

AMENDMENT TO
RULES COMMITTEE PRINT 116-57
OFFERED BY MR. MALINOWSKI OF NEW JERSEY

Add at the end the following:

1 **DIVISION F—HONG KONG**
2 **TITLE LX—FREEDOM AND**
3 **CHOICE**

4 **SEC. 6001. SHORT TITLE.**

5 This title may be cited as the “Hong Kong People’s
6 Freedom and Choice Act”.

7 **SEC. 6002. DEFINITIONS.**

8 For the purposes of this title:

9 (1) **JOINT DECLARATION.**—The “Joint Declara-
10 tion of the Government of the United Kingdom of
11 Great Britain and Northern Ireland and the Govern-
12 ment of the People’s Republic of China on the Ques-
13 tion of Hong Kong” signed on December 19, 1984,
14 and entered into force on May 27, 1985, shall be
15 called the “Sino-British Joint Declaration”.

16 (2) **PRIORITY HONG KONG RESIDENT.**—Priority
17 Hong Kong residents shall be defined as lawful resi-
18 dents of Hong Kong and lawful permanent residents
19 of Hong Kong who hold no right to citizenship or

1 residency in any country or jurisdiction other than
2 the People’s Republic of China (referred to in this
3 title as “PRC”), Hong Kong, or Macau as of the
4 date of enactment of this title and who have resided
5 in Hong Kong for the last 10 years, or the imme-
6 diate family member of such person.

7 (3) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The appropriate congressional committees
9 are defined as—

10 (A) the Committee on Foreign Affairs and
11 the Committee on the Judiciary of the House of
12 Representatives; and

13 (B) the Committee on Foreign Relations
14 and the Committee of the Judiciary of the Sen-
15 ate.

16 **SEC. 6003. FINDINGS.**

17 Congress finds the following:

18 (1) The National People’s Congress (referred to
19 in this title as “NPC”) of the PRC has committed
20 to pass national security legislation which, if en-
21 acted, would—

22 (A) contravene the will of the people of
23 Hong Kong whose constitution, the Basic Law,
24 provides in Article 23 that the Legislative

1 Council of Hong Kong shall enact legislation re-
2 lated to national security;

3 (B) violate the PRC's commitments under
4 international law, as defined by the Joint Dec-
5 laration of the Government of the United King-
6 dom of Great Britain and Northern Ireland and
7 the Government of the PRC on the Question of
8 Hong Kong (referred to in this title as "Joint
9 Declaration"), an international treaty signed on
10 December 19, 1984, and entered into force on
11 May 27, 1985; and

12 (C) cause severe and irreparable damage to
13 the "one country, two systems" principle and
14 further erode global confidence in the PRC's
15 commitment to international law.

16 (2) The United States has a long and proud
17 history as a destination for refugees and asylees flee-
18 ing persecution based on race, religion, nationality,
19 political opinion, or membership in a particular so-
20 cial group.

21 (3) The United States also shares deep social,
22 cultural, and economic ties with the people of Hong
23 Kong, including a shared commitment to democracy,
24 to the rule of law, and to the protection of human
25 rights.

1 (4) The United States has sheltered, protected,
2 and welcomed as American citizens individuals who
3 have fled oppression of authoritarian regimes, in-
4 cluding citizens from the PRC following the violent
5 June 4, 1989, crackdown in Tiananmen Square,
6 deepening ties between the people of the United
7 States and those individuals, regardless of nation-
8 ality, seeking to contribute to a free, open society
9 founded on respect for the rule of law.

10 (5) The United States has reaped enormous
11 economic, cultural and strategic benefit from wel-
12 coming successive generations of scientists, doctors,
13 entrepreneurs, artists, intellectuals, and other free-
14 dom-loving people fleeing Fascism, Communism, vio-
15 lent Islamist extremism, and other repressive
16 ideologies, including in the case of Nazi Germany,
17 the Soviet Union and Soviet-controlled Central Eu-
18 rope, Cuba, Vietnam, and Iran.

19 (6) Offering prospective refuge to those who
20 have contributed the most to Hong Kong's success
21 would signal to the Chinese Communist Party that
22 repression in Hong Kong would result in losing its
23 immense wealth and talent to the United States.

