biden administration, Congress—should be looking for long-term options that give Uyghurs and Hong Kongers permanent safe haven.

Chair MERKLEY. Thank you.

Turning to Mr. Cheung, you noted in your written testimony that those who were with you when you testified here before—Joshua Wong, Denise Ho—that Joshua Wong is behind bars because of the pernicious National Security Law, and Denise Ho is living on, as you term, the edge of being prosecuted. So kind of day-to-day fear and that this exists for so many of those you know who took to the streets to defend the democratic liberties of Hong Kongers. You have noted the importance of P–2 status as well, but you have also noted that we need to give additional help to help people become stabilized once they reach the United States. Could you clarify your thoughts on that?

Mr. CHEUNG. Sure. Thank you for your question. To clarify my statement, this is actually about—we have to try to help Hong Kongers in the United States to resettle in the society. At least we know that we have the DED program, but the Department of Homeland Security has not announced any details of the DED yet. So many Hong Kongers are still quite desperate in the United States, trying to figure out how to settle down and how to develop a life here.

It really is important for them to settle down in the U.S. I've met and encountered so many young dissidents who are now in the U.S. and cannot afford to buy insurance, they cannot afford tuition fees, etc., needed to help them transition and relocate to the U.S. The sooner they settle down, the sooner they can contribute back to the U.S. So what we are asking is not about granting all the Hong Kongers a green card or asylum status. What we really want is to help those people who are in political danger and help them settle down in the U.S. as soon as possible.

Chair MERKLEY. Thank you. And many Hong Kongers have the legal status to be able to go to the United Kingdom. We're seeing, I think, that thousands have. Is China moving to block people from leaving Hong Kong to go to the United Kingdom?

Mr. CHEUNG. For the previous months, actually, there are still many regulations from the government trying to block—trying to deter Hong Kong people from leaving Hong Kong. For example, when they leave Hong Kong, actually there are lots of Hong Kong police now patrolling in the Hong Kong airport, and they would actually stop and try to search those Hong Kong people.

Some Hong Kong people, whenever they leave Hong Kong and try to relocate to the U.K., actually they cannot keep their retirement payments and they can no longer benefit from the Hong Kong government's welfare scheme for some people. That's how you can tell that the Hong Kong government is trying to do something to deter them from leaving Hong Kong, and this is really alarming because the situation in Hong Kong is getting more frustrating. On the other hand, if the British National Overseas visa system or the asylum system in the U.S. cannot help Hong Kong people who are under political threat, that will be miserable.

Chair MERKLEY. Thank you. Mr. Izgil, you've noted that you've been seeking asylum for four years. What is the holdup?

Mr. IZGIL. I don't know the reason. When I came to the United States in 2017, there were a lot of Uyghurs that had been waiting for their asylum case decision. It's been backlogged since 2013.

Chair MERKLEY. Thank you. Are you then in a situation where you have any—do you have legal resident status, or do you have any legal status in the U.S. now? I know you noted your daughters do not, but are you also in similar limbo?

Mr. IZGIL. I really appreciate the U.S. Government and the people for giving us work here. But my status is—I don't have legal status here either, just like my daughters, and I have been waiting for my asylum case decision.

Chair MERKLEY. Thank you for sharing your personal story, because it creates a vision into the situation of so many Uyghurs who are here in the United States. I also really appreciate your clarification of the challenge so many—as you put it, tens of thousands of Uyghurs in Turkey are in fear of being unable to obtain legal status.

I am going to pass the baton here to Congressman McGovern, but I just want to note that it seems like there's a very strong case for us to address all of those, like yourself, who are in limbo with no legal status, and here you've been applying for four years. It's just unacceptable, and that's why we're holding this hearing, to explore these issues and how the United States should address proper advocacy for human rights, particularly in regard to Hong Kong and in regard to China. Thank you.

Co-chair MCGOVERN. Well, thank you. Again, let me thank all the witnesses for your testimony.

It reinforces a frustration, I think, that I have—that many of us have, that we're moving too damn slow here in Congress, that we need to do more, the Administration needs to do more. But sometimes the nature of this system is that one person or, you know, a small group of people can hold things up, and there's also the

issue that if we're going to take care of Hong Kongers and Uyghurs, then what about this group, or what about that group. I mean, there's a lot of people we need to take care of, but if we can all agree that this is a priority—you know, the old saying goes you don't have to agree on everything to agree on something. Let's get the something we agree on done. It's hard for me to fathom, given what we read in the papers every day, given the reports from human rights organizations, given your testimony, that anybody believes that there isn't a sense of urgency to provide protection to people who are fleeing these terrible situations. So we've got to figure this out and we've got to move faster. The Administration needs to do more, and we certainly need to do more here. If that's legislation we need to pass, let's figure out how to do it and get it to the President's desk.

Now, let me ask you a question here, regarding governments that may be tempted to accede to Chinese government requests to deport Uyghurs to China, where we all agree they would face a dire fate. What tools does the United States government have to persuade or deter governments from refouling them? I mean, are there any applicable sanctions on individuals who abet the refoulement? You know, governments of some Muslim-majority countries have received pushback against their attempts to cooperate with China on the repatriation of Uyghurs due to public sympathy for the plight of Uyghurs in China and their countries. Are policy options available to the United States Government regarding promoting civil society actions in these countries that support Uyghurs? Maybe, Ms. Enos, we'll begin with you.

Ms. ENOS. Absolutely. China is notorious for violating the principles of non-refoulement. In fact, China is a signatory to the UN Refugee Convention, in which they agreed not to engage in refouling individuals. They do this in the North Korea context and, of course, they've done this with Uyghurs. I think we need to increase pressure, and I think the Biden administration has said that they view working with allies and partners as a cornerstone of their foreign policy efforts. I think that there should be much more political will internationally.

I think we've even seen some encouraging multilateral action earlier this year when the EU, the U.K., Canada, and the U.S. all sanctioned individuals in China for the role that they played in committing genocide—ongoing genocide and crimes against humanity—against Uyghurs. There might be a role for the UN, since technically China is violating the UN principles of non-refoulement, but I think that it's going to take U.S. leadership to draw together our allies in order to put pressure on China, either in the UN context or perhaps beyond. Global Magnitsky sanctions may actually be applicable here. So perhaps something worth looking into.

Co-chair MCGOVERN. Anybody else want to comment on that?

Mr. CHEUNG. Yes, I think I have a response to that. I think more U.S. sanctions from the Biden administration will be really helpful because currently I think the Hong Kong government feels like they are winning. I mean, they are winning because people are fleeing. People are leaving, and almost all the political activists and leaders are now in prison. So the CCP, the Hong Kong government, think that they are winning.

In order to hold them accountable, I think that it's really important for the U.S. Government to have strategic sanctions regarding the individuals, officials, and also those state-owned companies, and also from a more global landscape, which also is going across the Winter Olympics of 2022. When we try to do something like this to be assertive, then we can create more pressure on the Hong Kong and Beijing government; that Hong Kong people are not alone and the U.S. will not keep silent and you will actively try to help Hong Kongers, with your allies in the world.

Ms. ENOS. May I just add here really quickly?

Co-chair MCGOVERN. Yes.

Ms. ENOS. I put out a report earlier this year at Heritage pressing on Congress to postpone and move the Olympics in Beijing. I wanted to echo Sunny's call. I think it would be a good move to postpone and move the Olympics. Short of that, a diplomatic boycott could be a good secondary option that sends a signal to China and embarrasses China on an international stage, that they should not be able to host—or have the honor of hosting—the most privileged sporting event in the world.

Co-chair MCGOVERN. Well, let me echo what you just said and what Mr. Cheung just said. We feel the same way. The bottom line is if you can postpone the Olympics for a year because of a pandemic, you ought to be able to postpone them because of a genocide, among other things. So I think my time has expired, but I want to thank all of you for your excellent testimony. I yield back.

Okay, we're going to turn to Congressman Smith. We'll go to Senator Ossoff afterwards. Congressman Smith.

Representative SMITH. Thank you so very much, Mr. Chairman. I really want to thank our distinguished witnesses. They have been extraordinary. Very incisive. And, again, to Olivia Enos's comments just a moment ago about the Olympics, and my good friend Jim McGovern, you and I, Mr. Chairman, we've all held hearings. We're asking that the venue be changed, postponement. I mean, it is outrageous with the genocide that is ongoing as we talk that the country—Xi Jinping's dictatorship—should be hosting the Olympic Games. It's just absolutely unconscionable. So I appreciate our distinguished witnesses focusing at least a little bit on that.

I would like to ask Olivia Enos—you talk very strongly about the different options that are available, including TPS, which you think is not the way to go. Of course, it is *a* way to go, but not *the* way to go. When you talk about the Lautenberg Amendment as being primarily for family reunification, that's not likely going to be a viable alternative. Humanitarian parole, you give the up and the down side of that, but you really, really, like I believe myself, think that P–2 is the way to go. There is a bill that's been languishing, and I think Jim McGovern's point about how we've been a little slow coming out of the gate, that was introduced last January 25th by Congressman Curtis. I am one of the co-sponsors of it, one of many bipartisan co-sponsors of H.R. 461. It would designate P–2 status.

So maybe if you could elaborate a little bit further on that, Ms. Enos, please, about why that is the preferred position. You do it in your written testimony, and I think we all deeply appreciate that. You also talk about building a coalition of allies and partners

to resettle Uyghurs and Hong Kongers who are in need. Also, in your answer, if you could, how hard will it be for a person in Hong Kong, and how much harder will it be for someone in Xinjiang to avail themselves in any way, shape, or form, of P–2 status?

I remember—you know, I cut my teeth on human rights issues on the immigration of Soviet Jews. My first trip to the Soviet Union was in 1982. It was on behalf of Soviet Jewry. As we all remember, as Soviet Jews came out or even tried to emigrate, they were then charged with crimes by the Soviet state, for just wanting to leave. So maybe you could just touch on, in practical terms, how the P–2 would work for anyone still inside of Hong Kong, and even more difficult, inside of Xinjiang?

Olivia.

Ms. ENOS. Yes. Thank you for that question. Just to very briefly summarize why I don't think the other three options would work—for TPS it's temporary; it's typically for a temporary situation, which I mentioned. I don't think the Hong Kong situation, or the Uyghur situation, is at all temporary. With TPS, you don't have the ability to get LPR (lawful permanent resident) status, which is really the permanent path.

Also, TPS is typically granted by the executive branch and not by Congress—although, of course, there have been some examples in the past where this is the case. In the Hong Kong situation I actually believe that TPS is duplicative of the DED status that Hong Kongers already have. While I agree with Sunny that there should be clarity on how DED works in practice for Hong Kongers, I think that DED and TPS essentially do the same thing. They offer temporary safe haven.

On the humanitarian parole option, this is supposed to be used only in emergency cases. This is supposed to be case-by-case, individual, for very discrete reasons, like needing emergency medical care or needing to testify in a court case, or there's an earthquake back home. It's a very discrete case, and once that situation is over, that person doesn't have a pathway to stay here permanently. As I mentioned also with the Lautenberg Amendment, it's actually a part of P–2 status, but it's supposed to be only in-country processing. It's principally for individuals with family members and in the past has only been used for religious minorities, which means that it would likely only apply to Uyghurs.

For those reasons, I think that P–2 is a far superior option. One, it is actually a permanent option for individuals to come here. Two, they don't have to have UNHCR, NGO, or embassy referral, which means that they can go directly—inside or outside of their country. Most Uyghurs and most Hong Kongers would be processed outside of their country, because they can't go to a consulate within China, so to me, this is the preferred option. It's the safest option. It's the one where vetting is in place, just like all other refugee categories, and so I think that P–2 is the best of the available options.

Representative SMITH. Can I ask you just one follow-up? It's my understanding that USCIS and PRM could initiate this. Is that your understanding—it does not take an act of Congress?

Ms. ENOS. I believe that it can be done by the executive branch, but I would need to double check——

Representative SMITH. Mr. Chairman, as we move toward a legislative solution, which would obviously be a good one, but it's languished since January, perhaps we could reach out collectively, maybe with a letter, to the Administration asking that they just do this.

Ms. ENOS. Absolutely.

Representative SMITH. That's my understanding of what is available, and it would have an enormous positive impact on those who are suffering. Thank you, Mr. Chairman, and thank you to our distinguished witnesses.

Chair MERKLEY. Thank you, Congressman, very much for that suggestion. I think that following this hearing we should absolutely have that discussion about weighing in with the Administration about executive action on P–2 status.

We're now turning to Congressman Malinowski.

Representative MALINOWSKI. Thank you. Mr. Cheung, I wanted to ask you about Hong Kongers who are leaving today. We've not acted yet, but the United Kingdom in particular has. I wonder if you could just describe what is happening right now. Who is leaving? It's, I understand, not just protest leaders. It's a much broader group of Hong Kongers. Why are they leaving, and what impact is that having on Hong Kong's society and economy?

Mr. CHEUNG. Thank you for your question, Congressman. I think the key reason why Hong Kong people are leaving right now is the "white terror." You are right that actually not just the protesters or not just political activists are leaving. Actually, more and more Hong Kongers from different disciplines and different fields are leaving.

The reason for that is because, for example, when we look at and investigate the content of the National Security Law, it does not just mention political persecution, it does not just mention how to punish or try to punish activists who collude with foreign powers. From the NSL, it's also been mentioned that the government should do something to scrutinize education—to scrutinize secondary school and primary school. And that's why, from my understanding, many teachers from secondary school and from primary school in Hong Kong are actually leaving, because they believe that under the supervision of the Hong Kong government they can no longer talk about politics in the classroom. If they do, they can be reported, and their teaching certificate can be terminated by the government.

And not just the teachers. Civil servants, businessmen, many professionals, accountants, all of them are actually facing this "white terror." In Hong Kong nowadays if you dare to say something similar to pro-democracy, or if you say something to criticize the government, and if people report you to the authorities, you can be summoned by the police and your job can be lost under "white terror." And that's what explains why many people are leaving.

Then, lastly, when we want to examine how these people leaving impacts Hong Kong's economy and society, I would say that for civil society, of course, it will really be devastating, because many talents and many political advocates will either be in exile or in jail. However, there are some people still remaining in Hong Kong, trying to be resilient and trying to do some underground advocacy

and political protest in order to keep the momentum of the movement. On the other hand, for the economy, we witnessed many people try to emigrate to other countries, bringing their capital and assets. So we believe that actually if the U.S. Government can also try to absorb this kind of talent and these professionals, you can also bring in their assets and capital to the U.S. and try to contribute to the U.S. society more. Thank you.

Representative MALINOWSKI. Thank you. You suggested that the Chinese authorities are threatened by this, that they're not just happy that all of these troublemakers are leaving for good, that they are actually beginning to try to discourage it, which suggests it's exactly what we should be doing. Would you agree?

Mr. CHEUNG. Indeed. And I think Xi Jinping is becoming more assertive, at the moment, especially before next year when he seeks a third term as the leader of the Communist Party. That's why he has to be assertive on Hong Kong issues, and actually, according to a statistic provided by the American Chamber in Hong Kong, more than 40 percent of U.S. companies want to leave and want to relocate to Singapore or other regions in Asia. The Hong Kong government actually knows about this statistic, but they do not care about that and want these troublemakers to leave. This is really alarming because they are actually killing the autonomy and economy of Hong Kong.

Representative MALINOWSKI. Thank you. Again, I think there's a strong argument for us to move quickly before the Chinese government makes it even harder for people to take advantage of these visas. Thank you. I yield back.

Chair MERKLEY. Thank you very much. And Senator Ossoff is questioning in the Banking Committee, so we're turning to Congresswoman Steel. And we will pause to see if you are there, Congresswoman, and if not, just a heads up, I'll also see if Congresswoman Wexton and Congressman Mast are ready to ask questions.

Representative STEEL. Thank you very much for giving me a chance and thank you to all the witnesses coming out today. The human rights abuses happening in China right now should horrify every one of us. Chinese Communist Party leaders have taken over Hong Kong and have destroyed the rule of law. The CCP has ended the liberal free enterprise system that has defined Hong Kong's success, where democracy leaders are being targeted and arrested while many journalists are being barred from reporting the news. The world has also witnessed the Hong Kong police force abuse their power and attack nonviolent protesters. Hong Kongers have a right to freedom.

That right was taken away by the CCP. I have supported the Hong Kong People's Freedom and Choice Act to provide temporary protective status to Hong Kongers in the United States. The Chinese Communist Party continues to engage in horrific human rights abuses. We cannot turn a blind eye to the forced labor and torture of the Uyghurs and oppression of minorities. Uyghurs face ongoing crimes against humanity, including forcible sterilization and forced abortion, forced labor, and genocide. I have called on the International Olympic Committee to pull the 2022 Winter Olympics from Beijing because the goal of the Olympics is to promote a peaceful society concerned with the preservation of human dignity.

Yet, the Chinese Communist Party undermines human dignity with brutal practices, and their wrongdoing must not be rewarded.

I sit on this committee with the purpose of holding the Chinese Communist Party accountable for its horrific crimes. Having said that, I have a few questions for the witnesses. The first one is, Can you share how the CCP profits or gains from the exploitation of the Uyghurs, who are subjected to forced labor in Xinjiang? I think any witness can answer this.

