

115TH CONGRESS
2D SESSION

S. 3759

To designate Venezuela under section 244 of the Immigration and Nationality Act to permit nationals of Venezuela to be eligible for temporary protected status under such section and to strengthen internal migration systems in countries surrounding Venezuela.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2018

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. DURBIN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To designate Venezuela under section 244 of the Immigration and Nationality Act to permit nationals of Venezuela to be eligible for temporary protected status under such section and to strengthen internal migration systems in countries surrounding Venezuela.

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 “Venezuela TPS Act
5 of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Venezuela is enduring an unprecedented
2 economic, humanitarian, security, and refugee crisis,
3 consisting of extreme food and medicine shortages,
4 severe infant and child malnutrition, rampant crime,
5 and government-sponsored repression.

6 (2) Venezuela's economic crisis continues
7 unabated and the International Monetary Fund
8 projects that inflation in Venezuela could reach an
9 annual rate of 1,000,000 percent in 2018.

10 (3) As evidence of the humanitarian crisis cre-
11 ated by Venezuela's systemic economic turmoil—

12 (A) more than 9,000,000 people in Ven-
13 ezuela are eating 2 or fewer meals a day; and

14 (B) approximately 75 percent of the popu-
15 lation have reported losing an average of—

16 (i) 19 pounds in 2016; and

17 (ii) 24 pounds in 2017.

18 (4) Moderate to severe malnutrition among
19 Venezuelan children under 5 years of age increased
20 by more than 50 percent in 2017, and approximately
21 300,000 Venezuelan children are at risk of dying
22 from malnutrition, according to Cáritas de Ven-
23 ezuela, a Catholic humanitarian organization.

24 (5) Pharmacies in Venezuela have shortages of
25 approximately 85 percent of needed medicines and

1 76 percent of public hospitals lack the basic medi-
2 cines that should be available in any functional pub-
3 lic hospital, including those that are on the World
4 Health Organization’s List of Essential Medicines.

5 (6) As evidence of the significant effect that
6 Venezuela’s economic crisis on public health, Ven-
7 ezuela’s Health Ministry reported that in 2016—

8 (A) there was a 30-percent increase in the
9 infant mortality rate; and

10 (B) there was a 65-percent increase in the
11 maternal mortality rate.

12 (7) Violent crime in Venezuela has risen sharply
13 and the Venezuelan Violence Observatory, an inde-
14 pendent nongovernmental organization, calculated
15 the national per capita murder rate to be 89 per
16 100,000 people in 2017.

17 (8) According to Citizens Council for Public
18 Safety and Criminal Justice, Caracas was the most
19 dangerous capital city in the world in 2017, with
20 111 murders per 100,000 residents.

21 (9) According to the United Nations Human
22 Rights Office of the High Commissioner—

23 (A) Venezuelan intelligence and security
24 forces have increasingly used arbitrary arrests
25 and detentions to repress and intimidate civil

1 society, political opponents, and any voices of
2 dissent; and

3 (B) between 2015 and 2017, at least 505
4 people including 24 children, were executed by
5 Venezuelan security forces, leading the Inter-
6 national Criminal Court prosecutor to announce
7 a preliminary investigation into the use of ex-
8 cessive force in Venezuela.

9 (10) Zeid Ra’ad Al Hussein, the United Na-
10 tions High Commissioner for Human Rights, stated,
11 “The failure to hold security forces accountable for
12 such serious human rights violations suggests that
13 the rule of law is virtually absent in Venezuela.”.

14 (11) According to the United Nations High
15 Commissioner for Human Rights, more than
16 1,500,000 Venezuelans have fled the country for
17 reasons including violence, political oppression, and
18 the ongoing humanitarian crisis.

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

20 It is the sense of the Congress that—

21 (1) Venezuela’s economic, humanitarian, secu-
22 rity, and refugee crisis has resulted in extraordinary
23 and temporary conditions that currently prevent
24 Venezuelan nationals from safely returning to Ven-
25 ezuela; and

1 (2) Venezuela should be designated under sub-
2 section (b)(1)(C) of section 244 of the Immigration
3 and Nationality Act (8 U.S.C. 1254a) for a period
4 of 18 months to permit nationals of Venezuela to be
5 eligible for temporary protected status in accordance
6 with such section.

7 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
8 **PORARY PROTECTED STATUS.**

9 (a) DESIGNATION.—

10 (1) IN GENERAL.—For purposes of section 244
11 of the Immigration and Nationality Act (8 U.S.C.
12 1254a), Venezuela shall be treated as if it had been
13 designated under subsection (b)(1)(C) of that sec-
14 tion, subject to the provisions of this section.

15 (2) PERIOD OF DESIGNATION.—The initial pe-
16 riod of the designation referred to in paragraph (1)
17 shall be for the 18-month period beginning on the
18 date of the enactment of this Act.