24 (7) A major asymmetric advantage of the
25 United States in its long-term strategic competition

1 with the Communist Party of China is the ability of
2 people from every country in the world, irrespective
3 of their race, ethnicity or religion, to immigrate to
4 the United States and become American citizens.

5 **SEC. 6004. STATEMENT OF POLICY.**

6 It is the policy of the United States—

7 (1) to continue to reaffirm the principles and
8 objectives set forth in the United States-Hong Kong
9 Policy Act of 1992 (Public Law 102–383), namely
10 that—

11 (A) the United States has “a strong inter-
12 est in the continued vitality, prosperity, and
13 stability of Hong Kong”;

14 (B) “support for democratization is a fun-
15 damental principle of United States foreign pol-
16 icy” and therefore “naturally applies to United
17 States policy toward Hong Kong”;

18 (C) “the human rights of the people of
19 Hong Kong are of great importance to the
20 United States and are directly relevant to
21 United States interests in Hong Kong and
22 serve as a basis for Hong Kong’s continued eco-
23 nomic prosperity”; and

24 (D) Hong Kong must remain sufficiently
25 autonomous from the PRC to “justify treat-

1 ment under a particular law of the United
2 States, or any provision thereof, different from
3 that accorded the People’s Republic of China”;

4 (2) to continue to support the high degree of
5 autonomy and fundamental rights and freedoms of
6 the people of Hong Kong, as enumerated by—

7 (A) the Joint Declaration;

8 (B) the International Covenant on Civil
9 and Political Rights, done at New York Decem-
10 ber 19, 1966; and

11 (C) the Universal Declaration of Human
12 Rights, done at Paris December 10, 1948;

13 (3) to continue to support the democratic aspi-
14 rations of the people of Hong Kong, including the
15 “ultimate aim” of the selection of the Chief Execu-
16 tive and all members of the Legislative Council by
17 universal suffrage, as articulated in the Basic Law
18 of the Hong Kong Special Administrative Region of
19 the PRC (referred to in this title as the “Basic
20 Law”);

21 (4) to urge the Government of the PRC, despite
22 its recent actions, to uphold its commitments to
23 Hong Kong, including allowing the people of Hong
24 Kong to govern Hong Kong with a high degree of
25 autonomy and without undue interference, and en-

1 suring that Hong Kong voters freely enjoy the right
2 to elect the Chief Executive and all members of the
3 Hong Kong Legislative Council by universal suf-
4 frage;

5 (5) to support the establishment of a genuine
6 democratic option to freely and fairly nominate and
7 elect the Chief Executive of Hong Kong, and the es-
8 tablishment by 2020 of open and direct democratic
9 elections for all members of the Hong Kong Legisla-
10 tive Council;

11 (6) to support the robust exercise by residents
12 of Hong Kong of the rights to free speech, the press,
13 and other fundamental freedoms, as provided by the
14 Basic Law, the Joint Declaration, and the Inter-
15 national Covenant on Civil and Political Rights;

16 (7) to support freedom from arbitrary or unlaw-
17 ful arrest, detention, or imprisonment for all Hong
18 Kong residents, as provided by the Basic Law, the
19 Joint Declaration, and the International Covenant
20 on Civil and Political Rights;

21 (8) to draw international attention to any viola-
22 tions by the Government of the PRC of the funda-
23 mental rights of the people of Hong Kong, as pro-
24 vided by the International Covenant on Civil and Po-
25 litical Rights, and any encroachment upon the au-

1 tonomy guaranteed to Hong Kong by the Basic Law
2 and the Joint Declaration;

3 (9) to protect United States citizens and long-
4 term permanent residents living in Hong Kong, as
5 well as people visiting and transiting through Hong
6 Kong;

7 (10) to maintain the economic and cultural ties
8 that provide significant benefits to both the United
9 States and Hong Kong;

10 (11) to coordinate with allies, including the
11 United Kingdom, Australia, Canada, Japan, and the
12 Republic of Korea, to promote democracy and
13 human rights in Hong Kong; and

14 (12) in the case of the promulgation of new na-
15 tional security legislation in Hong Kong, to review
16 immigration, asylum, and residency regulations such
17 that those residents of Hong Kong fleeing persecu-
18 tion and seeking better opportunities will be wel-
19 comed in the United States.