Ms. ENOS. I can go first. Thank you for that question. We know that the Chinese Communist Party carries out severe forms of forced labor. Forced labor is happening, both in the context of the camps—there are many camp-adjacent facilities where there are factories that actually share space with the political reeducation camps that the CCP runs. We know that there are at least 260 of those camps that BuzzFeed identified in their reporting and that a significant percentage of those camps do have facilities that are used for forced labor. We also know that the CCP runs forced labor transfer camps. Adrian Zenz from the Victims of Communism Memorial Foundation produced a report where he said he believes that at least—I think it was 1.6 million Uyghurs are at risk of being subjected to forced labor through forced labor transfer programs, and so we know that this is a substantial problem. We do know that the CCP profits off of it. And we also know, as you mentioned in your comments, that the CCP is still going to be able to potentially host the Winter Olympics. I think we should be undertaking far greater efforts to tackle forced labor, making use of the tools that Customs and Border Protection has through withhold release orders, that should arguably be expanded, and then we also should be calling into question Beijing's ability to host the Olympics.

Just a reminder, the Olympics is a money-making venture. And so NBC does have the option to choose not to broadcast the Olympics and to not make it profitable, especially not to broadcast the opening ceremonies, which we know from the 2008 Olympics were merely a propaganda opportunity for the Chinese government. So I think we need to absolutely tackle all of the ways that the CCP is profiting from exploitation but especially the ways in which it's doing so against the Uyghurs and Hong Kongers.

Representative STEEL. I think moving the location itself from Beijing to another city—you know, safe cities, I think that's much more preferred. But, you know, they said they are still going on, and I'm very much concerned about the safety of our athletes, because how can they be guaranteeing that our athletes—not just ours, but athletes from all over the world—that their safety is of utmost concern when they're going into China.

My second question is, How can Congress identify and determine the percentage of goods produced in Xinjiang that are made with forced labor?

Ms. ENOS. I think that Customs and Border Protection has a range of tools that are available to it. One is withhold and release orders. Actually, there are current withhold release orders for, I believe, both the cotton and the tomato industries. I think arguably, and I have a report, actually, that my colleague Tori Smith and I put out, that those withhold release orders should be expanded to

the entire Xinjiang region for a period of two years, so that CBP can produce a report telling us what percentage of goods that we apprehend at our border coming and originating from Xinjiang are produced with forced labor. And if it's over a certain percentage, I think that at that point you would have a solid justification for creating a rebuttable presumption that all goods produced in Xinjiang are produced with forced labor. The details of that are in a Heritage report that I'm happy to submit afterwards, if that's helpful to you, but I think those would be some of the most valuable and immediate tools. Those can either be authorized by Congress or, frankly speaking, the executive branch could be doing so as we speak.

Representative STEEL. Thank you very much. I'd love to have that information or data, and I would like to——

Chair MERKLEY. Thank you, Congresswoman Steel. We're going to turn to Senator Ossoff, but we're happy to come back to you for a second round if you just stay with us.

Representative STEEL. Thank you.

Chair MERKLEY. Thank you. Senator Ossoff.

Senator OSSOFF. Thank you, Mr. Chairman. I would like to discuss with the witnesses—specifically Mr. Cheung and Mr. Izgil, the tools and tactics that the CCP uses to surveil and intimidate dissidents abroad, as well as the threat of reprisal against those dissidents' relatives who remain in the PRC. Mr. Cheung, could you please comment on this?

Mr. CHEUNG. Sure. Thank you, Senator. I think the Chinese Communist Party right now is really good at using—creating "white terror" to try to repress and keep those dissidents silenced. That's why we hope that the U.S. Government can also try to help dissidents who remain on the ground, especially student activists younger than us, who are still in Hong Kong currently, because many student campuses have been colluding with the PRC. And then the problem is that many student activists no longer receive support from the university administration. That's why this is also a way for the PRC to crack down on the student activists in Hong Kong, and where student activism has been fundamental and essential to the fabric of our civil society. If student activists do not have the support of the school authorities, and the school authorities choose to collude with the PRC in order to arrest student activists and leaders right now, that will be miserable.

This does not just exist on campus, but also in other domains where the PRC is trying to use different means to create pressure on those companies and employers to ask them to monitor and oversee the status of their employees. So that makes a really horrifying situation where actually no one is safe in Hong Kong to publicly voice their political opinion, and this is alarming. That's why we should stand with Hong Kong people and try to counter the CCP's control over these school campuses, business circles, and other domains. Thank you.

Senator OSSOFF. Thank you, Mr. Cheung. And Mr. Izgil, could you comment on the same question—the tactics, the technology, the policies that are used by the CCP to target dissidents and critics of PRC policy who may be outside Chinese territory but have family within China? Thank you.

Mr. IZGIL. Thank you for your question. The Chinese government in general monitors Uyghurs abroad through applications such as WeChat and other apps. They normally "host" the relatives and family members of the Uyghurs or threaten to take them to concentration camps—also putting a lot of pressure on the dissidents. Recently, we also learned that famous social media apps like Facebook are also helping the Chinese government to provide essential information on the Uyghur people. Phone calls and other methods are also the ways that the Chinese government monitors the Uyghurs. Thank you.

Senator OSSOFF. Thank you. And thank you, Mr. Chairman. I yield back.

Chair MERKLEY. Thank you very much, Senator.

Congressman Wexton.

Representative WEXTON. Thank you, Senator, for convening this hearing today, and thanks to all of the witnesses for appearing and for sharing your stories, which paint a very vivid and frightening picture of the horrific abuse that Uyghurs and other Turkic Muslims, as well as Hong Kongers, are being subjected to in China. I'd like to associate myself with the remarks and opinions of many of my colleagues on this Commission, in particular with regard to forced labor. And as one of the co-sponsors of the Uyghur Forced Labor Prevention Act, and my own Uyghur Forced Labor Disclosure Act, I absolutely agree that we need to do more about this.

It's really terrible the way that China is trying to launder their supply chains and sanitize them through other programs, like the pairing assistance program, and things like that, which move the forced labor out of the Uyghur region. It's a start to have these withhold release orders on the tomatoes and the cotton, but I do believe that the Administration needs to do more, and hopefully we in Congress will be able to come to an agreement and do more as well.

With regard to the Olympics, I again agree with my colleagues that this is really a frightening development. We all remember 2008, when everybody said, no, it'll be fine—you know, this'll help open China and make them more democratic in their methodologies and what they do. Well, in fact, it had the opposite effect. It was a huge spectacle that everybody around the world really admired. Meanwhile, China decided to double down on the human rights abuses, and that escalated to genocide. I shudder to think what they will do after a successful hosting of the Olympics in 2022. So I do think we need to keep the pressure on the IOC as well as the sponsors and NBC.

So, Ms. Enos, today we're talking about ways that we can help refugees and others of these folks who are being systematically oppressed here in the U.S., through either legislation or administrative action. The State Department included Uyghurs and Hong Kongers in its proposed refugee admissions reports for FY '22, and that's the first time that either population had been included. Can you explain exactly what constitutes priority access, and does it include establishing Priority 2 authorities?

Ms. ENOS. Yes. My position is that Priority 2 would be the best option for both Uyghurs and Hong Kongers over the long term. As I illuminated in my testimony, I really think that P–2 and creating

that special humanitarian group makes it so that they actually have preference within the system. While they still have to prove their individual case of persecution, it's what gets them in the door.

I'm glad that you brought up that Uyghurs and Hong Kongers were mentioned in the refugee determination, but I think there's one other aspect that has been overlooked, which is when the Trump administration issued their executive order—I think it's No. 13936—that changed Hong Kong's special status, they also had a provision within it that said refugees from Hong Kong should be able to come and find safe haven here in the U.S. I think this provision has been underexplored, and so this may actually present additional opportunities for letting in Hong Kongers even outside of the P–2 designation—that I think members of Congress should be asking the Administration about.

So this is something perhaps worth considering. But I think P–2, it enables individuals to bypass referral from UNHCR, NGOs, or an embassy, and it enables them to have that special humanitarian status that puts them in line in order to be resettled. There's still vetting that's involved. So to me, this is the best long-term solution for what is a long-term problem facing both Uyghurs and Hong Kongers.

Representative WEXTON. Thank you very much. Now, my office here in Northern Virginia is helping many, many families with visa applications, and this includes Uyghurs and Afghans. One of the biggest challenges that we're facing is the backlog at the State Department and understaffing at the various agencies. I don't see how we'll do this without more money for visa processing and resettlement, and that's one of the issues that we're facing right now—that the State Department has basically been gutted and needs to hire more people. What other resources does the Federal Government need to ensure that people aren't languishing backlogged in the immigration system? Ms. Enos, do you have an answer to that?

Ms. ENOS. In terms of overall backlog in the immigration system, that's outside my area of expertise. I focus mostly on Asia. But I do think that it would be a good idea to increase staffing. I think it would also be a good idea to return to the normal average level of refugee resettlement. There is a historic average that is there, and we have fallen pretty far below that in recent years. So I think it's worth considering how we can get our system up to date in order to be responsive to the needs of today. I think there can be no question that the situation facing Uyghurs is arguably one of the worst human rights atrocities likely that will happen in the 21st century. So we need to be mobilizing in the ways that we can, to provide the relief that we can.

Representative WEXTON. Thank you very much. I absolutely agree with you.

Now, Mr. Izgil, I'm so sorry to hear what your family has been through, as well as the challenges and abuse and threats that Uyghurs in other countries are facing right now. I will say that when Secretary Blinken appeared before my subcommittee, he did indicate that the State Department was in discussions with those countries trying to prevent—trying to help alleviate the pressure and bring U.S. resources and assistance to those other countries, but I know that it's very challenging for them. Can you explain or

tell us a little bit more about what we can do to help asylum seekers, like your family, obtain the security you deserve?

Mr. IZGIL. I think it's quite urgent to solve the asylum cases of the Uyghur people, which have been pending for a long time, or backlogged. There are a lot of difficulties that the Uyghurs are facing at the moment, such as not being able to send their kids to college. It will bring a lot of great things if the government passes a law about the Uyghur policy. Thank you.

Representative WEXTON. Thank you very much. We clearly have a lot of work still to do. Mr. Chairman, with that I'll yield back.

Chair MERKLEY. Thank you very much, Congresswoman. We're wrapping up this hearing. A couple thoughts as we do so. First, I appreciate my colleagues raising the Olympics. It is absolutely outrageous that the International Olympic Committee failed to act on China's gross violations of human rights, including genocide, in terms of moving the Winter Olympics scheduled for February, just four months from now. The International Olympic Committee says that it secured promises from China in 2015 when it was assigned the Olympics. Obviously, the International Olympic Committee has not held China to its promises on human rights.

The International Olympic Committee says its interest is only in the athletes, and therefore it does not take action on such egregious conduct by the host country. This is absolutely unacceptable. If that was the philosophy, then why did they secure promises in 2015? Furthermore, they are forcing athletes from around the world to help provide a shiny facade for China while China is engaged in genocide. This is not just some bureaucratic failure. This is a profound abuse of athletes from around the world, forcing them to be on the international stage in pursuit of their athletic accomplishments, and in the process helping China disguise its conduct.

This can never happen again, and I must say, it has reverberations of 1936, when Germany hosted the Olympic Games and used it also to create a facade to hide its already egregious actions against Jewish citizens and other citizens of Germany, and then went on to even more egregious actions afterwards. So we have to press forcefully to defend the right of every athlete to speak out at the Olympics, for sponsors to end their sponsorships, for diplomats not to attend, and of course—as my colleagues and I called for also—for these Games to be moved. The Olympic Committee has said they will not do so, so we must utilize every other action we can in this situation.

I also want to draw attention to China's coercion of governments to repatriate those at risk—Hong Kongers who are abroad or Uyghurs who are abroad. We must not let China coerce countries around the world to repatriate those at risk back to China for persecution. Finally, I want to again emphasize that with the Uyghur community, we are talking about enslavement of millions of individuals. We are talking about forced sterilization, forced birth control, forced labor; that is, slavery. We are talking about the cultural extinguishment of connections and language.

This is a situation that has been deemed genocide by both a Republican administration in the United States and a Democratic administration in the United States. The facts are incontrovertible. Holding these Olympics in China is a horrific, horrific situation,

and we need to do everything we can for athletes never to be placed in this situation again. It's an abuse of thousands of athletes from around the world.

I will close by thanking our three witnesses—Ms. Enos, Mr. Cheung, Mr. Izgil—for, again, bringing your expertise and experiences to bear. This is incredibly important human rights work. The way we respond here will affect the situations that millions of others are put into by other governments around the world as they watch how we respond.

The Uyghur Human Rights Project has submitted a statement. I ask unanimous consent that the statement be entered into the record. Without objection, it will be entered.

Ms. Enos, you mentioned a report from The Heritage Foundation. Would you like to enter that into the record?

Ms. ENOS. Yes, please. The one on the Olympics and the one on forced labor, if possible.

Chair MERKLEY. Thank you. Without objection, so done. The record will remain open until the close of business on Friday, October 22, 2021 for any additional articles or information that members would like to put into the record, or for questions that they might have for our witnesses. This hearing is adjourned.

[Whereupon, at 11:49 a.m., the hearing was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF OLIVIA ENOS

"EXTENDING SAFE HAVEN TO THE PERSECUTED HONG KONG AND UYGHUR PEOPLE"

My name is Olivia Enos. I am a senior policy analyst in the Asian Studies Center at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

PRIORITIZING THE MOST VULNERABLE PERSECUTED BY THE CHINESE GOVERNMENT

Tursunay Ziyawudun, a female Uyghur camp survivor, described to the BBC the situation she faced while being held in a political reeducation camp in China.

Ziyawudun—who was detained 9 months—said that women were selected nightly and removed from their cells to be raped—even gang raped—by camp officials. She spoke not merely as an observer, but as someone who experienced this firsthand. She recounted:

> "You can't tell anyone what happened, you can only lie down quietly. . . . It is designed to destroy everyone's spirit." [1]

The horrors of the camps have been on full display as brave survivors, tenacious journalists, and committed civil society activists have sought to peel back the layers on some of the worst practices the CCP seeks to conceal.[2]

Today we know that Uyghurs face ongoing genocide and crimes against humanity.[3] We understand the scope of their plight, many forcibly sterilized, subject to forced abortions, subjugated through forced labor, and detained en masse. There are, today, between 1.8 million to 3 million Uyghurs held in the camps.[4]

The world has watched as history repeats itself, even after we said, never again.

Uyghurs are far from the only Chinese citizens facing severe human rights violations. Hong Kongers watched as the freedom they had enjoyed since 1997—and the "one country, two systems" framework that safeguarded it—crumbled. Many Americans observed with admiration as Hong Kongers took to the streets in 2019 and 2020 to defend the liberties they hold dear. When the CCP swiftly instituted the National Security Law (NSL) the Hong Kong people's futures changed forever.

Both Uyghurs and Hong Kongers continue to face persecution at the hands of the CCP and many policymakers are asking themselves: What can be done?

In the midst of intractable crises, the U.S. has a tool at its disposal to practically provide help to those in need: The U.S. Refugee Admissions Program, or USRAP.

Whenever a crisis presents itself where governments abdicate their responsibility to preserve their citizen' rights, the U.S. and countries all around the globe can extend safe haven to persecuted populations through resettlement. One especially salient tool is conferring the label of a "group of special humanitarian concern" by extending Priority-2 (P–2) refugee status to people in need. Such a tool could be, and arguably should be, applied to Uyghurs and Hong Kongers.

It is necessary to first, understand the current situation facing Uyghurs and Hong Kongers. Second, the U.S. government must make ample use of practical tools to alleviate suffering in the midst of prolonged conflicts. And finally, the U.S. should consider next steps, especially extending P–2 status to Uyghurs and Hong Kongers.

THE PLIGHT OF THE UYGHUR PEOPLE

The plight of Uyghurs captivated international attention as reports of mass incarceration and collectivization made front page news. The situation was eerily reminiscent of the Soviet Union's gulags, Nazi Germany's concentration camps, and North Korea's modern-day political prison camps. Given these and other parallels, the Trump administration declared what happened against Uyghurs ongoing geno-

cide and crimes against humanity. The determination has been affirmed by Secretary Blinken and the Biden administration.[5]

In many ways, the Trump administration handed the Biden administration a free pass because the incoming administration did not have to deliberate over whether genocide and crimes against humanity were happening and could instead proceed with policy actions to respond. This is arguably why you saw early action to hold Beijing to account, including multilateral sanctions against Chinese officials responsible for ongoing atrocities.[6] The atrocity determination therefore, has already, and should continue to serve, as a catalyst for follow-on actions.

While atrocities are already well-documented, I want to highlight a few areas of continued concern that substantiate atrocity claims: namely the CCP's systematic attempts to limit Uyghur births and ongoing forced labor schemes.

THE CCP'S POLICIES LIMITING UYGHUR BIRTHS

Among the most concerning trends is the CCP's systematic attempts to reduce the Uyghur population through coercive birth control.[7] There is strong evidence indicating the CCP's "intent to eliminate, in whole or in part", future generations of Uyghurs—a standard required to meet the definition of genocide. Adrian Zenz, Senior Fellow for China, at The Victims of Communism Memorial Foundation, found several concerning trends that suggest an intent to prevent births, first through forced sterilizations and the forced implantation of IUDs, and second through forced abortions of Uyghur pre-born children.[8] According to Chinese government documents, the CCP has the intent of subjecting at least 80 percent of Uighur women of child-bearing age in four southern rural prefectures in Xinjiang to either forced sterilizations or mandatory IUD placement.[9]

Beyond this, women in the camps report being injected with unknown substances that cause them to lose their menstrual cycles. Some report being forced to take drugs that prematurely put them into menopause and had other deleterious health impacts, including memory loss.[10] Some women who were eventually released from the camps later report their doctors informed them that they are now sterile.[11]

The patterns illuminated by Zenz and other open-source materials seem to suggest that the CCP is undertaking a massive effort to either completely eradicate, or at least significantly reduce, the population size of the next generation of Uighurs.

