

118TH CONGRESS
1ST SESSION

H. R. 5651

To deny asylum to members of a Communist or other totalitarian party,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

Mr. NEHLS (for himself, Mr. GREEN of Tennessee, and Mr. DONALDS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To deny asylum to members of a Communist or other
totalitarian party, 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 “No Asylum for CCP
5 Spies Act”.

6 **SEC. 2. DENIAL OF ASYLUM TO MEMBERS OF A COMMUNIST**
7 **OR OTHER TOTALITARIAN PARTY.**

8 Section 208(b)(2) of the Immigration and Nationality
9 Act (8 U.S.C. 1158(b)(2)) is amended—

10 (1) in subparagraph (A)—

1 (A) in clause (v), by striking “or” at the
2 end;

3 (B) in clause (vi), by striking the period at
4 the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(vii) the alien is described in section
7 212(a)(3)(D)(i), except as provided in sub-
8 paragraph (B)(iii) and subject to”; and

9 (2) in subparagraph (B), by adding at the end
10 the following:

11 “(iii) EXCEPTION TO PARTY MEMBER-
12 SHIP.—Notwithstanding subparagraph
13 (A)(vii), an alien who is described in sec-
14 tion 212(a)(3)(D)(i) may be granted asy-
15 lum pursuant to paragraph (1) if—

16 “(I) the alien—

17 “(aa) has, before applying
18 for asylum and through a service
19 approved by the Federal Govern-
20 ment, publicly renounced his or
21 her membership in the Com-
22 munist or totalitarian party of
23 which the alien was a member or
24 with which the alien was affili-
25 ated and denounces such party

1 during the asylum adjudication
2 process; and

3 “(bb) establishes, to the sat-
4 isfaction of the Attorney General
5 or the Secretary of Homeland Se-
6 curity, that the membership or
7 affiliation of the alien with a
8 Communist or totalitarian party
9 is or was involuntary, limited to
10 a period when the alien was
11 younger than 16 years of age,
12 automatic, by operation of law,
13 without the alien’s personal ac-
14 quiescence, or solely for the pur-
15 pose of obtaining employment,
16 food rations, or other living es-
17 sentials; and

18 “(II) the Attorney General or the
19 Secretary of Homeland Security, in
20 consultation with the Director of Na-
21 tional Intelligence, determines that
22 the alien is not a danger to the secu-
23 rity of the United States.

24 “(iv) WAIVER.—

1 “(I) IN GENERAL.—In the case
2 of an alien described in section
3 212(a)(3)(D)(i) who is not eligible for
4 asylum under clause (iii), the Attor-
5 ney General or the Secretary of
6 Homeland Security may waive the ap-
7 plication of such section if the Attor-
8 ney General or the Secretary, in con-
9 sultation with the Director of Na-
10 tional Intelligence, determines that
11 such alien has significant information
12 relating to national security.

13 “(II) CONDITIONS.—An alien
14 may only be granted a waiver under
15 this clause if—

16 “(aa) the alien, through a
17 service approved by the Federal
18 Government, publicly renounces
19 his or her membership in the
20 Communist or totalitarian party
21 of which the alien was a member
22 or with which the alien was affili-
23 ated and denounces such party
24 during the asylum adjudication
25 process; and

1 “(bb) the Attorney General
2 or the Secretary of Homeland Se-
3 curity, in consultation with the
4 Director of National Intelligence,
5 determines that the alien is not a
6 danger to the security of the
7 United States.”.

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