20 **SEC. 6005. PROTECTION FOR HONG KONG RESIDENTS IN**
21 **THE UNITED STATES.**

22 (a) DESIGNATION.—

23 (1) IN GENERAL.—For purposes of section 244
24 of the Immigration and Nationality Act (8 U.S.C.
25 1254a), Hong Kong shall be treated as if it had

1 been designated under subsection (b)(1)(C) of that
2 section, subject to the provisions of this section.

3 (2) PERIOD OF DESIGNATION.—The initial pe-
4 riod of the designation referred to in paragraph (1)
5 shall be for the 18-month period beginning from
6 such time as the Standing Committee of the NPC of
7 the PRC promulgates national security legislation
8 with respect to Hong Kong that amends Article III
9 of Hong Kong’s Basic Law.

10 (b) ALIENS ELIGIBLE.—As a result of the designa-
11 tion made under subsection (a), an alien who is a resident
12 of Hong Kong is deemed to satisfy the requirements under
13 paragraph (1) of section 244(c) of the Immigration and
14 Nationality Act (8 U.S.C. 1254a(c)), subject to paragraph
15 (3) of such section, if the alien—

16 (1) has been continuously physically present in
17 the United States since the date of the enactment of
18 this title;

19 (2) is admissible as an immigrant, except as
20 otherwise provided in paragraph (2)(A) of such sec-
21 tion, and is not ineligible for temporary protected
22 status under paragraph (2)(B) of such section; and

23 (3) registers for temporary protected status in
24 a manner established by the Secretary of Homeland
25 Security.

1 (c) CONSENT TO TRAVEL ABROAD.—

2 (1) IN GENERAL.—The Secretary of Homeland
3 Security shall give prior consent to travel abroad, in
4 accordance with section 244(f)(3) of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
6 an alien who is granted temporary protected status
7 pursuant to the designation made under subsection
8 (a) if the alien establishes to the satisfaction of the
9 Secretary of Homeland Security that emergency and
10 extenuating circumstances beyond the control of the
11 alien require the alien to depart for a brief, tem-
12 porary trip abroad.

13 (2) TREATMENT UPON RETURN.—An alien re-
14 turning to the United States in accordance with an
15 authorization described in paragraph (1) shall be
16 treated as any other returning alien provided tem-
17 porary protected status under section 244 of the Im-
18 migration and Nationality Act (8 U.S.C. 1254a).

19 (d) FEE.—

20 (1) IN GENERAL.—In addition to any other fee
21 authorized by law, the Secretary of Homeland Secu-
22 rity is authorized to charge and collect a fee of \$360
23 for each application for temporary protected status
24 under section 244 of the Immigration and Nation-

1 ality Act by a person who is only eligible for such
2 status by reason of subsection (a).

3 (2) WAIVER.—The Secretary of Homeland Se-
4 curity shall permit aliens to apply for a waiver of
5 any fees associated with filing an application re-
6 ferred to in paragraph (1).

7 **SEC. 6006. DIFFERENTIAL TREATMENT OF HONG KONG**
8 **RESIDENTS FOR IMMIGRATION PURPOSES.**

9 (a) IN GENERAL.—For not less than 5 years from
10 such time as the President suspends, in whole or in part,
11 special treatment of Hong Kong under United States law,
12 Hong Kong shall continue to be considered a separate for-
13 eign state apart from the PRC as mandated in section
14 103 of Public Law 101–649 and thus Hong Kong shall
15 continue to be treated as a separate foreign state for pur-
16 poses of a numerical level established under section 1152
17 of title 8, United States Code.