THE CCP'S UYGHUR FORCED LABOR SCHEMES

In addition to the CCP's coercive population control efforts, they have also subjected Uyghurs to forced labor. As my colleague Tori Smith, Jay Van Andel Senior Policy Analyst in Trade at The Heritage Foundation and I argue in our report *Strengthening the U.S. Response to Forced Labor,* there is evidence to suggest that many Uyghurs both inside and outside of the camps are subject to forced labor.[12]

Buzzfeed's investigative work details how 170 of the nearly 260 political re- education camps in Xinjiang they identified through satellite imagery analyses are believed to have factories directly attached or adjacent to the camps where Uyghurs are no doubt forced to labor.[13] The connection between the camps and factories is well-documented.[14],[15] Prison camp or prison camp-adjacent labor affects people in Xinjiang that are currently detained, as well as inmates released from political re-education camps and later transferred to factories both inside and outside Xinjiang through forced labor transfer programs.[16]

The CCP is also engaging in more traditional collectivization that uproots people from their homeland to labor in other provinces. In dispersing Uyghurs both within and outside Xinjiang, the CCP is able to separate them from their hometowns, their cultural and religious traditions, and from families, the most fundamental of societal building blocks. Collectivization efforts mean that Uyghurs are not forced to labor only in Xinjiang, but are also being transferred to other regions, including to eastern China.[17] Another report by Zenz estimates that in 2018 alone, at least 570,000 Uyghurs were mobilized for cotton-picking labor-transfer schemes.[18]

The situation facing Uyghurs will likely rank among the worst human rights violations perpetrated in the 21st century. Uyghurs are specifically targeted due to their ethnicity and religion. The situation merits a strong, continued response from the U.S. and the international community. Before we turn to policy options, I want to turn to the situation in Hong Kong.

THE PLIGHT OF HONG KONGERS

The Hong Kong people's future transmformed dramatically over the last two years. The hope emanating frpm the 2019 pro-democracy protests faded when Bei-

jing continued to undermine its autonomy. The coup de grace came when the Chinese promulgated the national security law (NSL) that rendered Hong Kong's "one country, two systems" model obsolete in key areas.[19]

Even though the U.S. news cycle has long-since moved on from the plight of the Hong Kong people, deteriorations in the Hong Kong people's freedoms is a lived reality. Since the NSL went into effect, countless individuals have been apprehended and imprisoned and freedom of expression in a range of areas has been significantly curtailed. There are even implications for the business community.[20]

The number of individuals involved in the pro-democracy movement held hostage by Beijing is substantial. According to Human Rights Watch, over 100 people have been arrested under NSL charges, but over 10,000 have been arrested for their role in pro-democracy protests.[21] Key leaders, including Joshua Wong, Agnes Chow, and Ivan Lam were imprisoned shortly after the NSL was implemented.[22] Businessman and pro-democracy leader Jimmy Lai, the enigmatic founder of Apple Daily, has been jailed.[23] Another report by Zenz estimates that in 2018 alone, at least 570,000 Uyghurs were mobilized for cotton-picking labor-transfer schemes.[24]

The U.S. rightfully responded to the NSL by certifying to Congress that Hong Kong no longer merits treatment under U.S. law as separate from the mainland. As a part of the broader redefinition of U.S.-Hong Kong relations under E.O. 13936 the Trump administration carved out a surprising, but welcome provision "reallocat[ing] admissions within the refugee ceiling set by the annual Presidential Determination to residents of Hong Kong based on humanitarian concerns."[25]

This provision is an oft overlooked, yet important, provision within the E.O. that gave many hope that safe haven would be extended to Hong Kongers fleeing newfound persecution. While some Hong Kongers have been resettled in the U.S., this pales in comparison to, the anticipated 123,000 to 164,000 Hong Kongers the United Kingdom expects to be resettled by the end of the 2021 under the status they receive as holders of British Nationals Overseas (BNOs) passports.[26] (The UK has said it will resettle as many as 3 million BNOs from Hong Kong.)[27]

The U.S. has a long track record of humanitarian engagement—one that is bolstered by its commitment to resettling refugees within our own borders. In the midst of an intractable crisis (such as the one Hong Kongers and Uyghurs face), refugee resettlement is one of the most practical means of extending relief to those in need.

THE UNDER-UTILIZED TOOL IN THE USRAP TOOLBOX

USRAP is a useful humanitarian initiative with which the U.S. engages the world and provides relief for a select few during international crises. It supports U.S. interests by enabling the U.S. to assert leadership in foreign crises, assist in the midst of intractable crises, and help allies and partners in need. It also strengthens U.S. public diplomacy and tangibly alleviates human suffering.

To put a finer point on it, the USRAP offers several benefits, including by:

1. **Enabling the U.S. to assert American leadership in foreign crises.** Resettling refugees is one way for the U.S. to exercise global leadership. It demonstrates U.S. engagement to the international community and enhances the persuasiveness of U.S. appeals to other countries to do more to help ameliorate crises. Far too few countries resettle refugees; many more need to participate in shouldering this humanitarian assistance.

2. **Providing the U.S. with a way to respond positively to intractable crises.** There is little the U.S. can reasonably do about some global conflicts, either because they are beyond solving or it is not sufficiently in U.S. interests to expend the resources required to solve them. Resettling refugees is a small but concrete and useful action the U.S. can take in response to otherwise intractable crises.

3. **Assisting allies and partners in crisis.** Refugee-hosting countries are often fragile, and the challenge of caring for and managing refugees can exacerbate their instability. Some of these countries are also American allies. There are many ways for the U.S. to support refugee-hosting allies. Many more displaced migrants can be helped in their own region than resettling small numbers in the U.S. Nonetheless, the U.S., like other countries, should resettle even small numbers of refugees from such countries to protect those most in need and to send a message of solidarity and support to important allies.

4. **Strengthening American public diplomacy.** The U.S. expends great effort to protect and enhance its reputation as a force for good in the world, as such "soft power" helps it to better influence international events. When properly managed, the refugee resettlement program, U.S. assistance during disasters, properly focused and conditioned foreign aid, and other such efforts are components of U.S. public diplomacy that make the U.S. stronger.

5. **Alleviating human suffering.** The U.S. is not obligated to resettle refugees and cannot solve many of the problems afflicting them. However, refugees are frequently some of the most desperate people on earth, and the U.S. has a long humanitarian tradition of which it should be proud. Aiding refugees, including by accommodating a small number for resettlement, is in strong and obvious keeping with that tradition.[28]

WHY P–2?

All of the advantages above are certainly applicable to resettlement of Uyghurs and Hong Kongers. And yet, the U.S. has not activated one of its most effective tools in its toolbox: extending P–2 refugee status to Uyghurs and Hong Kongers.

There are many unique elements that make extending P–2 status a potentially superior option to other categories of refugee resettlement.

According to U.S. refugee laws, a refugee is an individual who has experienced or has a well-founded fear of future persecution on account of "race, religion, nationality, membership in a particular social group, or political opinion."[29] The Chinese Communist Party may target a person in Hong Kong because of their political beliefs. And Uyghurs have been targeted by the CCP because of their religion and ethnicity. These identifiers may form the basis of their refugee claim.

The U.S. has a P–2 designation that allows claims of persecution to be made on the basis of one's membership in a designated group. By identifying Hong Kongers and Uyghurs as P–2 groups of special humanitarian concern, the U.S. can more easily protect them.

There are at least three unique benefits to extending P–2 status:

1. **If granted P–2 status, Uyghurs and Hong Kongers would be considered a group of "special humanitarian concern".** As a member of a P–2 category, individuals are part of a group identified by the U.S. refugee program as of special humanitarian concern, but are still required to prove their individual case of persecution.[30] Previous recipients of P–2 status include groups from Burma in Thailand, religious minorities from the Middle East, and translators/individuals who assisted the U.S. government in both Iraq and Afghanistan.[31] This gives individuals who are a member of this group of special humanitarian concern preference within the refugee admission system.

2. **P–2 refugees can bypass UNHCR, NGO, and embassy referral.** P–2 recipients can also apply whether they are inside or outside of their country of origin. This is especially important given that Hong Kong citizens who turned up at embassies or consulates in Hong Kong were often turned away due to intimidation from the CCP, and Uyghurs would no doubt face similar forms of intimidation.[32]

3. **P–2 refugees receive the same level of stringent vetting as other refugee categories.** While P–2 refugee applicants can skip the initial referral process, they are subject to normal, stringent vetting procedures baked into the USRAP. In fact, P–2 refugees follow all of the same vetting protocols *except* for UNHCR/embassy/NGO referral. According to the U.S. Department of State's website "P–2 includes specific groups identified by U.S. law... The Resettlement Support Centers (RSCs) responsible for handling open-access P–2 applications, working under the direction of PRM, make a preliminary determination as to whether individual applicants qualify for access and should be presented to DHS for interview. *Applicants who clearly do not meet the access requirements are "screened out" before the DHS interview."* (emphasis added by author)[33] They are also subject to all of the same security and medical checks of every other refugee category.[34]

ALTERNATIVE FORMS OF RELIEF

There are a few possible alternatives that are currently being considered by Congress or have been suggested as possibilities by civil society.

First, one bill considers extending **Temporary Protected Status (TPS)** to Hong Kongers.[35] A country can be designated by the executive branch for TPS "due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country in unable to handle the return of its nationals adequately."[36] Current recipients of TPS originate from 12 countries, including Burma, El Salvador, Haiti, Syria and elsewhere. It is difficult to even conceive of the situation facing most Hong Kongers as temporary since the NSL represents a permanent change in law. Likewise, Uyghurs have a longstanding case for persecution that predates even our knowledge of the existence of camps in 2017. TPS, unlike P–2, does not afford a recipient with eligibility to become a Legal Permanent Resident (LPR) (although they are eligible for nonimmigrant status, to request a change of immigrant status, and other benefits) and

therefore extending TPS would be only a temporary solution to what is most likely a long-term problem for Hong Kongers and Uyghurs.[37]

Second, some have floated the idea of **humanitarian parole**. Humanitarian parole is typically extended to individuals who need to gain access to the U.S. on an emergency basis (typically for a discrete set of reasons including dire "humanitarian circumstances or for significant public benefit reasons"),[38] but who are otherwise ineligible to enter the U.S. Some examples of discrete reasons for humanitarian parole include needing emergency medical attention or testifying in a court case. In other words, this is a status that is supposed to be extended on a case-by-case, individual basis and is not designed or generally applicable to a group. Like TPS, humanitarian parole does not provide a pathway for permanent resettlement.

Hong Kong citizens already have a form of temporary safe haven in the U.S. On August 5, 2021, the Biden administration extended Deferred Enforced Departure (DED) to Hong Kongers, which means that eligible citizens of Hong Kong can stay (and work) in the U.S. for up to 18 months without fear of removal.[39] Therefore, there are already temporary, short-term options in place for at least Hong Kongers.

Third, there are more permanent options under consideration, including **Lautenberg Amendment** refugee status. Lautenberg Amendment refugee status is actually a part of the P–2 program. It was originally created for religious minorities fleeing the Soviet Union and Indochina who, as a group, had a well-founded fear of persecution.[40] Unlike other P–2s, they do not have to prove individual persecution as much as they must prove their membership in a particular group. Furthermore, they are required to have close family in the U.S. to sponsor their case. It functions primarily as a family reunification mechanism.[41] Furthermore, Lautenberg Amendment refugees are processed within their country of origin; this is a near impossibility for either Uyghurs or Hong Kongers.[42] While the Lautenberg Amendment may be a relevant option for some Uyghurs with family in the U.S., this option is less salient than a straight P–2 designation. Likewise, it is hard to make a case for Hong Kongers as a persecuted religious minority since they are persecuted principal on a political and not a religious basis.

In the end, P–2 is the appropriate avenue. Humanitarian parole is for a temporary urgent need on a case-by-case basis; not for groups of people. TPS is designated by the executive branch, not Congress, and provides temporary relief for those already in the U.S. when conditions in their home country deteriorated. In addition, Hong Kongers already have DED status, so there is no need to also designate Hong Kong for TPS, which provides the same benefits as DED.

NEXT STEPS THE U.S. GOVERNMENT CAN TAKE

In the midst of long-term crises like the ones facing Uyghurs and Hong Kongers, the U.S. should consider the most applicable tools in its toolbox to provide safe haven. The rest of the world is looking to the U.S. to provide leadership in countering China, in responding to the suffering the CCP leaves behind in its wake, and in safeguarding human rights and freedom. This is best done through a comprehensive policy response that includes a robust humanitarian solution.

Given this, the U.S. Congress and the executive branch should:

• **Designate Uyghurs and Hong Kongers Priority-2 (P–2) processing status.** P–2 is the best option among the tools available in the USRAP for the situation facing Uyghurs and Hong Kongers. It provides a long-term resettlement option, with expedited referral, but thorough vetting. It offers a safe way to bring Uyghurs and Hong Kongers to the U.S. and is an opportunity for the U.S. to lead in resettling communities in need. Such a move also builds upon the atrocity determination, sanctions against CCP officials responsible for undermining human rights and freedom in both contexts and is a practical way to alleviate suffering in the midst of intractable crises. Such an option should be extended as soon as possible since Uyghur and Hong Kong lives are presently at stake. Furthermore, in the Hong Kong case, the U.S. should make full use of provisions in E.O. 13936 that prioritize resettlement of Hong Kongers.

• **Build a coalition of allies and partners to resettle Uyghurs and Hong Kongers in need.** Beyodn extending P–2 status, the U.S. should continue to lead a coalition of allies and partners to likewise extend safe harbor to the people of Hong Kong. The Biden administration has identified coordination and cooperation with allies as a key cornerstone of his foreign policy. One way to act on this commitment is to bring partners and friends in Asia and Europe alongside U.S. commitments to provide relief. In fact, there is a growing consensus among Asian and European partners on the threat China poses to universal norms and values. Multilateral action was already taken earlier this year by the U.S., the United Kingdom, Canada, and the European Union to issue sanctions against key Chinese officials

for the role they play in perpetrating ongoing genocide and crimes against humanity in Xinjiang. The Biden administration should build on that by leading in resettling Uyghurs and Hong Kongers in need.

• **The United States should prioritize diplomacy with key countries hosting Uyghurs, including Turkey, Malaysia, Thailand, and Kazakhstan.** These countries all face significant pressure from China to deport Uighurs back to Xinjiang. Washington can send a clear message of support by stepping up and offering P–2 status to Uighurs, which will hopefully strengthen those countries' willingness to accept Uighur refugees within their own borders.

[Endnotes begin on the following page.]

Endnotes

[1] Matthew Hill et al., "'Their goal is to destroy everyone': Uighur camp detainees allege systematic rape," BBC News, February 2, 2021, https://www.bbc.com/news/world-asia-china-55794071.

[2] "2021 China Transparency Report," The Heritage Foundation, ed. Walter Lohman and Justin Rhee, http://thf_media.s3.amazonaws.com/2021/China_Transparency_Report.pdf.

[3] Michael R. Pompeo, "Determination of the Secretary of State on Atrocities in Xinjiang," U.S. Department of State, January 19, 2021, http://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html

[4] Joshua Lipes, "Expert Says 1.8 Million Uyghurs, Muslim Minorities Held in Xinjiang's Internment Camps," Radio Free Asia, November 24, 2019, https://www.rfa.org/english/news/uyghur/detainees-11232019223242.html; Randall G. Schriver, "Assistant Secretary of Defense for Indo-Pacific Security Affairs Schriver Press Briefing on the 2019 Report on Military and Security Developments in China," U.S. Department of Defense, May 3, 2019, https://www.defense.gov/News/Transcripts/Transcript/Article/1837011/assistant-secretary-of-defense-for-indo-pacific-security-affairs-schriver-press/.

[5] Bill Bostock, "Secretary of State Antony Blinken says he stands by Mike Pompeo's designation that China committed genocide against the Uighurs," Business Insider, January 28, 2021, https://www.businessinsider.com/antony-blinken-agrees-china-uighur-genocide-pompeo-designation-2021-1.

[6] Emily Rauhala, "U.S., E.U., Canada and Britain announce sanctions on China over the abuse of Uyghurs," The Washington Post, March 22, 2021, https://www.washingtonpost.com/world/xinjiang-sanctions-european-union/2021/03/22/1b0d69aa-8b0a-11eb-a33e-da28941cb9ac_story.html.

[7] Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang," The Jamestown Foundation, June 2020, https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs-UPDATED-July-21-Rev2.pdf?x41867 (accessed September 2, 2020).

[8] Ibid.

[9] Ibid.

[10] Olivia Enos and Yujin Kim, "China's Forced Sterilization of Uighur Women Is Cultural Genocide," Heritage Foundation Commentary, August 29, 2019, https://www.heritage.org/asia/commentary/chinas-forced-sterilization-uighur-women-cultural-genocide.

