

118TH CONGRESS
1ST SESSION

H. R. 3934

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Ms. WEXTON (for herself, Ms. SALAZAR, Mr. MEEKS, Mr. BEYER, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 makes the following findings:

1 (1) The Government of the People’s Republic of
2 China has a long history of repressing Turkic Mus-
3 lims and other Muslim minority groups, particularly
4 Uyghurs, in the Xinjiang Uyghur Autonomous Re-
5 gion (“Xinjiang” or “XUAR”), also known as East
6 Turkestan. Central and regional Chinese government
7 policies have systematically discriminated against
8 these minority groups by denying them a range of
9 civil and political rights, particularly freedom of reli-
10 gion.

11 (2) In May 2014, the Government of the Peo-
12 ple’s Republic of China launched its latest “Strike
13 Hard Against Violent Extremism” campaign, using
14 wide-scale, internationally linked threats of terrorism
15 as a pretext to justify pervasive restrictions on and
16 serious human rights violations against members of
17 ethnic minority communities in Xinjiang. The Au-
18 gust 2016 appointment of former Tibet Autonomous
19 Region Party Secretary Chen Quanguo to be Party
20 Secretary of the XUAR accelerated the crackdown
21 across the region. Scholars, human rights organiza-
22 tions, journalists, and think tanks have provided
23 ample evidence substantiating the establishment by
24 the Government of the People’s Republic of China of
25 internment camps. Since 2017, the Government of

1 the People’s Republic of China has detained more
2 than 1,000,000 Uyghurs, ethnic Kazakhs, Kyrgyz,
3 and members of other Muslim minority groups in
4 these camps. The total ethnic minority population of
5 Xinjiang Uyghur Autonomous Region was approxi-
6 mately 13,000,000 at the time of the last census
7 conducted by the People’s Republic of China in
8 2010.

9 (3) The Government of the People’s Republic of
10 China’s actions against Uyghurs, ethnic Kazakhs,
11 Kyrgyz, and members of other Muslim minority
12 groups in Xinjiang violate international human
13 rights laws and norms, including—

14 (A) the International Convention on the
15 Elimination of All Forms of Racial Discrimina-
16 tion, to which the People’s Republic of China
17 has acceded;

18 (B) the Convention against Torture and
19 Other Cruel, Inhuman or Degrading Treatment
20 or Punishment, which the People’s Republic of
21 China has signed and ratified;

22 (C) the Convention on the Prevention and
23 Punishment of the Crime of Genocide, which
24 the People’s Republic of China has signed and
25 ratified;

1 (D) the International Covenant on Civil
2 and Political Rights, which the People's Repub-
3 lic of China has signed; and

4 (E) the Universal Declaration of Human
5 Rights and the International Labor Organiza-
6 tion's Force Labor Convention (no. 29) and the
7 Abolition of Forced Labor Convention (no.
8 105).

9 (4) Senior Chinese Communist Party officials
10 bear direct responsibility for gross human rights vio-
11 lations committed against Uyghurs, ethnic Kazakhs,
12 Kyrgyz, and members of other Muslim minority
13 groups. These abuses include the arbitrary detention
14 of more than 1,000,000 Uyghurs, ethnic Kazakhs,
15 Kyrgyz, and members of other Muslim minority
16 groups, separation of working age adults from their
17 children and elderly parents, and the integration of
18 forced labor into supply chains.

19 (5) Those held in detention facilities and intern-
20 ment camps in the Xinjiang Uyghur Autonomous
21 Region have described forced political indoctrination,
22 torture, beatings, food deprivation, sexual assault,
23 coordinated campaigns to reduce birth rates among
24 Uyghurs and other Turkic Muslims through forced
25 sterilization, and denial of religious, cultural, and

1 linguistic freedoms. These victims have confirmed
2 they were told by guards that the only way to secure
3 their release was to demonstrate adequate political
4 loyalty. Poor conditions and lack of medical treat-
5 ment at such facilities appear to have contributed to
6 the deaths of some detainees, including the elderly
7 and infirm. Recent media reports indicate that since
8 2019 the Government of the People’s Republic of
9 China has newly constructed, expanded, or fortified
10 at least 60 detention facilities with higher security
11 or prison-like features.

