

117TH CONGRESS
1ST SESSION

S. 1080

To designate residents of the Xinjiang Uyghur Autonomous Region as Priority 2 refugees of special humanitarian concern, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2021

Mr. COONS (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate residents of the Xinjiang Uyghur Autonomous Region as Priority 2 refugees of special humanitarian concern, 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 “Uyghur Human Rights
5 Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Government of the People’s Republic of
9 China (referred to in this section as the “PRC”) has
10 a long history of repressing Turkic Muslims and

1 other predominantly Muslim ethnic groups, particu-
 2 larly Uyghurs, living in the Xinjiang Uyghur Auton-
 3 omous Region (referred to in this section as
 4 “Xinjiang”). Central and regional Chinese govern-
 5 ment policies have systematically discriminated
 6 against and oppressed these groups by denying them
 7 a range of civil and political rights, particularly free-
 8 dom of religion.

9 (2) In May 2014, the PRC Government
 10 launched its “Strike Hard Against Violent Ter-
 11 rorism” campaign, using wide-scale, internationally
 12 linked threats of terrorism as a pretext to justify
 13 pervasive restrictions on, and serious human rights
 14 violations against, members of predominantly Mus-
 15 lim communities in Xinjiang. The August 2016 pro-
 16 motion of former Tibet Autonomous Region Party
 17 Secretary Chen Quanguo, whose record of brutality
 18 distinguished his tenure in Tibet, to be a Politburo
 19 member and Party Secretary of Xinjiang accelerated
 20 the crackdown across the region.

21 (3) Scholars, human rights organizations, jour-
 22 nalists, and think tanks have provided ample evi-
 23 dence substantiating the establishment by the PRC
 24 Government of internment camps. Since 2017, the
 25 PRC Government has detained more than 1,000,000

1 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of
2 other predominantly Muslim groups in these camps.

3 (4) The PRC Government's actions against
4 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of
5 other predominantly Muslim groups in Xinjiang vio-
6 late international human rights laws and norms, in-
7 cluding—

8 (A) the International Convention on the
9 Elimination of All Forms of Racial Discrimina-
10 tion, done at New York December 21, 1965, to
11 which the PRC has acceded;

12 (B) the Convention against Torture and
13 Other Cruel, Inhuman or Degrading Treatment
14 or Punishment, done at New York December
15 10, 1984, which the PRC has signed and rati-
16 fied;

17 (C) the Convention on the Prevention and
18 Punishment of the Crime of Genocide, done at
19 Paris December 9, 1948, which the PRC has
20 signed and ratified;

21 (D) the International Covenant on Civil
22 and Political Rights, done at New York Decem-
23 ber 19, 1966, which the PRC has signed; and

24 (E) the Universal Declaration of Human
25 Rights, adopted December 10, 1948, and the

1 International Labor Organization's Forced
 2 Labor Convention (No. 29) and Convention
 3 Concerning the Abolition of Forced Labor (No.
 4 105).

5 (5) Senior Chinese Communist Party officials
 6 bear direct responsibility for gross human rights vio-
 7 lations committed against Uyghurs, ethnic Kazakhs,
 8 Kyrgyz, and members of other predominantly Mus-
 9 lim groups, including—

10 (A) the arbitrary detention of more than
 11 1,000,000 Uyghurs, ethnic Kazakhs, Kyrgyz,
 12 and members of other predominantly Muslim
 13 groups;

14 (B) the separation of working age adults
 15 from their children and elderly parents; and

16 (C) the integration of forced labor into
 17 supply chains.

18 (6) People held arbitrarily in detention facilities
 19 and internment camps in Xinjiang—

20 (A) have described forced political indoc-
 21 trination, torture, beatings, food deprivation,
 22 sexual assault, coordinated campaigns to reduce
 23 birth rates among Uyghurs and other Turkic
 24 Muslims through forced sterilizations and

1 forced abortions, and denial of religious, cul-
2 tural, and linguistic freedoms; and

3 (B) have confirmed that they were told by
4 guards that the only way to secure their release
5 was to demonstrate adequate political loyalty.

6 (7) Poor conditions and lack of medical treat-
7 ment at such detention facilities and internment
8 camps appear to have contributed to the deaths of
9 some detainees, including the elderly and infirm. Re-
10 cent media reports indicate that since 2019 the PRC
11 Government has newly constructed, expanded, or
12 fortified at least 60 detention facilities with higher
13 security or prison-like features.

14 (8) In September 2018, United Nations High
15 Commissioner for Human Rights Michelle Bachelet
16 noted the “deeply disturbing allegations of large-
17 scale arbitrary detentions of Uighurs and other pre-
18 dominantly Muslim communities, in so-called reedu-
19 cation camps across Xinjiang”.

20 (9) In 2019, the Congressional-Executive Com-
21 mission on China concluded, based on available evi-
22 dence, that the establishment and actions committed
23 in the internment camps in Xinjiang may constitute
24 “crimes against humanity”.

1 (10) Uyghurs and ethnic Kazaks resettled or
2 residing in third countries report being subjected to
3 threats and harassment from PRC officials.