18 (b) REGULATIONS.—In order to facilitate the future
19 verification of Hong Kong residency status of visa appli-
20 cants from the PRC, the Secretary of State shall—

21 (1) issue regulations within 365 days of enact-
22 ment establishing a process for Hong Kong residents
23 to register their status with embassies of the United
24 States and the Department of State globally for pur-
25 poses of adjudicating an individual’s claim to Hong

1 Kong residency as part of a future visa application
2 for entry to the United States, including through
3 such means as—

4 (A) recording of biometric data;

5 (B) official registration and scanning of
6 birth certificates, residency cards, and other
7 documentation establishing long-term residency;
8 and

9 (C) collection of other personal informa-
10 tion, data, and records deemed appropriate by
11 the Secretary;

12 (2) issue guidance within 180 days of enact-
13 ment outlining actions to enhance the ability of the
14 Department of State to efficiently share information
15 with the United Kingdom and other allies for pur-
16 poses of rapidly adjudicating residency of Hong
17 Kong applicants for admission to the United States;
18 and

19 (3) provide within 180 days of enactment a
20 briefing to the House Committees on Foreign Af-
21 fairs and Judiciary and the Senate Committees on
22 Foreign Relations and Judiciary on plans to imple-
23 ment the requirements pursuant to paragraphs (1)
24 and (2).

1 **SEC. 6007. ADJUSTMENT TO LAWFUL PERMANENT RESI-**
2 **DENT STATUS OF CERTAIN NATIONALS OF**
3 **THE PRC.**

4 (a) IN GENERAL.—Subject to subsection (c)(1),
5 whenever an alien described in subsection (b) applies for
6 adjustment of status under section 245 of the Immigra-
7 tion and Nationality Act during the application period (as
8 defined in subsection (e)) the following rules shall apply
9 with respect to such adjustment:

10 (1) The alien shall be deemed to have had a pe-
11 tition approved under section 204(a) of such Act for
12 classification under section 203(b)(3)(A)(i) of such
13 Act.

14 (2) The application shall be considered without
15 regard to whether an immigrant visa number is im-
16 mediately available at the time the application is
17 filed.

18 (3) In determining the alien's admissibility as
19 an immigrant, and the alien's eligibility for an immi-
20 grant visa—

21 (A) paragraphs (5) and (7)(A) of section
22 212(a) and section 212(e) of such Act shall not
23 apply; and

24 (B) the Attorney General may waive any
25 other provision of section 212(a) (other than
26 paragraph (2)(C) and subparagraph (A), (B),

1 (C), or (E) of paragraph (3)) of such Act with
2 respect to such adjustment for humanitarian
3 purposes, for purposes of assuring family unity,
4 or if otherwise in the public interest.

5 (4) The numerical level of section 202(a)(2) of
6 such Act shall not apply.

7 (5) Section 245(c) of such Act shall not apply.

8 (b) ALIENS COVERED.—For purposes of this section,
9 an alien described in this subsection is an alien who—

10 (1) faces a fear of persecution on account of his
11 or her political opinion by the PRC of the govern-
12 ment or other authorities in the Hong Kong Special
13 Administrative Region;

14 (2) was born in or has been a resident or per-
15 manent resident of Hong Kong for at least 10 years;

16 (5) has initiated permanent residence in the
17 United States (other than brief, casual, and innocent
18 absences) during the period beginning June 1, 2019,
19 and ending on the date that is 5 years from the date
20 of enactment of this title; and

21 (6) was not physically present in the PRC for
22 longer than 90 days after the date of establishment
23 of such permanent residence.

24 (c) CONDITION; DISSEMINATION OF INFORMATION.—

1 (1) NOT APPLICABLE IF SAFE RETURN PER-
2 MITTED.—Subsection (a) shall not apply to any alien
3 if the Secretary of State has determined and cer-
4 tified to Congress, before the first day of the appli-
5 cation period, that conditions in the PRC permit
6 aliens described in subsection (b)(1) to return to
7 that foreign state in safety.

8 (2) DISSEMINATION OF INFORMATION.—If the
9 President has not made the certification described in
10 paragraph (1) by the first day of the application pe-
11 riod, the Secretary of Homeland Security shall, sub-
12 ject to the availability of appropriations, immediately
13 broadly disseminate to aliens described in subsection
14 (b) information respecting the benefits available
15 under this section. To the extent practicable, the
16 Secretary shall provide notice of these benefits to the
17 last known mailing address of each such alien.