[11] Peter Stubley, "Muslim Women 'Sterilized' in China Detention Camps, Say Former Detainees," The Independent, August 12, 2019, https://www.independent.co.uk/news/world/asia/uighur-muslim-china-sterilisation-women-internment-camps-xinjiang-a9054641.html (accessed September 2, 2020).

[12] Olivia Enos and Tori Smith, "Strengthening the U.S. Response to Forced Labor in Xinjiang," The Heritage Foundation, February 17, 2021, https://www.heritage.org/asia/report/strengthening-the-us-response-forced-labor-xinjiang.

[13] Allison Killing and Megha Rajagopalan, "We Found the Factories Inside China's Mass Internment Camps," BuzzFeed News, January 4, 2021, https://www.buzzfeednews.com/article/alison_killing/xinjiang-camps-china-factories-forced-labor; Megha Rajagopalan, Alison Killing, and Christo Buschek, "China Secretly Built a Vast New Infrastructure to Imprison Muslims," BuzzFeed News, August 27, 2020, https://www.buzzfeednews.com/article/meghara/china-new-internment-camps-xinjiang-uighurs-muslims (accessed January 19, 2021).

[14] Amy K. Lehr, "Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region: Toward a Shared Agenda," Center for Strategic and International Studies, July 30, 2020, https://www.csis.org/analysis/addressing-forced-labor-xinjiang-uyghur-autonomous-region-toward-shared-agenda (accessed January 19, 2021); Luke Adams et al., "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," Congressional-Executive Commission on China, March 2020, https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Staff%20Report%20March%202020%20-%20Global%20Supply%20Chains%20%20Forced%20Labor%20%20and%20the%20Xinjiang%20Uyghur%20Autonomous%20Region.pdf (accessed January 19, 2021); Adrian Zenz, "The Karakas List: Dissecting the Anatomy of Beijing's Internment Drive," Journal of Political Risk, 8 no. 2, (February 2020), https://www.jpolrisk.com/karakas/ (accessed February 3, 2021).

[15] News release "CBP Issues Detention Orders against Companies Suspected of Using Forced Labor," U.S. Customs and Border Protection, October 1, 2019, https://www.cbp.gov/newsroom/national-media-release/cbp-issues-detention-orders-against-companies-suspected-using-forced (accessed January 19, 2021); Scott Nova and Penelope Kyritsis, "Update on Forced Labor and Hetian Taida Apparel," Worker Rights Consortium, October 11, 2019, https://www.workersrights.org/communications-to-affiliates/update-on-forced-labor-and-hetian-taida-apparel/ (accessed January 19, 2021).

[16] "Against Their Will: The Situation in Xinjiang," U.S. Department of Labor, Bureau of International Labor Affairs, https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang (accessed January 19, 2021).

[17] Ibid.

[18] Adrian Zenz, "Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton," Newlines Institute for Strategy and Policy, December 2020, 3, https://newlinesinstitute.org/wp-content/uploads/20201214-PB-China-Cotton-NISAP-2.pdf (accessed January 19, 2021).

[19] Pompeo, "Atrocities in Xinjiang."

[20] Catherine Tai and Cameron Moubray, "The Impact of the Hong Kong National Security Law on the Private Sector," Center for International Private Enterprise, September 15, 2020, https://www.cipe.org/blog/2020/09/15/the-impact-of-the-hong-kong-national-security-law-on-the-

private-sector/; "Dismantling a Free Society," Human Rights Watch, https://www.hrw.org/feature/2021/06/25/dismantling-free-society-/hong-kong-one-year-after-national-security-law.

[21] Ibid.

[22] Olivia Enos, "Sentencing of Pro-Democracy Advocates Another Sign of Deteriorating Freedom in Hong Kong," Forbes, December 4, 2020, https://www.forbes.com/sites/oliviaenos/2020/12/04/sentencing-of-pro-democracy-advocates-another-sign-of-deteriorating-freedom-in-hong-kong/?sh=332a951c5cb7.

[23] Olivia Enos, "The Closure of Apple Daily: Another Nail in the Coffin for Freedom in Hong Kong," Forbes, July 1, 2021, https://www.forbes.com/sites/oliviaenos/2021/07/01/the-closure-of-apple-daily-another-nail-in-the-coffin-for-freedom-in-hong-kong/?sh=b0adc8061bab.

[24] Austin Ramzy, "Hong Kong Court Convicts Democracy Leaders Over Protest March," The New York Times, June 4, 2021, https://www.nytimes.com/2021/03/31/world/asia/hong-kong-democracy-protest.html.

[25] "Executive Order 13936 of July 14, 2020, The President's Executive Order on Hong Kong Normalization," Federal Register, July 17, 2020, https://www.federalregister.gov/documents/2020/07/17/2020-15646/the-presidents-executive-order-on-hong-kong-normalization.

[26] Thomas K. Grose, "Hong Kong Residents Moving to the U.K.," U.S. News, September 16, 2021, https://www.usnews.com/news/best-countries/articles/2021-09-16/hong-kong-residents-moving-to-the-united-kingdom-after-china-crackdown#::text=In%20the%20first%20half%20of%20arrive%20in%20Britain%20this%20year.

[27] "Hong Kong: UK makes citizenship offer to residents," BBC News, July 1, 2020, https://www.bbc.com/news/uk-politics-53246899.

[28] Olivia Enos et al., "The U.S. Refugee Admissions Program: A Roadmap for Reform," The Heritage Foundation, July 5, 2017, https://www.heritage.org/immigration/report/the-us-refugee-admissions-program-roadmap-reform.

[29] 8 U.S. Code sec. 1101(a)(42), https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&depth__id=8-USC-1085535685-1201680126&term__occur=4&term__src=.

[30] "The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities," USCIS, last updated August 6, 2021, https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap, "U.S. Refugee Resettlement Processing for Iraqi and Syrian Benificiaries of an approved I-130 Petition—Frequently Asked Questions," U.S. Department of State, Bureau of Population, Refugees, and Migration, https://2009-2017.state.gov/j/prm/releases/factsheets/2016/254649.htm.

[31] "The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing and Priorities," U.S. Citizenship and Immigration Services, https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap; "U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals," U.S. Department of State, August 2, 2021, https://www.state.gov/u-s-refugee-admissions-program-priority-2-designation-for-afghan-nationals/.

[32] Shibani Mahtani, "Hong Kong activists turned away in bid for refuge at U.S. Consulate, advocacy group says," The Washington Post, October 28, 2020, https://www.washingtonpost.com/world/asia__pacific/hong-kong-us-consulate-asylum/2020/10/28/8f92a9dc-18d9-11eb-8bda-814ca56e138b_story.html; "Nowhere Feels Safe: Uyghurs Tell of China-Led Intimidation Campaign Abroad," Amnesty International, https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/.

[33] U.S. Department of State, Bureau of Population, Refugees, and Migration, U.S. Refugee Admissions Program Access Categories, https://2017-2021.state.gov/refugee-admissions/u-s-refugee-admissions-program-access-categories/index.html.

[34] Ibid.

[35] U.S. Congress, House, Hong Kong People's Freedom and Choice Act of 2021, H.R. 4276, 117th Cong., 1st sess., introduced in House June 30, 2021, https://www.congress.gov/bill/117th-congress/house-bill/4276/text?r=78&s=1.

[36] U.S. Citizenship and Immigration Services, Temporary Protected Status, https://www.uscis.gov/humanitarian/temporary-protected-status.

[37] Ibid.

[38] U.S. Citizenship and Immigration Services, Information for Afghan Nationals on Requests to USCIS for Humanitarian Parole, https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole.

[39] Joseph R. Biden Jr., "Memorandum on the Deferred Enforced Departure for Certain Hong Kong Residents," The White House, August 5, 2021, https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/05/memorandum-on-the-deferred-enforced-departure-for-certain-hong-kong-residents/.

[40] U.S. Library of Congress, Congressional Research Service, Refugee Admissions and Resettlement Policy, by Andorra Bruno, RL31269 (2018), 9, https://sgp.fas.org/crs/misc/RL31269.pdf.

[41] "Lautenberg Amendment," Hebrew Immigrant Aid Society, https://www.hias.org/lautenberg-amendment.

[42] Bruno, Refugee Admissions, 6.

PREPARED STATEMENT OF SUNNY CHEUNG

Chairman Merkley, Co-Chairman McGovern and members of the Commission, thank you for your kind invitation. It is an honor to be invited again to testify and tell you the stories of Hong Kong. On behalf of freedom-loving Hong Kongers, I would like to thank the Commission for its unyielding support towards Hong Kong over the years, especially your previous commitment on promoting the Hong Kong Human Rights and Democracy Act, the Protect Hong Kong Act, and other initiatives that considerably benefited Hongkongers.

Two years ago, I was in the same Senate office building with my dearest friends, Joshua Wong and Denise Ho, to explain the summer uprising of Hong Kongers in 2019. Joshua's life changed within two years. He is now behind bars because of his active role in the movement, facing more than five charges, including one under the notorious National Security Law (NSL) for which the maximum sentence is life imprisonment. Reputable vocal artist Denise Ho, on the other hand, has been severely and unjustly reprimanded by pro-Beijing mouthpieces due to her huge influence and participation in the movement, and thereby living on the edge of being prosecuted.

As for me, I am now in exile in the U.S. and a wanted figure by the Hong Kong government due to my participation in the peaceful June 4th Candlelight Vigil, the 2020 Pro-democracy primary election, and international advocacy. Recently, the Ministry of Foreign Affairs of the PRC issued a fact sheet addressing the U.S.'s interference in Hong Kong. Just like Chairman Merkley and Co-chairman McGovern, I was also named specifically and denounced by the PRC's Foreign Ministry in the fact sheet twice. If I was told two years ago that pro-democracy leaders in Hong Kong would be either in jail or in exile, I would not have believed it, as Hong Kong had long been politically different from the PRC. When it was clear that this was a false belief, I fled Hong Kong and am now seeking asylum in the U.S. I live in the hopes of returning to my motherland one day, but in reality, my chances of going back without being prosecuted are slim to none.

I was one of the lucky few who escaped the political purge, encompassed with countless hardships that are worthwhile to mention.

BACKGROUND

To talk about my experience, one has to first be aware of the change in nature of the movement, from the original anti-extradition protest to an anti-authoritarianism movement. As many members in this Commission are well aware of the background of the 2019 movement, I would like to pinpoint more on what had happened after I testified in the CECC in 2019.

After my last trip to Washington, D.C. in 2019, the political crackdown in Hong Kong has been escalating. Hong Kongers are no longer just demanding the withdrawal of the extradition bill but a wider range of political goals such as countering police brutality, fighting for universal suffrage, etc. As time goes by, Hongkongers fully understand that our fight is not just our fight. We also fight for the freedom and democracy of the world. We are on the front lines, countering the aggression of the CCP.

On November 17, 2019, the world was horrified that events were leading up to a Tiananmen Massacre 2.0 in Hong Kong. On that day, the Hong Kong Police Force besieged and stormed the Hong Kong Polytechnic University (HK PolyU) for the sake of seizing control of the students and creating white terror by staging quasi-military actions against civilians. Throughout the siege, more than 4,000 canisters of tear gas were fired, and more than 1,000 protesters were arrested. First responders and other medical staff were detained by law enforcement forces while providing medical attention to the injured. This tragedy has induced lots of criticism across the globe, decrying the barbarian actions of the Hong Kong government on one hand, and on the other hand, the incident has expedited the U.S. Senate to pass the Hong Kong Human Rights and Democracy Act to show solidarity with the people of Hong Kong.

Regarding that, Hong Kongers were thrilled to know that they were not alone. On Thanksgiving Day 2019, I organized a large-scale rally to thank the U.S. Congress and administration for the immediate actions they had taken. I also invited Chairman Merkley to record a video message for Hongkongers that night where more than 100,000 Hongkongers attended and celebrated the passage of the Hong Kong Human Rights and Democracy Act.

What happened at Hong Kong PolyU and other top institutes is extremely intolerable and became the last straw to escalate a larger discontent. Only the most frenzied autocratic regimes would repress and annex university campuses, a palace of knowledge and truth. The siege provoked a public outcry in Hong Kong and led to a landslide victory in the District Council Election in late November 2019. Hong

Kongers, even some who previously remained neutral or were hedging, chose to exercise their rights and use their ballots to express their outrage and political belief that kowtowing to Beijing and allowing Beijing to take control of Hong Kong would not be an option for this city. Of note, this District Council election is arguably tantamount to a de facto referendum that the pan-democrats won the overwhelming majority in the council. Democratic candidates unprecedentedly secured almost 90 percent of the 452 district council seats which is unseen in Hong Kong's history. After months of protest, this success hugely bolstered the morale and momentum of the democratic uprising.

The electoral victory irritated and deeply disturbed Beijing in many ways. One of the consequences was to speed up the imposition of the National Security Law to tighten the CCP's grip on Hong Kong. More importantly, the triumph led to another new attempt from the pro-democracy camp in Hong Kong—a large-scale primary election. Based on the result of the District Council Election, pan-democrats intended to aim higher in the upcoming Legislative Council Election (LegCo) and planned to dominate the LegCo for the first time in history, expelling pro-Beijing forces from the legislative branch. At this moment, notably, two forms of political contestation had appeared: non-institutional protest and institutional resistance, both of which are essential for maintaining the movement.

In early 2020, the outbreak of COVID–19 unfortunately created room for many autocratic regimes in the world to repress activism and civic society in the name of public health and epidemic prevention. The Hong Kong government also deployed a Public Order Ordinance to prohibit all public protests and criminalize the freedom of assembly. Therefore, the pro-democracy camp had another reason to focus more on institutional resistance. To unite the bloc and increase the likelihood of winning the majority of the LegCo, a primary election within the camp was introduced.

In June 2020, an electoral alliance was formed among Joshua Wong, Nathan Law, Gwyneth Ho, Lester Shum, Eddie Chu, Tiffany Yuen and me to participate in the primary election and compete for the nominee spot to represent the whole Hong Kong pro-democracy camp. While many traditional lawmakers from the Democratic Party and Civic Party participated, young dissidents from the rising localist group such as Owen Chow, Fergus Leung, Sam Cheung, Wong Ji Yuet, Ventus Lau, Frankie Fung, Wong Pak Yu, etc., also joined to fight for the support of the general public. Since the primary election has very keen participation from candidates who come from different age groups, backgrounds and ideologies, the primary election was considered to be a highly representative campaign that attracted many Hong Kongers to support the primary election.

On July 12, 2020, two weeks after the NSL was imposed, more than 600,000 Hong Kong people historically voted in the primary election to express their support for activists and tell Beijing that Hong Kongers do not fear.

I was one of the nominees who emerged victorious in the record-breaking primary election. Unfortunately, the Chief Executive, Carrie Lam, issued a strong warning to the candidates and organizers of the primaries, saying it was subversive of them to vow to seize control of the legislature and vote down key government proposals. The Beijing Liaison Office in Hong Kong also condemned the primary election by saying it was a serious provocation to the current electoral system. From this, we can argue that Beijing was afraid of a real democratic election and was tremendously concerned about the possibility of pan-democrats seizing more than half of the seats in the LegCo. By that time, pan-democrats could exert more pressure on the Hong Kong government by having the power to ban or trim the financial budget of the whole government.

Under this kind of immense pressure, as well as my previous international advocacy work, I realized that I very well could be one of the top targets on the list when the political purge was carried out.

On August 14, 2020, I fled Hong Kong under a desperate situation. It was the most painful decision I have ever made in my life. The morning I left home, I was being followed and monitored by a group of national security police and this coincidentally matched with the arrest of Jimmy Lai a few days prior. I decided to leave instantly without having an opportunity to say goodbye to my parents, friends and companions like Joshua, Lester and Gwyneth. Worse still, after I left Hong Kong, I publicly announced severance with my parents to keep them safe and protect them from the harassment of the Hong Kong government.

In hindsight, I may have made the correct decision to leave Hong Kong. In January 2021, the Hong Kong government arrested every single one of the 53 participants in the primary election under the National Security Law, accusing them of subverting the regime. If I had been in Hong Kong, I would have been arrested as well. You may think that I feel relieved for dodging the bullet, but the truth is, I can hardly feel joyful when all of my friends are now in jail. It is even harder to feel any relief when civic society in Hong Kong is being repressed by an autocratic and violent machine with unmatched state power. The mass arrest is a fatal blow to the activism in Hong Kong. It has almost eradicated the whole pro-democracy camp in Hong Kong. This plight ostensibly exemplified that Xi Jinping is determined to reveal his true intentions and deter the democratic movement in Hong Kong in order to increase his own power. "One Country, Two Systems" is no more than a lie at this moment. As Joshua Wong said in the CECC hearing in 2019, he was extremely worried that Hong Kong was approaching the "One Country, One System," and now the fear has already become a reality.

According to the statistics provided by the Bureau of Security of HKSAR, more than 10,000 people were arrested in the movement, with 40 percent being students. On top of that, almost 3,000 people are being further charged and one-third of them are students. At least 154 individuals have been arrested under the NSL and were not offered bail. These numbers depict that the situation of Hong Kong is continuously deteriorating. The scale of political persecution is unparalleled and is not only limited to famous politicians. In general, it is of paramount importance for the U.S. Government to rescue as many dissidents as possible from Hong Kong.

