

108TH CONGRESS
1ST SESSION

S. 986

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

IN THE SENATE OF THE UNITED STATES

MAY 5, 2003

Mr. REID introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colombian Temporary
5 Protected Status Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

4 (2) the 2 main armed anti-government rebel
5 groups, the Revolutionary Armed Forces of Colom-
6 bia (Fuerzas Armadas Revolucionarias de Colombia,
7 or FARC) and the National Liberation Army
8 (Ejercito de Liberacion Nacional, or ELN), have en-
9 gaged in military activities in 700 of 1,098 munic-
10 ipalities in Colombia, and in recent years have influ-
11 enced local governments in as much as 40 percent
12 to 50 percent of Colombian territory;

13 (3) the FARC and ELN not only attack police
14 and military forces but also regularly attack civilian
15 populations, commit massacres and extrajudicial
16 killings, collect war taxes, compel citizens into their
17 ranks, force farmers to grow illicit crops, and regu-
18 late travel, commerce, and other activities;

19 (4) paramilitary groups such as the United
20 Self-Defense Groups of Colombia (Autodefensas
21 Unidas de Colombia or AUC), originally established
22 to protect rural landowners, have grown dramatically
23 in recent years to become a major national military
24 force in Colombia;

1 (5) paramilitary groups are responsible, accord-
2 ing to human rights groups, for the greatest number
3 of extrajudicial killings and forced disappearances in
4 Colombia since 1995;

5 (6) the FARC, ELN, and AUC, all designated
6 by the State Department as foreign terrorist organi-
7 zations, have an estimated combined force of 25,000
8 combatants;

9 (7) the Government of Colombia, particularly
10 during the administration of President Andres
11 Pastrana, has afforded armed rebel groups numer-
12 ous opportunities to negotiate a peace agreement, in-
13 cluding the extraordinary step in November 1998 of
14 creating a safe haven for the FARC by withdrawing
15 its security forces from 5 municipalities covering
16 some 16,000 to 17,000 square miles;

17 (8) despite having been given the opportunity to
18 seek peace, the FARC instead used the safe haven
19 to enhance its military capability to further its vio-
20 lent campaign against the government and people of
21 Colombia;

22 (9) while President Pastrana and the Colom-
23 bian government negotiated in good faith, the FARC
24 proceeded to kidnap political officials;

1 (10) in February 2002, the FARC's actions
2 forced President Pastrana to withdraw from the
3 peace process and begin the process of retaking the
4 safe zone he had previously ceded to the FARC and
5 other rebel groups;

6 (11) after the election of Alvaro Uribe as Co-
7 lombia's President, the FARC began targeting may-
8 ors with letters declaring that they had 24 hours to
9 leave or would be considered "military targets";

10 (12) although before the recent Presidential
11 election the violence had been mostly contained in
12 rural areas, it has now spread to the urban areas,
13 with cities such as Medellin experiencing an average
14 of 13 killings a day;

15 (13) an average of 2.8 rebel bombs go off every
16 day in Colombia while bomb squads disarm another
17 5;

18 (14) the middle and upper classes have been
19 targeted for kidnaping, with an average of 3,250 Co-
20 lombians being kidnaped each year since 1998;

21 (15) between 1,500,000 and 2,000,000 people
22 have been forced to leave their homes, representing
23 the third largest internal refugee crisis in the world;
24 and

1 (16) between 1,500 and 2,500 Colombians were
2 massacred in contested rural areas in 2001.

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

4 It is the sense of Congress that, in view of the recent
5 escalation of the current civil war in Colombia, Colombia
6 qualifies for designation under section 244(b)(1)(A) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1254a(b)(1)(A)), pursuant to which Colombian nationals
9 would be eligible for temporary protected status in the
10 United States.

11 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
12 **PORARY PROTECTED STATUS TO COLOM-**
13 **BIANS.**

14 (a) DESIGNATION.—

15 (1) IN GENERAL.—For purposes of section 244
16 of the Immigration and Nationality Act (8 U.S.C.
17 1254a), Colombia shall be treated as if it had been
18 designated under subsection (b) of that section, sub-
19 ject to the provisions of this section.

20 (2) PERIOD OF DESIGNATION.—The initial pe-
21 riod of such designation shall begin on the date of
22 enactment of this Act and shall remain in effect for
23 1 year.

24 (b) ALIENS ELIGIBLE.—In applying section 244 of
25 the Immigration and Nationality Act (8 U.S.C. 1254a)

1 pursuant to the designation made under this section, sub-
2 ject to section 244(c)(3) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1254a(c)(3)), an alien who is a na-
4 tional of Colombia meets the requirements of section
5 244(c)(1) of that Act (8 U.S.C. 1254a(c)(1)) only if—

6 (1) the alien has been continuously physically
7 present in the United States since the date of enact-
8 ment of this Act;

9 (2) the alien is admissible as an immigrant, ex-
10 cept as otherwise provided under section
11 244(c)(2)(A) of the Immigration and Nationality
12 Act (8 U.S.C. 1254a(c)(2)(A)), and is not ineligible
13 for temporary protected status under section
14 244(c)(2)(B) of that Act (8 U.S.C. 1254a(c)(2)(B));
15 and

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

19 (c) CONSENT TO TRAVEL ABROAD.—The Secretary
20 of Homeland Security shall give the prior consent to travel
21 abroad described in section 244(f)(3) of the Immigration
22 and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien
23 who is granted temporary protected status pursuant to the
24 designation made under this section, if the alien estab-
25 lishes to the satisfaction of the Secretary of Homeland Se-

1 curity that emergency and extenuating circumstances be-
2 yond the control of the alien require the alien to depart
3 for a brief, temporary trip abroad. An alien returning to
4 the United States in accordance with such an authoriza-
5 tion shall be treated the same as any other returning alien
6 provided temporary protected status under section 244 of
7 the Immigration and Nationality Act (8 U.S.C. 1254a).

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