18 (d) EXCLUSION FROM NUMERICAL LIMITATIONS.—
19 Aliens provided immigrant visas under this section shall
20 not be counted against any numerical limitation under sec-
21 tions 201, 202, or 203 of the Immigration and Nationality
22 Act (8 U.S.C. 1151, 1152, or 1153).

23 **SEC. 6008. REPORTING REQUIREMENTS.**

24 (a) IN GENERAL.—On an annual basis, the Secretary
25 of State, in consultation with the Secretary of Homeland

1 Security and other Federal agencies, as appropriate, shall
2 submit a report to the appropriate congressional commit-
3 tees on—

4 (1) the number of Hong Kong SAR residents
5 who have applied for admittance, been admitted, and
6 been provided permanent residence in the United
7 States during the preceding fiscal year,
8 disaggregated by visa type or residence status, in-
9 cluding refugee, temporary protected status, special
10 immigrant visa, and legal permanent residence sta-
11 tus provided for under this title;

12 (2) the number of denials or rejections of appli-
13 cants, including a description of the basis for denial
14 and disaggregated by the basis for denial and by
15 visa type or residency status during the previous fis-
16 cal year;

17 (3) the number of Hong Kong SAR residents
18 that have applied for political asylum by fiscal year,
19 including number of rejections, and disaggregated by
20 basis for denial during the previous fiscal year; and

21 (3) other matters deemed relevant by the Sec-
22 retary on efforts to protect and facilitate the reset-
23 tlement of refugees and victims of political persecu-
24 tion in Hong Kong.

1 (b) FORM.—Each report under subsection (a) shall
2 be submitted in unclassified form and published on a text-
3 searchable, publicly-available website of the Department of
4 State.

5 **SEC. 6009. STRATEGY FOR INTERNTIONAL COOPERATION**
6 **ON HONG KONG.**

7 (a) IN GENERAL.—It is the policy of the United
8 States—

9 (1) to support the people of Hong Kong by pro-
10 viding temporary relief, refugee status, and appro-
11 priate immigration incentives to Hong Kong resi-
12 dents of the Hong Kong Special Administrative Re-
13 gion of the PRC in the event that the PRC enacts
14 legislation that renders certain Hong Kong persons
15 at risk of persecution due to their political beliefs;
16 and

17 (2) to encourage like-minded nations to make
18 similar accommodations for Hong Kong people flee-
19 ing oppression by the Government of the PRC.

20 (b) PLAN.—The Secretary of State, in consultation
21 with the heads of other Federal agencies, as appropriate,
22 shall develop a plan to engage with other nations, includ-
23 ing the United Kingdom, on cooperative efforts to—

24 (1) provide refugee and asylee protections for
25 victims of, and individuals with a fear of, political

1 persecution in Hong Kong, either by Hong Kong au-
2 thorities or other authorities acting on behalf of the
3 PRC;

4 (2) enhance protocols to facilitate the relocation
5 of refugees and displaced persons from Hong Kong;
6 and

7 (3) expedite sharing of information, as appro-
8 priate, related to individual visa or travel document
9 rejections of applicants from the Hong Kong SAR
10 for reasons of—

11 (A) national security concerns;

12 (B) fraudulent or corrupt practices related
13 to immigration or victim protection, including
14 refugee and asylee protections; and

15 (C) fraud and corruption.

16 (c) REPORT.—Within 90 days of enactment of this
17 title, the Secretary of State or his or her designee shall
18 submit a report on such plan described in paragraphs (1)
19 through (3) of subsection (b) to the appropriate congres-
20 sional committees.