Furthermore, I would like to address the recent crackdown in Hong Kong to contend that more humanitarian pathways are needed from the U.S. Government.

JOURNALISTS

Numerous incidents in the past months demonstrate that Hong Kong authorities are prepared to use or have been using criminal penalties against Hong Kong journalists. This includes arresting Apple Daily's management under the NSL, labeling newspaper articles as a threat to national security, and muzzling critical coverage of police misconduct or government policies. The use of NSL criminal charges against the staff of Apple Daily eventually led to its closure in June 2021. Other journalists from Radio Television Hong Kong (RTHK), StandNews or other media have faced prosecution ranging from obstructing police, resisting arrest, or making dishonest and false statements for accessing public information. Recently, the Hong Kong government kept emphasizing the necessity to tackle fake news and so-called inaccurate information in the press industry. This allegation raised concerns that the government does not have clear and transparent standards to define what fake news is. One may sensibly have the fear that the Hong Kong government can arrest journalists more easily by contending that their reports are not accurate enough or too provocative, which misleads the public.

STUDENT ACTIVISTS

In August 2021, the National Security Department of the Hong Kong Police arrested four student activists from The University of Hong Kong (HKU), my alma mater, accusing them of promoting terrorism thoughts and inciting people to join related hazardous events. Yet, they were merely passing a motion in the student council about commemorating the death of a protester in a tragedy. Besides, the HKU administration did not protect students and even declared to cease any form of cooperation with the student union. Members of the student union were required to move out from their union office and building. There was no one to back them up in the direct confrontation with the regime. Similarly, the student union of The Chinese University of Hong Kong was disbanded in October 2021 because the student union reportedly received instruction from the school authorities that if they did not shut down the union by themselves, then they would be in serious trouble.

In fact, since the outbreak of the large-scale pro-democracy protests in 2019, university students have been on the front lines of the resistance against tyranny. However, universities in Hong Kong have been silent or have even acted as accomplices of the autocratic regime through issuing statements in support of the draconian National Security Law, as well as employing executive power to suppress leading elected student bodies. We see this phenomenon as part and parcel of the increasing integration of multiple aspects of universities in Hong Kong with China and the Chinese Communist Party, ranging from growing personal ties with the CCP on the management level to burgeoning collaborations with China under the guise of academic research throughout the post-handover years. Therefore, we cannot rely on the university administration. If teachers and professors would not protect students, and would even actively harm the interests of students, I believe in the long run, the U.S. Government should fill in the gap to help this group of student activists to have a safe harbor.

INTEREST GROUPS IN CIVIL SOCIETY

In light of the white terror generated by the National Security Law, in the first nine months of 2021, fifty pressure and interest groups were dissolved. Although most of them disbanded voluntarily, most groups have allegedly received warnings from the national security department prior to their disbandment, so they have chosen to cease operation to protect the safety of members in these groups. If we look at the list of these groups, we can find many groups disappearing overnight. This January, a union formed by civil servants was disbanded after officials threatened to penalize and admonish civil servants refusing to pledge loyalty to the government and protect national security. In June, an influential medical professional group, which had a major role in promoting boycotts to counter the government's poor public policy, was dissolved under the pressure of the Hong Kong government.

This summer, the 612 Humanitarian Relief Fund, the most influential democratic funding which mainly provided legal aid to protesters who face political persecution, told the public that they would also cease operation. Civil Human Rights Front (CHRF), the organizer of the two largest peaceful marches of the 2019 movement, a one-million people march on June 9, and a two-million people march a week later on June 16, was disbanded since most of its administration are in jail and thus it had to cease operation.

Another significant and world-known organization, Hong Kong Alliance in Support of Patriotic Democratic Movements of China, which held the remarkable annual June 4th Vigil in Victoria Park, was disbanded too due to the smear from the Hong Kong Police vilifying the group as an agent of foreign forces and colluding with foreign powers to subvert the regime.

These examples are just the tip of the iceberg, elucidating the scenario that many in civil society are threatened by the authoritarian regime, so in order to survive, they have to lay low, disband the organization or even leave Hong Kong to flee from political unrest. Many of them are professionals that can contribute to any country in the world as long as their expertise and knowledge are recognized. Hence, I believe the U.S. Government can play an irreplaceable role in helping them and recruit their talents to benefit the U.S. society's national interests.

RECOMMENDATIONS

On August 23, 2020, 12 Hong Kongers, aged 16 to 33, were accused of attempting to travel illegally to Taiwan by boat from Hong Kong and were arrested at sea. They were prosecuted by the Chinese government in accordance with Chinese law for illegally crossing the border. Some of them are still in Chinese custody and the public has very limited information about their well-being. However tragic this incident

was, they were not the first, nor would they be the last group, to risk their lives and flee Hong Kong by boat. Earlier this year, five Hong Kong fugitives were able to settle in the U.S. with the help of the U.S. and Taiwanese governments and the organization I represent—HKDC, after fleeing to Taiwan from Hong Kong by speedboat. Unlike the 12, the 5 were fortunate enough to escape political persecution and receive protection from the U.S. Although we should not encourage people to use dangerous ways to flee Hong Kong, we still very much understand why people must make this move and seek freedom outside of Hong Kong.

However, without a good humanitarian pathway, people who have successfully left Hong Kong may still suffer from an unstable and poor quality of life. Some of them might need to work illegally, face the threat of thugs and traffickers, or stay in a third country until they can seek asylum and live their life in another country. Therefore, it is necessary to have humanitarian pathways for Hongkongers to avoid the above from happening.

Hongkongers are very grateful for what the U.S. Government has done to help them. Other than passing the important Hong Kong Human Rights and Democracy Act, the U.S. Congress incrementally took more actions such as affirming the executive branch's decision by enacting the Hong Kong Autonomy Act. It authorizes sanctions against Chinese and Hong Kong government officials who were responsible for the encroachment of Hong Kong's autonomy guaranteed under the Sino-British Joint Declaration and the Basic Law. The Act provides the authority to impose sanctions on financial institutions that conduct transactions with those officials, thus cutting off these Chinese and Hong Kong officials from the American, and much of the world's, financial system. This August, President Biden also announced the Deferred Enforced Departure (DED) program, allowing eligible Hong Kong residents presently in the U.S. the privilege to stay and the right to be employed for 18 months after the expiration of their visa.

While we are delighted and praise the bipartisan support for Hong Kong, given the severity of Beijing's purge of Hong Kong's autonomy and its civil society, we believe that more should and can be done.

The U.S. Congress should pass a safe harbor policy for Hongkongers. Leaders from both parties, and of various legislative committees, sympathize with the plight of Hongkongers and are in solidarity with them. Yet, we still do not have enough momentum to pass a humanitarian policy designed for Hong Kong. To be clear, what we are seeking is not a broad immigration scheme that allows all Hongkongers to relocate to the U.S. The legislation we ask you to pass is only to benefit those Hongkongers who are under real political threat, and in a way that aligns with existing U.S. policies and American interests—until the day that the wider U.S. society recognizes that welcoming talent and human capital from Hong Kong can be highly beneficial to the U.S. job market and economy.

And in designing humanitarian pathways for Hong Kongers, I think we should consider more than just a channel for applying for asylum. We should also consider established services and protocols to assist asylum seekers in the long run. It is good to help them survive, but it is equally important to help them build a life.

Let me give some examples. Currently, according to figures gathered by U.S.-based Hongkonger groups, around 100 Hong Kongers are seeking asylum in the U.S. They often find it difficult: (a) to communicate with Border Control when they arrive in the U.S., (b) to be able to reach out to officials who handle their asylum application, resulting in their inability to keep track closely of the progress of their application, (c) to pay for the asylum lawyer fee, (d) to be able to purchase insurance when they do not yet have legal status, (e) to obtain a work permit, and (f) to be able to study in the U.S. with affordable tuition fees.

From the above, I sincerely urge the U.S. Congress and the executive branch to consider implementing the following measures:

- The Biden administration should continue to explore and provide humanitarian parole for Hong Kongers through executive action.
- The Department of Homeland Security should publish details of the Deferred Enforced Departure (DED) as soon as possible, particularly since the scheme was already announced two months ago. I would also like to ask that opinions of the Hong Konger community be consulted to ensure that the DED policy can, and does, benefit them as intended.
- The Administration should explore the possibility of setting up a Cantonese-language hotline for Hong Kong asylum seekers. This can facilitate communication and increase transparency and mutual understanding. As a comparison, similar approaches have been introduced in Taiwan and the U.K.
- Congress should pass legislation to ease entry into the U.S. for Hong Kkongers who are targeted for their involvement in activism and the pro-democratic movement. Bills intended for precisely this purpose are already in existence, in

the form of the Hong Kong Safe Harbor Act and the Hong Kong People's Freedom and Choice Act. They provide temporary refugee status to Hongkongers who are already in the U.S., who would face persecution upon returning to Hong Kong. The relevant agencies should have standardized protocols to ensure Hongkongers are being helped and expedite processing of refugee applications for Hongkongers at risk.

- Section 3 subsection (b)(C)(vi) of the Hong Kong Safe Harbor Act proposed that a waiver of immigrant status presumption only be given to those formally charged, detained, or convicted for his or her participation in such protests during the period between June 2019 and June 30, 2020. I urge Congress to strongly consider lengthening the time frame proposed so it could benefit more people who are victims of the crackdown. A fine point to note is that this time frame only covers incidents prior to the enactment of the National Security Law in Hong Kong. However, many Hong Kongers face legal repercussions post-enactment of the National Security Law with regard to their participation in said protests. It is highly recommended that the time frame extend to post-enactment of the National Security Law.
- To apply the provisions of the 1951 Refugee Convention and the 1967 Protocol to refugees without discrimination.
- Congress and the Administration can actively help Hong Kong journalists and other professionals in need of reestablishing their careers overseas and encourage them to contribute their expertise and professional knowledge to U.S. society.
- Congress and the Administration should reallocate and increase resources for the Hong Kong Desk or other related programs, to help asylum seekers to have a smoother transition to live in America, in terms of helping them lessen difficulties in finding health insurance, legal aid, and tuition fees.
- Congress and the Administration should actively work with NGOs, charities, religious groups, the private sector, etc. in the civil society to help young Hong Kong asylum seekers accommodate their needs and resettle in the U.S., such as providing language courses and job opportunities. It is essential to promote a private sponsorship model and expand community involvement in resettlement by robustly promoting community sponsorship through co-sponsorship programs and private sponsorship. The sooner they settle in, the sooner they can give back to the United States, so they do not just survive but also build a life.

CONCLUSION

I am humbled to be here again to testify and speak for Hongkongers in front of this Commission. The fight of Hongkongers will never stop until we can reclaim our homeland. As this Congress has made clear, a free and autonomous Hong Kong is in the national interest of the United States, so the U.S. Government should provide a safe harbor for those Hongkongers who have stood up for liberty and suffered the consequences of safeguarding the liberal values that the U.S. Congress has supported Hong Kong people to pursue. While Hong Kong can hardly be restored to its past glory anytime soon, preserving Hong Kongers' voices and movement is the best hope for the future rejuvenation of an autonomous Hong Kong.

In Hong Kong, I know there are lots of people who are still finding ways to sustain the spirit and culture of Hong Kongers, resisting the invasion of communist authoritarianism. And the Hong Kong diaspora community is doing its best to support Hongkongers. Here, I believe the U.S. Government should be able to help and join our fight, too.

I have been in exile for more than a year, but I can still remember vividly the city landscape of Hong Kong, and the names and faces of my dear friends who are now political prisoners. I will not forget them, and I hope the U.S. will not forget them. Hong Kong people have not given up; we stand as one. We belong to the same community, struggling for our right to self-determination. We are determined and will have a bright and better future that is free and democratic.

This is the revolution of our time. We will liberate our Hong Kong. Please stand with us.

Thank you.

PREPARED STATEMENT OF TAHIR HAMUT IZGIL

Good morning.

My name is Tahir Hamut Izgil. I am a Uyghur poet and filmmaker.

In the spring of 2017, the Chinese Communist government launched a large-scale detention of local ethnic groups, including Uyghurs. In August of the same year, I fled to the United States to seek asylum for the safety of my family and myself. I was one of a very few lucky Uyghurs who were able to leave at that time. Many other Uyghurs could not get the same opportunity. They could not get passports, or their passports were confiscated. They lost the ability to travel abroad, and they were interned in concentration camps established by the Chinese government.

Refusal to give passports to Uyghurs is one of the most important methods enforced by the Chinese government to inhibit Uyghurs from taking refuge abroad. Radio Free Asia and the Uyghur Human Rights Project reported extensively ten years ago on this violation of the right to travel freely.

Then, in 2015, the Chinese government began confiscating passports from the few Uyghurs who had them. The confiscations initially started with the passports of Uyghurs who worked in the government. The large-scale detention in 2017 marked the beginning of confiscations of ordinary citizens' passports. However, even Uyghurs who have been able to go abroad, despite such obstacles, still have great difficulty in achieving secure living conditions.

It has been four years since I applied for asylum here in the United States, and I still have not received asylum. My two daughters' Chinese passports expired in 2019 and they have no official status here. Some Uyghurs in the United States have been waiting for asylum status for 7 or 8 years. Although some Uyghur Americans are living in safe conditions and have work opportunities in the United States, many have not been granted legal residency status, and they are going through many hardships and anxieties. Many continue to receive threats from the Chinese government.

Uyghurs elsewhere around the world are in dire need of humanitarian assistance and resettlement to a safe place. These refugees' precarious fate is a huge worry for Uyghur diaspora communities. For example, more than 50 Uyghur asylum seekers are being held in prisons in Thailand, with no country willing to take them. Tens of thousands of Uyghurs in Turkey are living in fear of being unable to obtain legal status, or being unable to relocate to another country.

Uyghurs who are abroad are in great danger when their Chinese passports expire. This is because the Chinese government has deliberately refused to renew them. The government tells Uyghurs they must go to China for renewal, unlike Han Chinese citizens, who can renew their passports at a Chinese embassy or consulate. The Uyghur Human Rights Project called this the "weaponization of passports." Uyghurs living in countries such as Saudi Arabia, the United Arab Emirates, and Egypt are experiencing great hardships after their passport expires, because they do not have a valid passport to travel anywhere else, but at the same time they cannot get asylum status. They live in constant fear of being extradited to China.

In Turkey, more than 200 people have been waiting in UNHCR refugee camps to be granted safe haven. In Afghanistan, more than 100 Uyghur families in Kabul are living in horrendous straits, in great fear of the Chinese government, which has close ties with the Taliban regime. The danger is that some governments are treating Uyghur refugees as assets, to bargain with China over a variety of interests.

The root cause of these tragedies is the Chinese government's genocide against the Uyghurs. While the U.S. Government and several Western parliaments formally recognized the Uyghur genocide, the international community must do more, and provide humanitarian assistance to Uyghurs abroad who are the victims of these crimes against humanity.

In conclusion, I urge Congress to find out why Uyghurs' U.S. asylum applications have been in limbo for so many years, at a time when the U.S. Government has recognized the genocide.

It is also urgent that the U.S. Congress pass a law to provide safe resettlement for Uyghur refugees around the world. At this time, when effective measures have not been taken to end China's genocide against the Uyghurs, it will give Uyghurs some hope for the future if Congress passes a U.S. law to bring refugees to safety.

Thank you.

PREPARED STATEMENT OF HON. JEFF MERKLEY

For years, this Commission has documented the Chinese government's repression of its people. Even as that repression continues, the Chinese government continues to seek the repatriation of those searching for protection abroad.

China has sought the forcible return of Uyghurs and Kazakhs from Kazakhstan and Thailand. At one point earlier in the COVID–19 pandemic, it appeared to be withholding vaccines from the Turkish government in an attempt to pressure Turkey to ratify an extradition treaty that would put Uyghurs in Turkey at risk of deportation. In Hong Kong, those seeking refuge abroad face arrests and exit bans.

This hearing will examine these threats to those seeking protection from persecution inside and outside China and shed light on humanitarian pathways available to those fleeing this persecution.

As the Chinese government continues its genocide of Uyghurs and other predominantly Muslim ethnic minorities in Xinjiang and continues to trample the political rights and autonomy promised the people of Hong Kong, the situation is bleak. In fact, our Commission's Political Prisoner Database now includes prisoners detained in Hong Kong, which the Commission previously has not done. Hong Kong prisoners include those subject to prolonged pretrial detention and those serving lengthy sentences for peacefully exercising their rights.

This Commission will remain steadfast in our fight to shine a bright light on these abuses, as well as the broader human rights and rule-of-law situation in China and the Chinese Communist Party's attempts to export repressive models of governance and stifle free expression globally. Members of Congress will continue to work with the Administration and likeminded partners across the globe to push for change in the behavior of the Chinese government and Communist Party.

But we can't stop there. In the face of egregious violations of internationally recognized human rights, we need to take concrete steps to protect those harmed by authoritarian governments. While we cannot control the Chinese government's behavior, we have the power to protect the persecuted who come to our shores.

That's what this hearing is about: taking responsibility for actions within our control to advance humane policies to support Uyghurs, the people of Hong Kong, and others seeking protection as refugees, as asylum seekers, or as beneficiaries of humanitarian parole.