12 (6) In September 2018, United Nations High
13 Commissioner for Human Rights Michelle Bachelet
14 noted “the deeply disturbing allegations of large-
15 scale arbitrary detentions of Uighurs and other Mus-
16 lim communities, in so-called reeducation camps
17 across Xinjiang”.

18 (7) In 2019, the Congressional-Executive Com-
19 mission on China concluded that, based on available
20 evidence, the establishment and actions committed in
21 the internment camps in Xinjiang Uyghur Autono-
22 mous Region may constitute “crimes against human-
23 ity”.

24 (8) Uyghurs and ethnic Kazaks resettled or re-
25 siding in third countries report being subjected to

1 threats and harassment from People’s Republic of
2 China officials.

3 (9) There is a backlog of approximately 3.6 mil-
4 lion visa applicants waiting to enter the United
5 States. Wait times for certain visas are between 5
6 and 18 years.

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

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

12 (1) Individuals who are residents of or fled the
13 Xinjiang Uyghur Autonomous Region who suffered
14 persecution or have a well-founded fear of persecu-
15 tion on account of their peaceful expression of polit-
16 ical opinions, religious or cultural beliefs, or peaceful
17 participation in political, religious, or cultural activi-
18 ties or associations.

19 (2) Individuals residing in other provinces of
20 China, or individuals not firmly resettled in third
21 countries, who fled the Xinjiang Uyghur Autono-
22 mous Region because of the causes described in
23 paragraph (1).

24 (3) Individuals who have been formally charged,
25 detained, or convicted on account of their peaceful

1 actions as described in the Uyghur Human Rights
2 Policy Act of 2020 (Public Law 116–145).

3 (4) The spouses, children, and parents (as such
4 terms are defined in subsections (a) and (b) of sec-
5 tion 101 of the Immigration and Nationality Act (8
6 U.S.C. 1101)) of individuals described in paragraph
7 (1), (2), or (3), except such parents who are citizens
8 of a country other than the People’s Republic of
9 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 a third 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, as described in sub-
25 section (a), may not be denied primarily on the basis of

1 a politically, religiously, or culturally motivated arrest, de-
2 tention, or other adverse government action taken against
3 such applicant as a result of the participation by such ap-
4 plicant in protest activities.

5 (e) EXCLUSION FROM NUMERICAL LIMITATIONS.—
6 Aliens provided refugee status under this section shall not
7 be counted against any numerical limitation under section
8 201, 202, 203, or 207 of the Immigration and Nationality
9 Act (8 U.S.C. 1151, 1152, 1153, or 1157).

10 (f) PRIORITY.—The Secretary of State shall prioritize
11 bilateral diplomacy with third countries hosting former
12 residents from the Xinjiang Uyghur Autonomous Region,
13 as described in subsection (a), and who face significant
14 diplomatic pressure from the Government of the People’s
15 Republic of China.

16 (g) REPORTING REQUIREMENTS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, and
19 every 90 days thereafter, the Secretary of State and
20 the Secretary of Homeland Security shall submit a
21 report on the matters described in paragraph (2)
22 to—

23 (A) the Committee on the Judiciary and
24 the Committee on Foreign Relations of the Sen-
25 ate; and

1 (B) the Committee on the Judiciary and
2 the Committee on Foreign Affairs of the House
3 of Representatives.

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

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

8 (B) the average wait times and number of
9 applicants who are currently pending—

10 (i) a pre-screening interview with a re-
11 settlement support center;

12 (ii) an interview with U.S. Citizenship
13 and Immigration Services;

14 (iii) the completion of security checks;
15 and

16 (iv) receipt of a final decision after
17 completion of an interview with U.S. Citi-
18 zenship and Immigration Services; and

19 (C) the number of denials of applications
20 for refugee status, disaggregated by the reason
21 for each such denial.