21 **SEC. 6010. SUNSET.**

22 This title shall sunset on the date that is 5 years after
23 the date of enactment of this title.

1 **TITLE LXI—SAFE HARBOR**

2 **SEC. 6101. SHORT TITLE.**

3 This title may be cited as the “Hong Kong Safe Har-
4 bor Act”.

5 **SEC. 6102. DESIGNATION OF CERTAIN RESIDENTS OF HONG**
6 **KONG AS PRIORITY 2 REFUGEES.**

7 (a) IN GENERAL.—The Secretary of State, in con-
8 sultation with the Secretary of Homeland Security, shall
9 designate as Priority 2 refugees of special humanitarian
10 concern the following categories of aliens:

11 (1) Individuals who are residents of the Hong
12 Kong Special Administrative Region who suffered
13 persecution, or have a well-founded fear of persecu-
14 tion, on account of their peaceful expression of polit-
15 ical opinions or peaceful participation in political ac-
16 tivities or associations.

17 (2) Individuals who have been formally charged,
18 detained, or convicted on account of their peaceful
19 actions as described in section 206(b)(2) the United
20 States-Hong Kong Policy Act of 1992 (22 U.S.C.
21 5726).

22 (3) The spouses, children, and parents (as such
23 terms are defined in subsections (a) and (b) of sec-
24 tion 101 of the Immigration and Nationality Act (8
25 U.S.C. 1101)) of individuals described in paragraph

1 (1) or (2), except such parents who are citizens of
2 a country other than the People's Republic of China.

3 (b) PROCESSING OF HONG KONG REFUGEES.—The
4 processing of individuals described in subsection (a) for
5 classification as refugees may occur in Hong Kong or in
6 a third country.

7 (c) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An
8 alien may not be denied the opportunity to apply for ad-
9 mission as a refugee under this section primarily because
10 such alien—

11 (1) qualifies as an immediate relative of a cit-
12 izen of the United States; or

13 (2) is eligible for admission to the United
14 States under any other immigrant classification.

15 (d) FACILITATION OF ADMISSIONS.—An applicant
16 for admission to the United States from the Hong Kong
17 Special Administrative Region may not be denied pri-
18 marily on the basis of a politically motivated arrest, deten-
19 tion, or other adverse government action taken against
20 such applicant as a result of the participation by such ap-
21 plicant in protest activities.

22 (e) EXCLUSION FROM NUMERICAL LIMITATIONS.—
23 Aliens provided refugee status under this section shall not
24 be counted against any numerical limitation under section

1 201, 202, 203, or 207 of the Immigration and Nationality
2 Act (8 U.S.C. 1151, 1152, 1153, or 1157).

3 (f) REPORTING REQUIREMENTS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this title, and
6 every 90 days thereafter, the Secretary of State and
7 the Secretary of Homeland Security shall submit a
8 report on the matters described in paragraph (2)
9 to—

10 (A) the Committee on the Judiciary and
11 the Committee on Foreign Relations of the Sen-
12 ate; and

13 (B) the Committee on the Judiciary and
14 the Committee on Foreign Affairs of the House
15 of Representatives.

16 (2) MATTERS TO BE INCLUDED.—Each report
17 required by paragraph (1) shall include—

18 (A) the total number of applications that
19 are pending at the end of the reporting period;

20 (B) the average wait-times for all appli-
21 cants who are currently pending—

22 (i) employment verification;

23 (ii) a prescreening interview with a re-
24 settlement support center;

1 (iii) an interview with U.S. Citizen-
2 ship and Immigration Services; and

3 (iv) the completion of security checks;
4 and

5 (C) the number of denials of applications
6 for refugee status, disaggregated by the reason
7 for each such denial.

8 (3) FORM.—Each report required by paragraph
9 (1) shall be submitted in unclassified form, but may
10 include a classified annex.

11 (4) PUBLIC REPORTS.—The Secretary of State
12 shall make each report submitted under this sub-
13 section available to the public on the internet website
14 of the Department of State.

15 (g) SATISFACTION OF OTHER REQUIREMENTS.—
16 Aliens granted status under this section as Priority 2 refu-
17 gees of special humanitarian concern under the refugee
18 resettlement priority system shall be considered to satisfy
19 the requirements under section 207 of the Immigration
20 and Nationality Act (8 U.S.C. 1157) for admission to the
21 United States.

22 **SEC. 6103. WAIVER OF IMMIGRANT STATUS PRESUMPTION.**

23 (a) IN GENERAL.—The presumption under the first
24 sentence of section 214(b) (8 U.S.C. 1184(b)) that every
25 alien is an immigrant until the alien establishes that the

1 alien is entitled to nonimmigrant status shall not apply
2 to an alien described in subsection (b).