In this hearing we will hear from four witnesses who will help us better understand humanitarian pathways that could be promoted by legislative, executive, or diplomatic action. One of our fellow commissioners will share perspectives on important legislation he is advancing, one of several bills we will hear about today that take actionable, concrete steps to protect the persecuted. We will also hear from a leading refugee policy expert on potential promise offered by designating Uyghurs and Hong Kongers as Priority 2 refugees as groups of special humanitarian concern. And we will hear the personal testimonies of two brave exiles now seeking asylum in the United States. Their stories remind us, yet again, of not only the human costs of repression but that the victims of that repression look to the United States for help. When we can offer that help I feel we must. I look forward to today's testimony informing the work of Congress, the Administration, and the international community on how to do that.

PREPARED STATEMENT OF HON. JAMES P. MCGOVERN

Thank you, Mr. Chairman, for convening this timely hearing on creating humanitarian pathways for people fleeing persecution in Hong Kong and the Xinjiang Uyghur Autonomous Region in China.

For 20 years this Commission has documented the status of human rights in China, allowing us to see trends across the years. There is no doubt that things have gotten worse under leader Xi Jinping. The scale of change is seen most dramatically, and tragically, in the two areas we are looking at today: Hong Kong and the Uyghurs and other Turkic Muslims.

I need not spend time reciting these abuses, which we have documented and which will be sadly familiar to those who are watching. We appreciate that today's witnesses will testify to their own personal experiences living in Hong Kong and Xinjiang, the suffering they endured, the roads they took to exile, and the hopes they have on how we can provide a humanitarian pathway to others.

In the policy realm, Congress and the executive branch have responded to China's repression with multiple actions. This includes new laws to sanction Chinese officials who are complicit in human rights abuses and to prohibit the export of crowd-control equipment to security forces. Two Administrations have made a genocide determination on the Uyghurs and found that Hong Kong is no longer "sufficiently au-

tonomous." They have blocked imports of cotton and tomatoes from Xinjiang based on forced labor, and we in Congress look to pass the Uyghur Forced Labor Prevention Act.

All of these are worthy, even as most are punitive in nature. These policies are designed to punish officials responsible and to prevent future harm. But we must also remember that behind every account of mass atrocity or gross violation of human rights, there is a human being who is suffering, an individual with their own lived experience.

So I welcome that the Commission turns its attention today to policy solutions that can have a direct, positive benefit on people. These are actions we can take that do not depend on the whims of the Chinese government. We can do this.

Members of Congress of both parties, of both bodies, have introduced legislation to help those fleeing repression in Hong Kong and Xinjiang find refuge and freedom in the United States.

The purpose of this hearing is not to pick one legislative remedy over any other. We are providing a platform to discuss the solutions and, hopefully, to propel congressional action toward enactment. Some of these measures have passed one body or have been included in larger packages. Our goal is to help get them over the finish line.

The second purpose of this hearing is to better understand the situation facing those who have fled to third countries. We have read many accounts of Uyghurs in Central Asia, Southeast Asia, and Turkey who are vulnerable or at risk for deportation. Many Hong Kongers who have left continue to fear the government may harass their family who remain there, not to mention those in Hong Kong who fear being jailed under the National Security Law. I look forward to hearing what tools we have in our toolbox to help them.

Even in the United States, Hong Kongers and Uyghurs are among those who endure long waits for adjudication of their asylum claims. Fixing our broken domestic asylum processing system should be a priority.

I welcome the testimony of Congressman Malinowski and recognize that he has dedicated his life to the cause of human rights.

PREPARED STATEMENT OF HON. MARCO RUBIO

Thank you to Chairman Merkley and Co-chairman McGovern for convening this important hearing. I'd also like to thank my colleagues who have worked with me on two bills that are directly relevant to this hearing: Senator Menendez, for his partnership on the Hong Kong Safe Harbor Act, and Senator Coons, for the same with the Uyghur Human Rights Protection Act. These bills are driven by bipartisan concerns that cut to the core of what it means to be American. If we are to remain true to who we are as a nation, we have to be a place of refuge for persecuted peoples like Hong Kongers and Uyghurs. Welcoming these persecuted groups would also be a net positive for our country. They represent an invaluable source of knowledge and intelligence in the context of strategic competition with the People's Republic of China (PRC)—a competition I believe will define the 21st century.

Since Xi Jinping took control of the Chinese Communist Party (CCP) as General Secretary in late 2012, the CCP has encroached on Hong Kong's autonomy more and more with each passing year, to the point that there is now no autonomy left of which to speak. In the last three years, gradual encroachment accelerated into a full-fledged campaign to nullify Hong Kong's long-cherished freedoms and dismantle the semi-democratic institutions that it had. The world watched as Hong Kongers, from all walks of life, bravely took to the streets to protest the CCP's intrusion in their city.

In June of last year, Beijing imposed a draconian National Security Law on Hong Kong. Since then, authorities have arrested a number of activists, and sentenced some to prison, including Joshua Wong, on ridiculous charges related to participation in "unlawful" protests in 2019. Media mogul and veteran democracy activist Jimmy Lai was also charged under the National Security Law. For years, the CCP has tried to silence Lai's Apple Daily, one of Hong Kong's last media outlets that still published pro-democracy pieces rather than pro-Beijing propaganda. In June of this year, the Apple Daily was forced to close, delivering a deadly blow to press freedom in Hong Kong.

The experience of Hong Kong reveals to us the only constant with the CCP: broken promises and unrelenting efforts to crush anything it perceives as threatening. Hong Kongers asked for nothing more than a home where their freedom and fundamental rights were protected. A home where the Chief Executive, and all members of the legislative body, would be directly elected through universal suffrage. These

reasonable demands were supposed to be respected under the framework of "one country, two systems," which was created by the CCP itself in the 1980s.

In light of all that has happened, Hong Kongers who participated in pro-democracy protests have a well-founded fear for their safety in the CCP-dominated Hong Kong. For this reason, the United States must create a humanitarian pathway for vulnerable Hong Kongers to come here if they need to flee. Hong Kong is a test of our national character and an opportunity to once again demonstrate our commitment to being a friend to those who stand up for democratic values around the world.

Assisting Hong Kongers in need of refuge is the morally right thing to do, but it is also in our own national security interests because Hong Kong is the front line of a much larger struggle. Congress has taken a clear stance in defense of Hong Kong by passing the Hong Kong Human Rights and Democracy Act and other related legislation. Now we need to complete the mission by passing the Hong Kong Safe Harbor Act to help those courageous Hong Kongers who took to the streets to fight for freedom escape the retaliation of a vengeful regime.

Likewise, we must understand that the survival of the Uyghurs is a much larger struggle between democratic forces who believe in pluralism and religious freedom, and the totalitarian CCP that seeks to homogenize people and impose political and ideological uniformity. Today, General Secretary Xi Jinping is committing systematic atrocities against Uyghurs and other Muslims in Xinjiang in an attempt to suppress their belief in Islam. The CCP cannot tolerate a competing source of authority. Beijing persecutes religious people who refuse to betray their faith by pretending that the CCP is the only authority. This is what lies behind the CCP's efforts to completely eliminate Turkic Muslims, especially Uyghurs, and other ethnic groups in Xinjiang.

More than one million Uyghurs and other predominately Turkic Muslims are detained in "transformation through reeducation" camps and forced to labor. The network of detention facilities and factories have turned Xinjiang into a huge concentration camp. Guards at these camps force Uyghur men to renounce their faith, shave their beards, and violate Muslim dietary restrictions. Uyghur women have been raped, experienced other forms of heinous sexual violence, and have undergone forced sterilization and abortions. Families are ripped apart, with adults working in factories and the children sent to state-operated orphanages. The goal is to brainwash them, strip them of their language, culture, and traditions while isolating them from their families and communities.

The CCP is also working to suppress Uyghur birth rates, with official data showing a decline of 48.7 percent between 2017 and 2019. The crimes against humanity and genocide that the CCP is committing demand an urgent response from us that is in keeping with our founding spirit. Simply put, it is time to once again show that we are a "shining city upon a hill," as President Reagan liked to call us.

In July of this year, the U.S. Senate unanimously passed my Uyghur Forced Labor Prevention Act. It is time that the U.S. House of Representatives does the same. It is also incumbent on both chambers of Congress to promptly take up the Uyghur Human Rights Protection Act and send it to the President's desk for his signature.

SUBMISSIONS FOR THE RECORD

U.S. POLICY OPTIONS FOR THE 2022 BEIJING WINTER OLYMPICS

[From The Heritage Foundation, July 21, 2021]

(By Olivia Enos)

SUMMARY

The 2022 Winter Olympics are scheduled to take place in Beijing—despite the Chinese Communist Party's (CCP's) well-documented and gross human rights violations. Whenever concerns over human rights arise during the Olympics, the international community defaults to the idea of a boycott, despite its ineffectiveness during the Moscow 1980 Olympics. The desire to act, and not grant unintended approval to atrocity crimes as the U.S. did when Nazi Germany hosted in 1936, is a good impulse. However, there are other options—that do not punish American athletes, and also do not fail to hold human rights violators accountable. The U.S. should consider and explore policy options beyond a boycott, and instead postpone the 2022 Olympics for the purposes of selecting a new rights-respecting host.

THE ISSUE

The 2022 Winter Olympics are scheduled to take place in Beijing—despite the Chinese Communist Party's (CCP's) well-documented and gross human rights violations. Over the past few years, the CCP has carried out ongoing genocide and crimes against humanity against its Uyghur Muslim population, undermined democracy in Hong Kong, and systematically covered up critical information about the COVID–19 pandemic. Given the gravity of these violations, many in the U.S. and around the globe are considering how to respond to the International Olympic Committee's (IOC's) selection of China as host of the 2022 Winter Games.

HOW HAS THE U.S. RESPONDED TO PROBLEMATIC OLYMPICS IN THE PAST?

The U.S. response to the selection of problematic Olympics hosts has varied:

- **Berlin Summer Olympics, 1936.** When the Nazi regime was selected to host the Olympics in 1936, the U.S. participated without reservation, giving the impression that the U.S. did not care about the persecution of European Jews.
- **Moscow Summer Olympics, 1980.** In contrast, the U.S. fully boycotted the 1980 Olympics held in Moscow in protest of the Soviet Union's invasion of Afghanistan. The boycott did not result in the desired policy outcome—the Soviet Union's withdrawal from Afghanistan—until 10 years later. The boycott was deemed an ineffective diplomatic maneuver that unduly punished American athletes whose Olympic dreams were dashed.
- **Beijing Summer Olympics, 2008.** In 2008, when Beijing was selected to host the Olympics the first time, severe human rights violations accompanied its host tenure, including the eviction of 1.5 million Beijing residents from their homes to clear space for Olympic facilities, the exploitation of migrant workers forced to build Olympic infrastructure, and the extra-judicial imprisonment of those who raised concerns over the violations.

SHOULD THE U.S. BOYCOTT THE 2022 OLYMPICS?

- **In short, no.** Whenever concerns over human rights arise, and despite its ineffectiveness during the Moscow 1980 Olympics, the international community defaults to the idea of a boycott. The desire to act, and not grant undue credence to the Nazi regime, is a good impulse.
- **Exploring alternatives.** However, there are other options—options that do not punish American athletes, and also do not fail to hold human rights violators accountable. The U.S. should consider and explore policy options beyond a boycott, especially given the historical failure of boycotts to generate the desired policy outcome.

WHAT ARE THE STRONGEST U.S. RESPONSES TO BEIJING'S SELECTION AS HOST OF THE 2022 WINTER OLYMPICS?

- **The IOC's response to the Tokyo 2020 Olympics.** In addition to problematic hosts, the 2020 Tokyo Olympics were postponed in the midst of the pandemic

to stop the spread of COVID–19. It is clear that the IOC is able to respond with agility in the face of severe international concern. The decision to postpone the 2020 Olympics to 2021 was made in March 2020, just four months before the Games were to be held in July.

- **Postpone and move.** The most practical response is to postpone and move the 2022 Olympics. The U.S., in concert with allies around the globe, should press the IOC to postpone the Olympics for the purposes of selecting a new host country. Given the Biden Administration's commitment to coordinating U.S. policy with allies, this would be an opportunity to present a strong, unified, global stand against Beijing's egregious human rights record. Moving and postponing the Games would hold Beijing responsible for its violations without punishing athletes.
- **The backup plan: a diplomatic boycott.** If, and only if, the U.S. and its coalition of allies are unable to postpone and move the Games, the same coalition should pursue an alternative diplomatic boycott where participants send only government officials to the extent necessary to guarantee the safety of athletes participating in the Olympics.
- **Make diplomatic participation contingent on transparency.** The coalition should press for access to political re-education camps in Xinjiang as a precondition to full diplomatic participation in the 2022 Olympics if still held in Beijing.
- **Athletes' solidarity with the Chinese people.** If athletes participate under a diplomatic boycott, they should look to historic examples of Olympic protests as inspiration to show their solidarity with those suffering under the CCP. Some examples include refusing the traditional flag dip to the host country's government representatives during the opening ceremonies of the 1908 London Summer Olympics, and the "black power" raised fists at the 1968 Mexico City Summer Olympics. Such moves would send a powerful message to the CCP and to the people of China that the international community is on their side.

SUBMISSION OF CHAIR MERKLEY

STATEMENT BY THE UYGHUR HUMAN RIGHTS PROJECT

The Uyghur Human Rights Project (UHRP) makes six recommendations for an urgent response to the ongoing refugee crisis caused by the Chinese government's genocidal policies targeting Uyghurs as an ethno-religious group.

RECOMMENDATIONS

1. **Expedite the asylum cases of Uyghurs already in the United States.** Some Uyghurs have been waiting up to seven years for a decision. The Department of Homeland Security should instruct USCIS to move forward pending cases as quickly as possible.
2. **Create a refugee resettlement program for Uyghurs.** The U.S. State Department should grant access to the Refugee Admissions Program (USRAP) for Uyghurs stranded in third countries without the need for UNHCR processing.
3. **Ensure that Uyghur resettlement is not impeded by lack of documentation,** such as current passports and official copies of birth certificates, which the Chinese government refuses to provide to Uyghurs abroad. The U.S. and other nations should ensure that Uyghurs have access to travel documents necessary to reach safety.
4. **Address the separation of Uyghur children from their families** by identifying pathways for reunification of Uyghur families in the United States or wherever relatives have settled.
5. **Punish and deter the harassment of the Uyghur diaspora** in the United States and globally. Investigate reports of Chinese government harassment, intimidation, threats, pressure to spy against the Uyghur community and impose consequences for these violations of their civil rights under law.
6. **Encourage other nations to take similar steps** by pledging not to subject Uyghurs to refoulement to China, and to stand up a multilateral resettlement program.

ISSUES FACING UYGHUR REFUGEES AND ASYLUM SEEKERS

The refugee crisis. The Chinese government has created both an unprecedented human rights crisis in the Uyghur homeland, but has also created a less well-known refugee crisis. China is one of the few countries that systematically and proactively

seeks to pursue large numbers of citizens living in other countries and pressure governments to detain them or forcibly return them to China.

UHRP and the Oxus Society for Central Asian Affairs have documented 1,327 Uyghur individuals who were detained or rendered to China from 20 countries, from 2014 to March 2021.[1] Unreported cases would likely raise these figures substantially, with our database presenting just the tip of the iceberg due to reliance on publicly reported instances of repression.

Even as the international community has become aware of the dangers Uyghurs face if returned to China, there remains a significant threat of refoulement. The beginning of the crackdown in 2017 was marked by Chinese officials ordering Uyghurs residing abroad to return to their hometowns; those who did not were intimidated with threats to family members.

UHRP commends CECC for documenting the pressure on Uyghurs abroad in its Annual Reports, and for its series of hearings on China's "long arm" of repression and global efforts to silence critics and victims.[2] UHRP is also grateful to other congressional bodies for calling attention to transnational repression, such as USCIRF's condemnation of deportations of from Egypt, when local security services seized and deported Uyghur students at China's request in 2017.[3]

Uyghur statelessness due to the weaponization of passports. An increasing number of Uyghurs abroad are threatened by the extreme vulnerability of statelessness, due to Chinese government policies.

UHRP has documented numerous cases of Uyghurs having their PRC passports seized and destroyed at Chinese embassies and consulates when they attempt to renew them.[4] Chinese consular officials then issue a one-way return to China, claiming that passports can only be renewed there, despite Chinese law saying otherwise. If returned to China, Uyghurs face extrajudicial detention and torture. Travel abroad is a major reason cited for detaining individuals in extrajudicial camps, and numerous Uyghurs have disappeared upon their return.

The refusal of the Chinese government to issue Uyghurs passports amounts to a violation of their "right to leave," established in international law.[5] The seizure and destruction of the passports of Uyghurs overseas constitutes a further violation of the right to freedom of movement by the Chinese government and is creating a statelessness crisis. Chinese officials create further difficulties for Uyghurs by denying them access to official documents such as birth and wedding certificates, causing many in the diaspora to become undocumented. Uyghur children who are born abroad in countries such as Turkey are unable to obtain any identity documents, rendering them stateless people.