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

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

5 (h) SATISFACTION OF OTHER REQUIREMENTS.—
6 Aliens eligible under this section for Priority 2 processing
7 under this section as Priority 2 refugees of special human-
8 itarian concern under the refugee resettlement priority
9 system shall be considered to satisfy the requirements
10 under section 207 of the Immigration and Nationality Act
11 (8 U.S.C. 1157) for admission to the United States.

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

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

19 (b) ALIEN DESCRIBED.—

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

22 (A) on January 1, 2023, was a resident of
23 the Xinjiang Special Administrative Region;

24 (B) fled the Xinjiang Special Administra-
25 tive Region after June 30, 2009, and now re-

1 sides in a different province of China or third
2 country;

3 (C) is seeking entry to the United States
4 to apply for asylum under section 208 of the
5 Immigration and Nationality Act (8 U.S.C.
6 1158); and

7 (D) is facing repression in the Xinjiang
8 Uyghur Autonomous Region by the Government
9 of the People's Republic of China including—

10 (i) forced and arbitrary detention in-
11 cluding in internment and so-called re-educ-
12 ation camps;

13 (ii) forced political indoctrination, tor-
14 ture, beatings, food deprivation, and denial
15 of religious, cultural, and linguistic free-
16 doms;

17 (iii) forced labor;

18 (iv) forced separation from family
19 members; or

20 (v) other forms of systemic threats,
21 harassment, and gross human rights viola-
22 tions.

23 (2) EXCLUSION.—An alien described in this
24 paragraph does not include any alien who—

1 (A) is a citizen or permanent resident of a
2 country other than the People's Republic of
3 China; or

4 (B) is determined to have committed a
5 gross violation of human rights.

6 (c) INTENTION TO ABANDON FOREIGN RESI-
7 DENCE.—The fact that an alien described in this section
8 is or was the beneficiary of an application for refugee sta-
9 tus, or is seeking entry to the United States to apply for
10 asylum under section 208 of the Immigration and Nation-
11 ality Act (8 U.S.C. 1158), shall not constitute evidence
12 of an intention to abandon a foreign residence for pur-
13 poses of obtaining or maintaining the status of a non-
14 immigrant described in section 101(a)(15) of the Immi-
15 gration and Nationality Act (8 U.S.C. 1101(a)(15)).

16 **SEC. 5. REFUGEE AND ASYLUM DETERMINATIONS UNDER**
17 **THE IMMIGRATION AND NATIONALITY ACT.**

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

20 (1) IN GENERAL.—In the case of an alien who
21 is within a category of aliens established under this
22 Act, the alien may establish, for purposes of section
23 3(a)(1) of this Act, that the alien has a well-founded
24 fear of persecution on account of race, religion, na-
25 tionality, membership in a particular social group, or

1 political opinion by asserting such a fear and assert-
2 ing a credible basis for concern about the possibility
3 of such persecution.

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

18 (b) CHANGED CIRCUMSTANCES.—For purposes of
19 asylum determinations under this Act in accordance with
20 section 208 of the Immigration and Nationality Act (8
21 U.S.C. 1158), the revocation of the citizenship, nation-
22 ality, or residency of an individual for having submitted
23 to any United States Government agency a nonfrivolous
24 application for refugee status, asylum, or any other immi-
25 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 (c) DEFINITION.—For purposes of this section, the
4 term “immigration laws” has the meaning given such term
5 in section 101(a)(17) of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)(17)).

7 **SEC. 6. STATEMENT OF POLICY ON ENCOURAGING ALLIES**
8 **AND PARTNERS TO MAKE SIMILAR ACCOM-**
9 **MODATIONS.**

10 It is the policy of the United States to encourage al-
11 lies and partners of the United States to make accom-
12 modations similar to the accommodations made in this Act
13 for residents of the Xinjiang Uyghur Autonomous Region
14 who are fleeing oppression by the Government of the Peo-
15 ple’s Republic of China.

16 **SEC. 7. TERMINATION.**

17 This Act, and the amendments made by this Act,
18 shall cease to have effect on the date that is 10 years after
19 the date of the enactment of this Act.

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