19 (b) ALIENS ELIGIBLE.—As a result of the designa-
20 tion made under subsection (a), an alien who is a national
21 of Venezuela is deemed to satisfy the requirements under
22 paragraph (1) of section 244(c) of the Immigration and
23 Nationality Act (8 U.S.C. 1254a(c)), subject to paragraph
24 (3) of such section, if the alien—

1 (1) has been continuously physically present in
2 the United States since the date of the enactment of
3 this Act;

4 (2) is admissible as an immigrant, except as
5 otherwise provided in paragraph (2)(A) of such sec-
6 tion, and is not ineligible for temporary protected
7 status under paragraph (2)(B) of such section; and

8 (3) registers for temporary protected status in
9 a manner established by the Secretary of Homeland
10 Security.

11 (c) CONSENT TO TRAVEL ABROAD.—

12 (1) IN GENERAL.—The Secretary of Homeland
13 Security shall give prior consent to travel abroad, in
14 accordance with section 244(f)(3) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
16 an alien who is granted temporary protected status
17 pursuant to the designation made under subsection
18 (a) if the alien establishes to the satisfaction of the
19 Secretary of Homeland Security that emergency and
20 extenuating circumstances beyond the control of the
21 alien require the alien to depart for a brief, tem-
22 porary trip abroad.

23 (2) TREATMENT UPON RETURN.—An alien re-
24 turning to the United States in accordance with an
25 authorization described in paragraph (1) shall be

1 treated as any other returning alien provided tem-
2 porary protected status under section 244 of the Im-
3 migration and Nationality Act (8 U.S.C. 1254a).

4 **SEC. 5. STRENGTHENING INTERNAL MIGRATION SYSTEMS**
5 **IN COUNTRIES SURROUNDING VENEZUELA.**

6 (a) IN GENERAL.—The Secretary of State, in con-
7 sultation with the Secretary of Homeland Security, shall
8 work with international partners, including the United
9 Nations High Commissioner for Refugees, to support and
10 provide technical assistance to strengthen the domestic ca-
11 pacity of countries surrounding Venezuela and in the re-
12 gion to provide migration services and asylum to eligible
13 Venezuelan citizens—

14 (1) by establishing and expanding temporary
15 and long-term, in-country reception centers and shel-
16 ter capacity to meet the humanitarian needs of Ven-
17 ezuelan migrants or Venezuelans seeking asylum or
18 other forms of international protection;

19 (2) by improving migration and asylum reg-
20 istration systems to ensure that Venezuelan mi-
21 grants and Venezuelans seeking asylum or other hu-
22 manitarian protection—

23 (A) receive meaningful due process and ac-
24 cess to legal protections; and

1 (B) receive proper documents in order to
2 prevent fraud and ensure freedom of movement
3 and access to basic social services;

4 (3) by creating or expanding a corps of trained
5 migration and asylum officers capable of—

6 (A) providing migration services; and

7 (B) evaluating and deciding individual asy-
8 lum claims consistent with international law
9 and obligations; and

10 (4) by developing the capacity to conduct best
11 interest determinations for Venezuelan migrants to
12 ensure that their needs are properly met.

13 (b) STRATEGY.—Not later than 90 days after the
14 date of the enactment of this Act, the Secretary of State,
15 in consultation with the Secretary of Homeland Security,
16 shall submit a strategy describing plans for assisting the
17 development of the asylum processing capabilities de-
18 scribed in subsection (a) to—

19 (1) the Committee on Foreign Relations of the
20 Senate;

21 (2) the Committee on the Judiciary of the Sen-
22 ate;

23 (3) the Committee on Appropriations of the
24 Senate;

1 (4) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (5) the Committee on the Judiciary of the
4 House of Representatives; and

5 (6) the Committee on Appropriations of the
6 House of Representatives.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated to the Secretary of State \$10,000,000
10 for fiscal year 2019 to carry out the activities set
11 forth in subsection (b), in accordance with this sec-
12 tion.

13 (2) NOTIFICATION REQUIREMENT.—

14 (A) IN GENERAL.—Except as provided
15 under subparagraph (B), amounts appropriated
16 or otherwise made available pursuant to para-
17 graph (1) may not be obligated until 15 days
18 after the date on which the President provides
19 notice to the committees listed in subsection
20 (b)(1) of the intent to obligate such funds.

21 (B) WAIVER.—

22 (i) IN GENERAL.—The Secretary of
23 State may waive the requirement under
24 subparagraph (A) if the Secretary of State

1 determines that such waiver is in the na-
2 tional interest of the United States.

3 (ii) NOTIFICATION REQUIREMENT.—If
4 a waiver is invoked under clause (i), the
5 President shall notify the committees listed
6 in subsection (b)(1) of the intention to ob-
7 ligate funds under this section as early as
8 practicable, but not later than 3 days after
9 taking the action to which such notification
10 requirement was applicable in the context
11 of the circumstances necessitating such
12 waiver.

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