Numerous Uyghur children have been stranded in Turkey without one or both of their parents since the beginning of the crackdown.[6]

Transnational harassment and threats. Harassment by Chinese officials is a persistent issue for Uyghurs abroad, including in the United States.[7] As noted in the February 2021 Freedom House report, Out of Sight, Not Out of Reach: Understanding Transnational Repression, "The Chinese government's campaign reaches the most people globally due to the broad range of groups under threat and the sheer number of countries where individuals face repression. Members of ethnic and religious minorities, former insiders of the Chinese Communist Party, human rights defenders, and increasingly, people from Hong Kong—all have been subjected to serious forms of transnational repression, including assassination attempts and renditions"[8]

Chinese officials continue to use threats and harassment to attempt to coerce Uyghurs into returning. The diaspora community is increasingly afraid that countries that traditionally provided a safe haven are giving in to Chinese pressure and incentives to deport Uyghurs. A pending extradition treaty in Turkey has caused Uyghurs there to fear that deportations will increase.[9] In Kazakhstan, the government's quiet efforts to have its naturalized citizens freed from the camps has not prevented it from putting increasing pressure on the community of victims to cease speaking out.[10]

Years-long delays in U.S. asylum decisions for Uyghurs. Uyghur asylum seekers already in the United States face extremely long wait times before a decision is made in their cases, with some waiting as long as four or five years.[11] In many cases it is those who have been waiting the longest who continue to be affected by the refugee backlog, while more recent applicants are approved relatively quickly. Although the U.S. has an exemplary track record of not deporting Uyghurs, America must do more to grant prompt asylum to victims of religious repression, and victims, as in the case of Uyghurs and other Turkic Muslims, of genocide.

[1] Uyghur Human Rights Project, "No Space Left to Run: China's Transnational Repression of Uyghurs," June 24, 2021, https://uhrp.org/report/no-space-left-to-run-chinas-transnational-repression-of-uyghurs/

[2] Congressional-Executive Commission on China, The Long Arm of China: Global Efforts to Silence Critics From Tiananmen to Today, May 24, 2016, https://www.cecc.gov/events/hearings/the-long-arm-of-china-global-efforts-to-silence-critics-from-tiananmen-to-today.

[3] United States Commission on International Religious Freedom, "USCIRF Condemns Egypt's Deportation of Uighur Muslims to China," August 2, 2017, https://www.uscirf.gov/news-room/releases-statements/uscirf-condemns-egypts-deportation-uighur-muslims-china.

[4] Uyghur Human Rights Project, "Weaponized Passports: The Crisis of Uyghur Statelessness," April 1, 2020 https://uhrp.org/press-release/uhrp-report-weaponized-passports-crisis-uyghur-statelessness.html.

[5] Uyghur Human Rights Project, "Uyghurs to China: Return Our Relatives' Passports," August 6, 2021, https://uhrp.org/sites/default/files/Passport_returns_briefing.pdf.

[6] Eric Randolph, "China took their parents: the Uighur refugee children of Turkey," AFP, December 30, 2019, https://news.yahoo.com/china-took-parents-uighur-refugee-children-turkey-020134697.html?guccounter=1.

[7] Uyghur Human Rights Project, "Repression Across Borders: The CCP's Illegal Harassment and Coercion of Uyghur Americans," August 28, 2019, https://docs.uhrp.org/pdf/UHRP_RepressionAcrossBorders.pdf.

[8] Freedom House, "Out of Sight, Not Out of Reach: Understanding Transnational Repression," February 2021, https://freedomhouse.org/sites/default/files/2021-02/Complete_FH_TransnationalRepressionReport2021_rev020221.pdf.

[9] Eva Xiao, "Exiled Uighurs in Turkey Fear China's Long Reach—'We Are All Panicking Now,'" Wall Street Journal, February 3, 2021, https://www.wsj.com/articles/exiled-uighurs-fear-chinas-reach-will-erode-turkish-haven-11612178314#.

[10] Laura Pitel, Christian Shepherd, and Max Seddon, "Xinjiang campaigner says China pressure led him to flee Kazakhstan," Financial Times, December 26, 2020, https://www.ft.com/content/0d8c5c4c-7f2f-4043-82e3-d45238dddb16.

[11] James T. Areddy and Michelle Hackman, "China's Muslim Uighurs Are Stuck in U.S. Immigration Limbo," Wall Street Journal, August 28, 2020, https://www.wsj.com/articles/chinas-muslim-uighurs-are-stuck-in-u-s-immigration-limbo-11595937603.

STRENGTHENING THE U.S. RESPONSE TO FORCED LABOR IN XINJIANG

[From The Heritage Foundation, Feb. 17, 2021]

(By Olivia Enos and Tori K. Smith)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Ethnic Uyghurs in China are facing an unprecedented assault on their civil liberties and freedoms. Since 2018, between 1.8 million and 3 million Uyghurs have been collectivized and interned in political re-education camps in China.[1] The Chinese Communist Party (CCP) has stopped at little to advance its priorities,[2] including by carrying out what the U.S. government determined constitutes ongoing genocide and crimes against humanity.[3]

Part of the CCP's systematic assault on Uyghurs includes subjecting them to forced labor, a form of human trafficking under U.S. and international law.[4] One well-documented means of collectivization[5] is the CCP's system of labor transfers both inside and outside the Xinjiang Uyghur Autonomous Region in northwest China. Another form of forced labor occurs in factories, many of which are adjacent to the camps.[6]

In response to concerns over forced labor, U.S. Customs and Border Protection (CBP) has developed tools to stop goods produced with forced labor from entering U.S. markets. Congress has also sought to devise solutions to these pressing challenges, introducing last year the Uyghur Forced Labor Prevention Act[7] and the Uyghur Forced Labor Disclosure Act.[8] On January 27, 2021, the Senate reintroduced a modified version of the bipartisan Uyghur Forced Labor Prevention Act. These proposed legislative measures seek to expand the CBP's authorities to target forced labor in Xinjiang.

It is in the strategic interest of the U.S. to promote its values, including by advancing solutions to counter forced labor in Xinjiang. The U.S. should implement a tailored "rebuttable presumption" and expand Withhold Release Orders (WROs)[9] to stop goods produced with forced labor from Xinjiang from entering U.S. markets. This requires additional resources, personnel, and expertise to construct successful responses that seek to end human trafficking in Xinjiang. This should be seen as part of broader, bipartisan efforts to address human rights violations in China.

Forms of Forced Labor in Xinjiang

The CCP is subjecting Uyghurs to forced labor as an additional facet of its repressive policies. According to U.S. and international law, trafficking requires the pres-

ence of "force, fraud, or coercion."[10] Forced labor is but one form of human trafficking. The Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State notes:

> Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities—recruiting, harboring, transporting, providing, or obtaining—involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work.[11]

Available reporting indicates that Uyghurs are being forced to labor (1) in factories attached to the CCP's vast network of political re-education camps, and (2) through forced labor transfer programs in Xinjiang and around China.

Political Re-education Camp or Political Re-education Camp-Adjacent Forced Labor. New reports confirm rumors that many of the same facilities that intern between 1.8 million and 3 million Uyghurs are sharing factory space with so-called legitimate enterprises.[12] Uyghurs in the camps are subject to forced indoctrination, forced self-criticism, torture, and in some cases even death.[13] The camps themselves are an abomination, but activities occurring inside the camps, including subjecting Uyghur women of child-bearing age to forced abortions and forced sterilizations, eventually led the U.S. to conclude that the CCP is committing acts of genocide and crimes against humanity.[14] While initial reports from the camps did not suggest that inmates were also subject to re-education through labor, there were suspicions that this might be the case given the CCP's history of deploying this practice as a means of punishment, despite its claims to the contrary.[15]

More recent reporting confirms that the CCP's historical practices are being revived and used against Uyghurs. BuzzFeed's investigative work details how 170 of the nearly 260 political re-education camps in Xinjiang they identified through satellite imagery analyses are believed to have factories directly attached or adjacent to the camps where Uyghurs are no doubt forced to labor.[16] The connection between the camps and factories is well documented.[17] For example, the CBP stopped shipments of goods believed to be produced with forced labor in Xinjiang from Badger Sportwear, a company that produced sportswear and uniforms for U.S.-based college sports teams.[18] It was found that this sportswear was sourced from a company called Hetian Taida Apparel that shared factory space with a known political re-education camp in Xinjiang.[19] The fact patterns in the Hetian Taida Apparel allegations are reminiscent of the CCP's practices during the Cultural Revolution. During the Cultural Revolution, internment facilities, also known as laogai, were called the Jingzhou Industrial Dye Works and the Yingde Tea Plantation, although in reality both were large re-education-through-labor facilities.[20]

Prison camp or prison camp-adjacent labor affects people in Xinjiang that are currently detained, as well as inmates released from political re-education camps and later transferred to factories both inside and outside Xinjiang through forced labor transfer programs.[21]

Forced Labor Transfer Programs. The CCP is also engaging in more traditional collectivization that uproots people from their homeland to labor in other provinces. In dispersing Uyghurs both within and outside Xinjiang, the CCP is able to separate them from their hometowns, their cultural and religious traditions, and from families, the most fundamental of societal building blocks. It is important to note that collectivization efforts mean that Uyghurs are not forced to labor *only* in Xinjiang, but are also being transferred to other regions, including to eastern China.[22]

A new report by Adrian Zenz, senior fellow in China Studies at the Victims of Communism Memorial Foundation, estimates that in 2018 alone, at least 570,000 Uyghurs were mobilized for cotton-picking labor-transfer schemes.[23] There is especially robust information about the extent to which these programs are integrated in Xinjiang's cotton and tomato markets, as well as for the purposes of producing personal protective equipment[24] and textiles.[25]

Poverty alleviation has long been an excuse used by the CCP to conduct major social re-engineering through collectivization programs that transition well-educated Uyghurs (and others) into menial forms of labor for purposes of re-education.[26] In fact, President Xi Jinping made it a priority to eradicate poverty in China by the end of 2020, and while that goal was likely not met (despite claims to the contrary), mobilization of Uyghurs in Xinjiang was a cornerstone of these efforts.[27]

While the CCP's two forced labor schemes are different, they merit equal attention. The U.S. is not without tools to combat forced labor emanating from Xinjiang. It has, in fact, already made use of these tools to stop some goods from entering the U.S. market, but there is certainly more that can and must be done to combat and end forced labor from Xinjiang.

Actions Taken by the CBP and Congress

The CBP enforces section 307 of The Tariff Act of 1930,[28] which prohibits foreign products made in whole or in part with forced labor from entering the U.S. domestic market. Congress passed the Trade Facilitation and Trade Enforcement Act of 2015,[29] which contained a provision to strengthen the CBP's ability to stop shipments suspected of containing products made using forced labor. Specifically, the act repealed the "consumptive demand" clause in The Tariff Act of 1930. This clause provided a loophole for products made with forced labor "if the goods were not produced in such quantities in the United States as to meet the consumptive demands of the United States."[30] Closing that loophole enabled the CBP to more aggressively block goods from entering the U.S. market. Under the Trump Administration, the CBP worked to fully enforce the laws by issuing 12 WROs on shipments from China related to forced labor between 2018 and 2021.[31] All but two of those WROs were issued after 2019, and of the remaining 10 WROs, eight were directly related to shipments from facilities within Xinjiang.

Withhold and Release Orders for China, 2018–2021

Date	Merchandise	Manufacturer(s)	Location in China
March 5, 2018	Toys	Huizhou Mink industrial Co. Ltd.	Unknown
September 30, 2019	All Garments	Hetian Taida Apparel Co., Ltd.	Xinjiang Uyghur Autonomous Region (XUAR)
May 1, 2020	Hair Products	Hetian Haolin Hair Accessories Co., Ltd.	XUAR
June 17, 2020	Hair Products	Lop County Meixin Hair Products Co., Ltd.	XUAR
August 11, 2020	Garments	Hero Vast Group, including Shanghai Hero Vast International Trading Co., Ltd.; Henan Hero Vast Garment Co., Ltd.; Yuexi Hero Vast Garment Co., Ltd.; Ying Han International Co., Ltd.; and Hero Vast Canada Inc.	Outside of XUAR
August 25, 2020	Hair Products	Lop County Hair Product Industrial Park	XUAR
August 25, 2020	Labor	No. 4 Vocation Skills Education Training Center (VSETC)	XUAR
September 3, 2020	Apparel	Yili Zhuowan Garment Manufacturing Co., Ltd. and Baoding LYSZD Trade and Business Co., Ltd.	XUAR
September 8, 2020	Cotton and Processed Cotton	Xinjiang Junggar Cotton and Linen Co., Ltd.	XUAR
September 8, 2020	Computer Parts	Hefei Bitland Information Technology Co., Ltd.	Anhui
November 30, 2020	Cotton and Cotton Products	Xinjiang Production and Construction Corporation (XPCC) and its subordinate and affiliated entities	XUAR
January 13, 2021	Cotton Products and Tomato Products	Xinjiang Uyghur Autonomous Region (XUAR)	XUAR

SOURCE: U.S. Customs and Border and Protection, "National Media Release," various media releases, https://www.cbp.gov/newsroom/national-media-release (accessed January 22, 2021), and Sandler, Travis & Rosenberg, P.A., "Detention Order Issued on Toys Made in China Over Forced Labor Concerns," Trade Report, March 16, 2018, https://www.strtrade.com/trade-news-resources/str-trade-report/trade-report/detention-order-issued-on-toys-made-in-china-over-forced-labor-concerns (accessed January 22, 2021).

The U.S. uses WROs in a variety of ways depending on the evidence available regarding the pervasiveness of forced labor to produce goods abroad. Some orders are very targeted, focusing on a particular set of goods from an individual producer. The WRO on hair products from Lop County Hair Product Industrial Park is one such example.[32] The CBP has also issued broader orders targeting entire sectors, such as the new WRO on cotton and tomato products from Xinjiang. The government issued this regional WRO because the CBP found evidence of "debt bondage, restriction of movement, isolation, intimidation and threats, withholding of wages, and abusive living and working conditions" during its investigation of these products originating in Xinjiang.[33]

Forced labor is an issue that extends far beyond the borders of China. The CBP also has WROs on products from 11 other countries.[34] In 2018, the CBP issued a WRO for all cotton products from Turkmenistan.[35] The CBP also issued a sector-wide WRO for tobacco products from Malawi in 2019.[36] If WROs are insufficient at stopping the goods in question, the government can also consider establishing a rebuttable presumption. This allows the CBP to assume that certain goods are produced with forced labor.

Despite the CBP's diligent efforts, there is still significant work to be done to combat forced labor abroad and to prevent goods produced using forced labor from en-

tering the U.S. market. Last session, Members of Congress highlighted the specific need to address these issues in Xinjiang by introducing the Uyghur Forced Labor Prevention Act (H.R. 6210) and the Uyghur Forced Labor Disclosure Act of 2020 (H.R. 6270).[37] Both bills would place additional restrictions on companies doing business in Xinjiang, including preventing goods that were produced in the region from entering the U.S. market. The House passed H.R. 6210 and H.R. 6270 in 2020, but the Senate has not considered the bills. On January 27, 2021, Senator Marco Rubio (R–FL) reintroduced a modified version of the bipartisan Uyghur Forced Labor Prevention Act in the 117th Congress.[38]

Policy Options to Counter Forced Labor in Xinjiang

The Uyghur Forced Labor Prevention Act advocates creating a "rebuttable presumption" that all goods, with few exceptions, produced in Xinjiang were produced with forced labor. The concept of a rebuttable presumption is a good one, as it alleviates the burden of proof for the CBP to withhold release of goods produced in a particular region. There is precedent for this with North Korea.

In the case of North Korea, the Countering America's Adversaries Through Sanctions Act (CAATSA), Section 321(b) created "a rebuttable presumption that significant goods, wares, merchandise, and articles mined, produced, or manufactured wholly or in part by North Korean nationals or North Korean citizens anywhere in the world are forced-labor goods prohibited from importation under the Tariff Act of 1930."[39] Because the Tariff Act of 1930 prohibits the importation of all goods produced with forced labor,[40] and all goods made by North Koreans are assumed to be produced with forced labor, goods produced by North Koreans are generally prohibited from being imported into the U.S. market, with few exceptions.[41] The rebut table presumption is one of the more powerful tools the U.S. has to counter forced labor, but its strength is in its valid application and enforcement.[42]

The North Korean rebuttable presumption was not without unintended consequences. Because it was written to encompass a wide set of circumstances (North Korean forced laborers in political prison camps as well as North Korean laborers conscripted by the Kim regime to work abroad), there were reported instances of North Korean refugees being denied work because businesses were fearful of potential consequences of getting caught hiring so-called North Korean forced laborers. While these challenges should be easy to resolve, it is a cautionary tale to bear in mind when crafting new rebuttable presumptions.[43] The goal of any rebuttable presumption should be to stop forced labor in its tracks without discouraging legitimate industry from its normal functions.

When considering the use and application of a rebuttable presumption, Congress should ask whether there is sufficient evidence to demonstrate that the Xinjiang market as a whole is tainted. To do so, Congress should have substantial evidence that the majority of industries in the region are tainted by forced labor, making it next to impossible for legitimate business to be conducted. In the North Korean case, this was clear, and deep evidentiary research was not necessary since North Korea operates as a command economy. This may not be the case in Xinjiang (although auditors have claimed that they are unable to conduct credible investigations to determine the extent that forced labor is present in supply chains in Xinjiang.)[44]

Furthermore, rebuttable presumptions and WROs are only effective if the CBP is able to enforce them. The CBP relies on tips from individuals who suspect that goods produced with forced labor are making their way into U.S. markets. Persons with relevant information about shipments can submit tips to the CBP's online portal[45] or call the CBP's Forced Labor Division hotline at 1–800–BE–ALERT.[46] There is a need to increase awareness about the CBP hotline.