4 (11) There is a backlog of approximately
5 3,600,000 visa applicants waiting to enter the
6 United States. Wait times for certain visas range be-
7 tween 5 and 18 years.

8 **SEC. 3. DESIGNATION OF CERTAIN RESIDENTS OF THE**
9 **XINJIANG UYGHUR AUTONOMOUS REGION.**

10 (a) IN GENERAL.—Persons of special humanitarian
11 concern eligible for Priority 2 processing under the refugee
12 resettlement priority system shall include—

13 (1) Uyghurs and members of other predomi-
14 nately Turkic or Muslim ethnic groups, including
15 Kazakhs and Kyrgyz, who are residents of, or fled
16 from, the Xinjiang Uyghur Autonomous Region and
17 who suffered persecution or have a well-founded fear
18 of persecution on account of their imputed or actual
19 religious or ethnic identity;

20 (2) Uyghurs and members of other predomi-
21 nately Turkic or Muslim ethnic groups, including
22 Kazakhs and Kyrgyz, who have been formally
23 charged, detained, or convicted by the Government
24 of the People’s Republic of China on account of their
25 peaceful actions in the Xinjiang Uyghur Autono-

1 mous Region, as described in the Uyghur Human
 2 Rights Policy Act of 2020 (Public Law 116–145);
 3 and

4 (3) the spouses, children, and parents (as such
 5 terms are defined in subsections (a) and (b) of sec-
 6 tion 101 of the Immigration and Nationality Act (8
 7 U.S.C. 1101)) of individuals described in paragraph
 8 (1) or (2), except such parents who are citizens of
 9 a country other than the People’s Republic of China.

10 (b) PROCESSING OF XINJIANG UYGHUR AUTONO-
 11 MOUS REGION REFUGEES.—The processing of individuals
 12 described in subsection (a) for classification as refugees
 13 may occur in China or in another foreign country.

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

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

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

22 (d) FACILITATION OF ADMISSIONS.—Certain appli-
 23 cants for admission to the United States from the
 24 Xinjiang Uyghur Autonomous Region may not be denied
 25 primarily on the basis of a politically motivated arrest, de-

1 tention, or other adverse government action taken against
2 such applicant as a result of the participation by such ap-
3 plicant in religious, cultural, or protest activities.

4 (e) BILATERAL DIPLOMACY.—The Secretary of State
5 shall prioritize bilateral diplomacy with foreign countries
6 hosting former residents of the Xinjiang Uyghur Autono-
7 mous Region who face significant diplomatic pressure
8 from the Government of the People’s Republic of China.

9 (f) EXCLUSION FROM NUMERICAL LIMITATIONS.—
10 Aliens eligible for Priority 2 processing under this section
11 who are provided refugee status shall not be counted
12 against any numerical limitation under section 201, 202,
13 203, or 207 of the Immigration and Nationality Act (8
14 U.S.C. 1151, 1152, 1153, and 1157).

15 (g) REPORTING REQUIREMENTS.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, and
18 every 180 days thereafter, the Secretary of State
19 and the Secretary of Homeland Security shall jointly
20 submit a report containing the matters described in
21 paragraph (2) to—

22 (A) the Committee on the Judiciary of the
23 Senate;

24 (B) the Committee on Foreign Relations of
25 the Senate;

1 (C) the Committee on the Judiciary of the
2 House of Representatives; and

3 (D) the Committee on Foreign Affairs of
4 the House of Representatives.

5 (2) MATTERS TO BE INCLUDED.—Each report
6 required under paragraph (1) shall include—

7 (A) the total number of applications from
8 individuals described in subsection (a) that are
9 pending at the end of the reporting period;

10 (B) the average wait-times and the number
11 of such applicants who, at the end of the re-
12 porting period, are waiting for—

13 (i) a prescreening interview with a re-
14 settlement support center;

15 (ii) an interview with U.S. Citizenship
16 and Immigration Services;

17 (iii) the completion of security checks;

18 or

19 (iv) receipt of a final decision after
20 completion of an interview with U.S. Citi-
21 zenship and Immigration Services; and

22 (C) the number of individuals who applied
23 for refugee status under this section whose ap-
24 plication was denied, disaggregated by the rea-
25 son for each such denial.

1 (3) FORM.—Each report required under para-
 2 graph (1) shall be submitted in unclassified form,
 3 but may include a classified annex.

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

8 (h) SATISFACTION OF OTHER REQUIREMENTS.—
 9 Aliens eligible under this section for Priority 2 processing
 10 under the refugee resettlement priority system shall be
 11 considered to satisfy the requirements under section 207
 12 of the Immigration and Nationality Act (8 U.S.C. 1157)
 13 for admission to the United States.

14 **SEC. 4. WAIVER OF IMMIGRANT STATUS PRESUMPTION.**

15 (a) IN GENERAL.—The presumption under the first
 16 sentence of section 214(b) of the Immigration and Nation-
 17 ality Act (8 U.S.C. 1184(b)) that every alien is an immi-
 18 grant until the alien establishes that the alien is entitled
 19 to nonimmigrant status shall not apply to an alien de-
 20 scribed in subsection (b).

