

116TH CONGRESS
2D SESSION

S. 3892

To authorize lifetime residents of Hong Kong to apply for asylum in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2020

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

A BILL

To authorize lifetime residents of Hong Kong to apply for asylum in the United States, and for other purposes.

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 “Hong Kong Victims
5 of Communism Support Act”.

6 **SEC. 2. SENSE OF CONGRESS; STATEMENT OF POLICY.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) Hong Kong has flourished as a bastion of
10 freedom because of—

1 (A) the rule of law and autonomous status
2 afforded under the Hong Kong Basic Law,
3 adopted by the National People's Congress on
4 April 4, 1990, and effective since July 1, 1997;
5 and

6 (B) the enterprising and free people of
7 Hong Kong; and

8 (2) the direct imposition of national security
9 legislation on Hong Kong, adopted by the National
10 People's Congress on May 28, 2020—

11 (A) lies in direct conflict with the prin-
12 ciples of the legally binding, United Nations-
13 registered Joint Declaration of the Government
14 of the United Kingdom of Great Britain and
15 Northern Ireland and the Government of the
16 People's Republic of China on the Question of
17 Hong Kong, done at Beijing December 19,
18 1984;

19 (B) dramatically erodes the autonomy of
20 Hong Kong; and

21 (C) curtails the liberties of the people of
22 Hong Kong.

23 (b) STATEMENT OF POLICY.—It is the policy of the
24 United States to provide support for the refugees and asy-
25 lum seekers who share the principles of liberty enshrined

1 in the Constitution of the United States and are fleeing
 2 Hong Kong due to actions the People's Republic of China
 3 has taken to undermine Hong Kong's high-degree of au-
 4 tonomy afforded under the Basic Law and the Sino-Brit-
 5 ish Joint Declaration.

6 **SEC. 3. ELIGIBILITY FOR ASYLUM.**

7 (a) **DEFINED TERM.**—In this section, the term
 8 “Hong Konger” means any individual who—

9 (1) has enjoyed the right of abode in the Hong
 10 Kong Special Administrative Region since birth
 11 under the Immigration Ordinance (Chapter 115,
 12 Laws of Hong Kong); and

13 (2) has maintained continuous residency in
 14 Hong Kong since birth.

15 (b) **IN GENERAL.**—Notwithstanding paragraph (1) of
 16 section 208(b) of the Immigration and Nationality Act (8
 17 U.S.C. 1158(b)), any Hong Konger—

18 (1) shall be deemed to be eligible for asylum in
 19 the United States unless he or she is described in
 20 paragraph (2) of such section 208(b); and

21 (2) may apply for asylum at the United States
 22 Consulate General in Hong Kong and Macau before
 23 the date referred to in subsection (c).

24 (c) **SUNSET.**—This section shall have no force or ef-
 25 fect beginning on the date on which the Secretary of State

1 certifies to Congress that Hong Kong has regained a high
2 degree of autonomy to warrant differential treatment
3 under United States law consistent with reporting require-
4 ments under sections 205 and 301 of the United States-
5 Hong Kong Policy Act of 1992 (22 U.S.C. 5725 and
6 5731).

7 **SEC. 4. TREATMENT OF HONG KONG APPLICANTS FOR ASY-**
8 **LUM.**

9 Consistent with section 206 of the United States-
10 Hong Kong Policy Act of 1992 (22 U.S.C. 5726), and not-
11 withstanding any other provision of law, any application
12 for asylum under section 208 of the Immigration and Na-
13 tionality Act (8 U.S.C. 1158), including any application
14 authorized under section 3(b) of this Act, which was sub-
15 mitted by an otherwise qualified applicant who resided in
16 the Hong Kong Special Administrative Region in 2014 or
17 later may not be denied primarily on the basis of the appli-
18 cant's subjection to politically motivated arrest, detention,
19 or other adverse government action.

20 **SEC. 5. CONSULTATION REQUIREMENT.**

21 The Secretary of Homeland Security and the Attor-
22 ney General shall consult with the Director of National
23 Intelligence and the Secretary of State regarding any risks
24 to national security associated with granting asylum to a
25 permanent resident of the Hong Kong Special Administra-

1 tive Region that meets the eligibility requirements under
2 section 3(b).

3 **SEC. 6. STRATEGY.**

4 Not later than 30 days after the date of the enact-
5 ment of this Act, the Secretary of State, in consultation
6 with the Secretary of Homeland Security, shall develop a
7 strategy for providing support and technical assistance to
8 the United Kingdom of Great Britain and Northern Ire-
9 land, the Republic of China (Taiwan), the countries sur-
10 rounding Hong Kong Special Administrative Region, and
11 any other country offering to provide migration services
12 and asylum to eligible Permanent Residents of the Hong
13 Kong Special Administrative Region, which shall—

14 (1) identify the types of support and technical
15 assistance required by such countries;

16 (2) identify the existing United States Govern-
17 ment resources and authorities to provide support
18 and technical assistance to such countries;

19 (3) identify any gaps in resources or authorities
20 to provide support and technical assistance to such
21 countries; and

22 (4) assess how the efforts of the United States
23 to accept asylees from Hong Kong and provide sup-
24 port and technical assistance to countries offering to
25 provide migration services and asylum to the people

- 1 of Hong Kong is impacting the interests and foreign
- 2 policy of the People's Republic of China.