Finally, a successful rebuttable presumption requires the political will to implement it. That means that there must be bipartisan support for its implementation. Given that concern over human rights in Xinjiang is shared by Republicans and Democrats, generating political will should not be too difficult. However, there must be continuity in its application, meaning that a Biden Administration must take up the mantle to carry the policy out.

Recommendations for the U.S.

Conditions of forced labor in Xinjiang merit a strong U.S. response. Countering forced labor in Xinjiang will require immense political will and bipartisan willingness to continue efforts to counter human rights violations taking place in China. To do so, Congress and the executive branch should take an evidence-forward approach to tackling the challenge. Specifically, Congress and the Biden Administration should:

- **Create a narrowly tailored rebuttable presumption that goods produced in certain sectors of Xinjiang were produced with forced labor.** There is significant evidence that substantial amounts of goods produced in Xinjiang are tainted by forced labor. However, it is not yet clear that the entire region is devoid of legitimate industry. Therefore, a rebuttable presumption should be created that all goods produced in political re-education camps and political re-education camp-adjacent facilities are produced with forced labor. The rebuttable presumption should also extend to the vast network of labor-transfer programs within Xinjiang as well as to programs that transfer Xinjiang residents to other parts of China. This narrowly tailored rebuttable presumption may serve as a precursor to a rebuttable presumption that extends to the entire region.
- **Establish an expanded region-wide Withhold Release Order.** The CBP should issue a Xinjiang-wide WRO under a two-year trial period to determine the percentage of goods produced in Xinjiang that are made with forced labor. This two-year time period could be used to increase resources and personnel expertise in addressing forced labor in China, specifically Xinjiang. If an overwhelming percentage of goods seized at the U.S. border are found to be produced with forced labor, Congress should then consider instituting a regional rebuttable presumption that all goods produced in Xinjiang are produced with forced labor. For the two-year period, Congress should mandate a quarterly report from the CBP detailing ongoing and completed investigations and companies and perpetrators found with forced labor in their supply chains, as well as individuals and entities within the Chinese government responsible for perpetrating forced labor in the region.
- **Increase resources to the CBP's Forced Labor Division.** The CBP's Forced Labor Division plays a critical role in addressing forced labor in Xinjiang. Congress should increase funding, resources, and personnel for the CBP's Forced Labor Division to address the increased need for investigations and response created by the regional WRO.
- **Improve public awareness of the CBP's Forced Labor Division tip portal and hotline.** The CBP relies on tips from individuals, industry experts, lawyers, and others to track down potential shipments of goods produced with forced labor. Awareness of these resources should be increased and amplified to work toward ensuring that zero goods produced with forced labor make their way into U.S. markets.
- **Build a coalition of allies in Asia and around the world to combat forced labor.** One of the strengths of U.S. diplomacy is the commonly shared values among U.S. allies. Australia, Japan, South Korea, and others should consider adopting similar measures to the U.S. to ensure that goods produced with forced labor from Xinjiang do not make their way into their own markets. This is already happening in the U.S.–U.K. context. Allies likewise should also share best practices for preventing forced labor more generally.
- **Focus on human rights challenges in China.** Combating human rights violations in China is a bipartisan priority. Combating human trafficking is a bipartisan priority. Supporting the CBP's efforts to counter forced labor is one way to create continuity in policy response and has the potential to take these efforts to the next level. The Biden Administration should build on the momentum from the atrocity determination for Uyghurs by extending Priority-2 refugee status to Uyghurs fleeing persecution and sanctioning individuals and entities responsible for human rights violations.[47]

Conclusion

The need to address human rights challenges in China will remain pressing as the U.S. government transitions into the Biden Administration. Seizing on the bipartisan political momentum to tackle the severe rights violations taking place in Xinjiang is a good place to start; addressing forced labor there is a discrete challenge with practical policy solutions to remedy the challenges and ensure that goods produced with forced labor in Xinjiang no longer make their way into U.S. markets.

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Endnotes

1. Olivia Enos, "Responding to the Crisis in Xinjiang," Heritage Foundation *Backgrounder* No. 3416, June 7, 2019, https://www.heritage.org/asia/report/responding-the-crisis-xinjiang.
2. Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *The Journal of Political Risk*, Vol. 7, No. 12 (December 2019), https://www.jpolrisk.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/ (accessed January 19, 2021).
3. Olivia Enos, "Why the U.S. Should Issue an Atrocity Determination for Uighurs," Heritage Foundation *Backgrounder* No. 3529, September 17, 2020, https://www.heritage.org/asia/report/why-the-us-should-issue-atrocity-determination-uighurs.
4. Adrian Zenz, "Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton," The Center for Global Policy, December 2020, https://cgpolicy.org/wp-content/uploads/2020/12/20201214-PB-China-Zenz-1-3.pdf (accessed January 19, 2021).
5. What is taking place in Xinjiang bears far greater resemblance to mass collectivization and subjugation before and during the Chinese Cultural Revolution. The underlying premise of China's mass incarceration of Uyghurs is to re-educate and re-orient their lives and culture around the CCP. This premise is identical to the motivations that animated the Cultural Revolution, in which large swaths of China's urban population were forced to relocate—or were collectivized—to rural areas. The force applied then was for the purposes of re-orienting daily activities of Chinese citizens to ensure that their lives were centered around serving the CCP and the Chinese government's end-state goals.
6. Alison Killing and Megha Rajagopalan, "We Found the Factories Inside China's Mass Internment Camps," *BuzzFeed News*, December 28, 2020, https://www.buzzfeednews.com/article/alison_killing/xinjiang-camps-china-factories-forced-labor (accessed January 19, 2021).
7. Uyghur Forced Labor Prevention Act, H.R. 6210, 116th Congress, 2019–2020, https://www.congress.gov/bill/116th-congress/house-bill/6210 (accessed January 22, 2021).
8. Uyghur Forced Labor Disclosure Act of 2020, H.R. 6270, 116th Congress, 2019–2020, https://www.congress.gov/bill/116th-congress/house-bill/6270 (accessed January 22, 2021).
9. A Withhold Release Order is a CBP tool for formally suspending the importation of goods believed to be produced with forced labor.
10. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, "What Is Modern Slavery?" https://2009-2017.state.gov/j/tip/what/index.htm (accessed January 20, 2021).
11. Ibid.
12. Killing and Rajagopalan, "We Found the Factories Inside China's Mass Internment Camps."
13. Joshua Lipes, "China's Actions in Xinjiang May Amount to 'Crimes Against Humanity,' Says US Rights Report," Radio Free Asia, January 8, 2020, https://www.rfa.org/english/news/uyghur/cecc-01072020190715.html (accessed January 20, 2021).
14. Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang," The Jamestown Foundation, June 2020, https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs-UPDATED-July-21-Rev2.pdf?x41867 (accessed September 2, 2020); Peter Stubley, "Muslim Women 'Sterilized' in China Detention Camps, Say Former Detainees," *The Independent*, August 12, 2019, https://www.independent.co.uk/news/world/asia/uighur-muslim-china-sterilisation-women-internment-camps-xinjiang-a9054641.html (accessed September 2, 2020); and "Xinjiang Hospitals Aborted, Killed Babies Outside Family Planning Limits: Uyghur Obstetrician," Radio Free Asia, August 17, 2020, https://www.rfa.org/english/news/uyghur/abortions-08172020144036.html (accessed September 2, 2020).
15. Congressional-Executive Commission on China, "Prospects for Reforming China's Reeducation Through Labor System," *Staff Research Report*, May 9, 2013, https://www.cecc.gov/publications/issue-papers/prospects-for-reforming-chinas-reeducation-through-labor-system (accessed January 20, 2021).
16. Killing and Rajagopalan, "We Found the Factories Inside China's Mass Internment Camps," and Megha Rajagopalan, Alison Killing, and Christo Buschek, "China Secretly Built a Vast New Infrastructure to Imprison Muslims," *BuzzFeed News*, August 27, 2020, https://www.buzzfeednews.com/article/meghara/china-new-internment-camps-xinjiang-uighurs-muslims (accessed January 19, 2021).
17. Amy K. Lehr, "Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region: Toward a Shared Agenda," CSIS Briefs, Center for Strategic and International Studies, July 30, 2020, https://www.csis.org/analysis/addressing-forced-labor-xinjiang-uyghur-autonomous-region-toward-shared-agenda (accessed January 19, 2021); Congressional-Executive Commission on China, "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," *Staff Research Report*, March 2020, https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Staff%20Report%20March%202020%20-%20Global%20Supply%20Chains%2C%20Forced%20Labor%2C%20and%20the%20Xinjiang%20Uyghur%20Autonomous%20Region.pdf (accessed January 19, 2021); and Adrian Zenz, "The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive," *Journal of Political Risk*, Vol. 8, No. 2 (February 2020), https://www.jpolrisk.com/karakax/ (accessed February 3, 2021).
18. News release, "CBP Issues Detention Orders against Companies Suspected of Using Forced Labor," U.S. Customs and Border Protection, October 1, 2019, https://www.cbp.gov/newsroom/national-media-release/cbp-issues-detention-orders-against-companies-suspected-using-forced (accessed January 19, 2021), and Scott Nova and Penelope Kyritsis, "Update on Forced Labor and Hetian Taida Apparel," Worker Rights Consortium, October 11, 2019, https://www.workersrights.org/communications-to-affiliates/update-on-forced-labor-and-hetian-taida-apparel/ (accessed January 19, 2021).

19. Mark P. Lagon and Olivia Enos, "Why Businesses Should Care About the Use of Forced Labor in Xinjiang," Thomson Reuters Foundation, January 28, 2019, https://news.trust.org/item/20190125124144-rzie9/ (accessed January 19, 2021).
20. Olivia Enos, "Responding to the Crisis in Xinjiang," Heritage Foundation *Backgrounder* No. 3416, June 7, 2019, https://www.heritage.org/asia/report/responding-the-crisis-xinjiang.
21. U.S. Department of Labor, Bureau of International Labor Affairs, "Against Their Will: The Situation in Xinjiang," undated, https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang (accessed January 19, 2021).
22. Ibid.
23. Adrian Zenz, "Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton," The Center for Global Policy, December 2020, https://cgpolicy.org/wp-content/uploads/2020/12/20201214-PB-China-Zenz-1-3.pdf (accessed January 19, 2021).
24. Muyi Xiao, Haley Willis, Christoph Koettl, Natalie Reneau, and Drew Jordan, "China Is Using Uighur Labor to Produce Face Masks," *The New York Times*, July 19, 2020, https://www.nytimes.com/2020/07/19/world/asia/china-mask-forced-labor.html (accessed January 19, 2021).
25. U.S. Department of Labor, Bureau of International Labor Affairs, "Against Their Will: The Situation in Xinjiang."
26. Congressional-Executive Commission on China, "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," p. 5.
27. Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *The Journal of Political Risk*, Vol. 7, No. 12 (December 2019), https://www.jpolrisk.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/ (accessed January 19, 2021).
28. 19 U.S. Code § 1307. Convict-made goods; importation prohibited.
29. Public Law No. 114-125.
30. U.S. Customs and Border Protection, "Trade Facilitation and Trade Enforcement Act of 2015, Repeal of the Consumptive Demand Clause," https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/Fact%20Sheet%20-%20Repeal%20of%20the%20Consumptive%20Demand%20Clause.pdf (accessed January 19, 2021).
31. U.S. Customs and Border Protection, "Withhold Release Orders and Findings," https://www.cbp.gov/trade/programs-administration/forced-labor/withhold-release-orders-and-findings (accessed January 19, 2021).
32. U.S. Customs and Border Protection, "DHS Cracks Down on Goods Produced by China's State-Sponsored Forced Labor," September 14, 2020, https://www.cbp.gov/newsroom/national-media-release/dhs-cracks-down-goods-produced-china-s-state-sponsored-forced-labor (accessed January 19, 2021).
33. U.S. Customs and Border Protection, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021, https://www.cbp.gov/newsroom/national-media-release/cbp-issues-region-wide-withhold-release-order-products-made-slave (accessed January 19, 2021).
34. U.S. Customs and Border Protection, "Withhold Release Orders and Findings," https://www.cbp.gov/trade/programs-administration/forced-labor/withhold-release-orders-and-findings (accessed January 20, 2021).
35. Ibid.
36. Ibid.
37. Uyghur Forced Labor Prevention Act, H.R. 6210, 116th Congress, and Uyghur Forced Labor Disclosure Act of 2020, H.R. 6270, 116th Congress.
38. News release, "Rubio, Merkley, Colleagues Re-Introduce Uygher Forced Labor Prevention Act," Marco Rubio U.S. Senator for Florida, January 27, 2021, https://www.rubio.senate.gov/public/index.cfm/press-releases?ID=51CB92F4-BC6F-47AB-BB06-58DE5AE6F08E (accessed February 2, 2021).
39. U.S. Department of Homeland Security, "CAATSA Title III Section 321(b) FAQs," March 30, 2018, https://www.dhs.gov/news/2018/03/30/caatsa-title-iii-section-321b-faqs (accessed January 22, 2021).
40. Legal Information Institute, "19 U.S. Code Chapter 4–Tariff Act of 1930," Cornell Law, https://www.law.cornell.edu/uscode/text/19/chapter-4 (accessed February 8, 2019).
41. "Kaesong Is a Buffalo Jump for Amoral Politicians & Unlawyered Cretins," Free Korea Blog, July 26, 2018, https://freekorea.us/2018/07/26/kaesong-is-a-buffalo-jump-for-amoral-politicians-unlawyered-cretins/ (accessed February 8, 2019).
42. Olivia Enos, "Leveraging U.S. Law to Advocate for Human Rights in Talks with North Korea," Heritage Foundation *Backgrounder* No. 3388, February 22, 2019, https://www.heritage.org/asia/report/leveraging-us-law-advocate-human-rights-talks-north-korea.
43. In person author briefing with DHS official with knowledge of CAATSA on April 28, 2017, and International Labor Rights Forum, "U.S. Measures to Combat Human Trafficking: Responses in the Corporate World," event at Capitol Hilton in Washington, DC, April 28, 2017, https://laborrights.org/events/us-measures-combat-human-trafficking-responses-corporate-world (accessed February 4, 2021).
44. Eva Xiao, "Auditors to Stop Investigating Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal*, September 21, 2020, https://www.wsj.com/articles/auditors-say-they-no-longer-will-inspect-labor-conditions-at-xinjiang-factories-11600697706#:~:text=A%20spokesman%20said%20WRAP%2C%20which,audits%20that%20meet%20its%20standards (accessed February 3, 2021).

45. E-Allegations, U.S. Customs and Border Protection, https://eallegations.cbp.gov/Home/Index2 (accessed January 22, 2021).
46. U.S. Customs and Border Protection, "Forced Labor," January 15, 2021, https://www.cbp.gov/trade/programs-administration/forced-labor (accessed January 19, 2021), and U.S. Customs and Border Protection, "CBP Issues Withhold Release Order on Tobacco from Malawi," November 1, 2019, https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-tobacco-malawi (accessed January 19, 2021).
47. Olivia Enos, "Responding to the Crisis in Xinjiang," Heritage Foundation *Backgrounder* No. 3416, June 7, 2019, https://www.heritage.org/asia/report/responding-the-crisis-xinjiang.

United States House of Representatives
Congressional-Executive Commission on China

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Witness Biographies

Olivia Enos, Senior Policy Analyst in the Asian Studies Center at The Heritage Foundation

Olivia Enos is a Senior Policy Analyst in the Asian Studies Center at The Heritage Foundation where she focuses on human rights challenges in Asia. Her research spans a wide range of subjects, including democracy and governance challenges, human trafficking and human smuggling, religious freedom, refugee issues, and other social challenges in the region. Enos has a regular column with Forbes. She graduated with a bachelor's in government from Patrick Henry College and a master's in Asian Studies from Georgetown University.

Sunny Cheung, advisor, Hong Kong Democracy Council, and politician in exile

Sunny Cheung is a young politician in exile. His pro-democracy activism began during the Umbrella Movement of 2014. As the former spokesperson of the Hong Kong Higher Institutions International Affairs Delegation (HKIAD), he testified before the U.K. Parliament and the U.S. Congress. He has organized multiple large-scale rallies in Hong Kong. Ahead of the 2020 Legislative Council election, he participated, and emerged victorious, in the Hong Kong democratic camp's primaries, later declared a violation of the National Security Law by Beijing. Having graduated from the University of Hong Kong, he is now pursuing an M.A. at Johns Hopkins University's Paul H. Nitze School of Advanced International Studies.

Tahir Hamut Izgil, Uyghur poet and filmmaker

Tahir Hamut Izgil is a prominent poet and film director in the Uyghur language. He grew up in Kashgar, an ancient city in the southwest of the Uyghur homeland. After attending college in Beijing, he returned to the Uyghur region and in the late 1990s and the 2000s emerged as a film director, best known for the groundbreaking drama The Moon Is a Witness. His poetry has appeared in English translation in The New York Review of Books, Asymptote, Gulf Coast, Berkeley Poetry Review, and elsewhere. In 2017, as the Chinese state began the mass internment of Uyghur intellectuals, Izgil fled with his family to the United States. He lives in Washington, D.C., where he continues his work as a poet and filmmaker. His memoir of the Uyghur crisis, Waiting to Be Arrested at Night, is forthcoming from Penguin Press as well as several foreign publishers.

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