21 (b) ALIEN DESCRIBED.—

22 (1) IN GENERAL.—Subject to paragraph (2), an
 23 alien described in this subsection is an alien who—

24 (A)(i) is an Uyghur or a member of an-
 25 other predominately Turkic or Muslim ethnic

1 group, including Kazakhs and Kyrgyz, and was
2 a resident of the Xinjiang Uyghur Autonomous
3 Region on January 1, 2021; or

4 (ii) fled the Xinjiang Uyghur Autonomous
5 Region after June 30, 2009, and resides in a
6 different province of China or in another for-
7 eign country;

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) is facing repression in the Xinjiang
13 Uyghur Autonomous Region by the Government
14 of the People's Republic of China including—

15 (i) forced and arbitrary detention in-
16 cluding in internment and reeducation
17 camps;

18 (ii) forced political indoctrination, tor-
19 ture, beatings, food deprivation, and denial
20 of religious, cultural, and linguistic free-
21 doms;

22 (iii) forced labor;

23 (iv) forced separation from family
24 members; or

1 (v) other forms of systemic threats,
2 harassment, and gross human rights viola-
3 tions.

4 (2) EXCLUSION.—An alien described in this
5 subsection does not include any alien who—

6 (A) is a citizen or permanent resident of a
7 country other than the People’s Republic of
8 China; or

9 (B) is determined to have committed a
10 gross violation of human rights.

11 (c) INTENTION TO ABANDON FOREIGN RESI-
12 DENCE.—The filing by an alien described in subsection (b)
13 of an application for a preference status under section 204
14 of the Immigration and Nationality Act (8 U.S.C. 1154)
15 or otherwise seeking permanent residence in the United
16 States shall not be deemed as evidence of the alien’s inten-
17 tion to abandon a foreign residence for purposes of obtain-
18 ing a visa as a nonimmigrant described in subparagraph
19 (H)(i)(b), (H)(i)(c), (L), or (V) of section 101(a)(15) of
20 such Act (8 U.S.C. 1101(a)(15)) or otherwise obtaining
21 or maintaining the status of a nonimmigrant described in
22 any such subparagraph if the alien had obtained a change
23 of status under section 208 of such Act to a classification
24 as such a nonimmigrant before the alien’s most recent de-
25 parture from the United States.

1 **SEC. 5. REFUGEE AND ASYLUM DETERMINATIONS UNDER**
2 **THE IMMIGRATION AND NATIONALITY ACT.**

3 (a) PERSECUTION ON ACCOUNT OF POLITICAL, RE-
4 LIGIOUS, OR CULTURAL EXPRESSION OR ASSOCIATION.—

5 (1) IN GENERAL.—An alien who is within a cat-
6 egory of aliens established under this Act may estab-
7 lish, for purposes of admission as a refugee under
8 section 207 of the Immigration and Nationality Act
9 (8 U.S.C. 1157), that the alien has a well-founded
10 fear of persecution on account of race, religion, na-
11 tionality, membership in a particular social group, or
12 political opinion by asserting such a fear and assert-
13 ing a credible basis for concern about the possibility
14 of such persecution.

15 (2) NATIONALS OF THE PEOPLE’S REPUBLIC OF
16 CHINA.—For purposes of refugee determinations
17 under this Act in accordance with section 207 of the
18 Immigration and Nationality Act (8 U.S.C. 1157), a
19 national of the People’s Republic of China whose
20 residency in the Xinjiang Uyghur Autonomous Re-
21 gion, or any other area within the jurisdiction of the
22 People’s Republic of China, as determined by the
23 Secretary of State, is revoked for having submitted
24 to any United States Government agency a nonfrivo-
25 lous application for refugee status, asylum, or any
26 other immigration benefit under the immigration

1 laws shall be considered to have suffered persecution
2 on account of political opinion.

3 (b) **CHANGED CIRCUMSTANCES.**—For purposes of
4 asylum determinations under this Act in accordance with
5 section 208 of the Immigration and Nationality Act (8
6 U.S.C. 1158), the revocation of the citizenship, nation-
7 ality, or residency of an individual for having submitted
8 to any United States Government agency a nonfrivolous
9 application for refugee status, asylum, or any other immi-
10 gration benefit under the immigration laws shall be con-
11 sidered to be changed circumstances under subsection
12 (a)(2)(D) of such section.

13 **SEC. 6. STATEMENT OF POLICY ON ENCOURAGING ALLIES**
14 **AND PARTNERS TO MAKE SIMILAR ACCOM-**
15 **MODATIONS.**

16 It is the policy of the United States to encourage al-
17 lies and partners of the United States to make accom-
18 modations similar to the accommodations made under this
19 Act for Uyghurs and members of other predominately
20 Turkic or Muslim ethnic groups, including Kazakhs and
21 Kyrgyz, who were previously residents of the Xinjiang
22 Uyghur Autonomous Region and are fleeing oppression by
23 the Government of the People’s Republic of China.

1 **SEC. 7. SUNSET CLAUSE.**

2 This Act shall cease to have effect on the date that
3 is 10 years after the date of the enactment of this Act.

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