3 (b) ALIEN DESCRIBED.—

4 (1) IN GENERAL.—An alien described in this
5 paragraph is an alien who—

6 (A) on June 30, 2020, is a resident of the
7 Hong Kong Special Administrative Region;

8 (B) is seeking entry to the United States
9 to apply for asylum under section 208 of the
10 Immigration and Nationality Act (8 U.S.C.
11 1158); and

12 (C)(i) had a leadership role in civil society
13 organizations supportive of the protests in 2019
14 and 2020 relating to the Hong Kong extra-
15 dition bill and the encroachment on the auton-
16 omy of Hong Kong by the People's Republic of
17 China;

18 (ii) had an organizing role for such pro-
19 tests;

20 (iii) acted as a first aid responder for such
21 protests;

22 (iv) suffered harm while covering such pro-
23 tests as a journalist;

1 (v) provided paid or pro-bono legal services
2 to 1 or more individuals arrested for partici-
3 pating in such protests; or

4 (vi) during the period beginning on June
5 9, 2019, and ending on June 30, 2020, was for-
6 mally charged, detained, or convicted for his or
7 her participation in such protests.

8 (2) EXCLUSION.—An alien described in this
9 paragraph does not include any alien who is a citizen
10 of a country other than the People’s Republic of
11 China.

12 **SEC. 6104. REFUGEE AND ASYLUM DETERMINATIONS**
13 **UNDER THE IMMIGRATION AND NATION-**
14 **ALITY ACT.**

15 (a) PERSECUTION ON ACCOUNT OF POLITICAL OPIN-
16 ION.—

17 (1) IN GENERAL.—For purposes of refugee de-
18 terminations under this title in accordance with sec-
19 tion 207 of the Immigration and Nationality Act (8
20 U.S.C. 1157), an individual whose citizenship, na-
21 tionality, or residency is revoked for having sub-
22 mitted to any United States Government agency a
23 nonfrivolous application for refugee status, asylum,
24 or any other immigration benefit under the immigra-
25 tion laws (as defined in section 101(a) of that Act

1 (8 U.S.C. 1101(a)) shall be considered to have suf-
2 fered persecution on account of political opinion.

3 (2) NATIONALS OF THE PEOPLE'S REPUBLIC OF
4 CHINA.—For purposes of refugee determinations
5 under this title in accordance with section 207 of the
6 Immigration and Nationality Act (8 U.S.C. 1157), a
7 national of the People's Republic of China whose
8 residency in the Hong Kong Special Administrative
9 region, or any other area within the jurisdiction of
10 the People's Republic of China, as determined by the
11 Secretary of State, is revoked for having submitted
12 to any United States Government agency a nonfrivo-
13 lous application for refugee status, asylum, or any
14 other immigration benefit under the immigration
15 laws shall be considered to have suffered persecution
16 on account of political opinion.

17 (b) CHANGED CIRCUMSTANCES.—For purposes of
18 asylum determinations under this title in accordance with
19 section 208 of the Immigration and Nationality Act (8
20 U.S.C. 1158), the revocation of the citizenship, nation-
21 ality, or residency of an individual for having submitted
22 to any United States Government agency a nonfrivolous
23 application for refugee status, asylum, or any other immi-
24 gration benefit under the immigration laws shall be con-

1 sidered to be a changed circumstance under subsection
2 (a)(2)(D) of that section.

3 **SEC. 6105. STATEMENT OF POLICY ON ENCOURAGING AL-**
4 **LIES AND PARTNERS TO MAKE SIMILAR AC-**
5 **COMMODATIONS.**

6 It is the policy of the United States to encourage al-
7 lies and partners of the United States to make accom-
8 modations similar to the accommodations made in this
9 title for residents of the Hong Kong Special Administra-
10 tive Region who are fleeing oppression by the Government
11 of the People's Republic of China.

12 **SEC. 6106. TERMINATION.**

13 This title shall cease to have effect on the date that
14 is 5 years after the date of the enactment of this title.

