

118TH CONGRESS
1ST SESSION

S. 2905

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

Mr. RUBIO (for himself, Mr. MARSHALL, Mr. SCOTT of Florida, Mr. HAGERTY, Mrs. BLACKBURN, Mr. HAWLEY, Mr. BRAUN, and Mr. RICKETTS) introduced the following bill; which was read twice and 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—

1 (1) in subparagraph (A)—

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

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

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

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

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

12 “(iii) EXCEPTION TO PARTY MEMBER-
13 SHIP.—

14 “(I) IN GENERAL.—Notwith-
15 standing subparagraph (A)(vii), an
16 alien who is described in section
17 212(a)(3)(D)(i) may be granted asy-
18 lum pursuant to paragraph (1) if—

19 “(aa) the alien—

20 “(AA) has, before ap-
21 plying for asylum and
22 through a service approved
23 by the Federal Government,
24 publicly renounced his or
25 her membership in the Com-

1 munist or totalitarian party
2 of which the alien was a
3 member or with which the
4 alien was affiliated and de-
5 nounces such party during
6 the asylum adjudication
7 process; and

8 “(BB) establishes, to
9 the satisfaction of the Attor-
10 ney General or the Secretary
11 of Homeland Security, that
12 the membership or affili-
13 ation of the alien with a
14 Communist or totalitarian
15 party is or was involuntary,
16 limited to a period when the
17 alien was younger than 16
18 years of age, automatic, by
19 operation of law, without the
20 alien’s personal acquies-
21 cence, or solely for the pur-
22 pose of obtaining employ-
23 ment, food rations, or other
24 living essentials; 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.

8 “(iv) WAIVER.—

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

21 “(II) CONDITIONS.—An alien
22 may only be granted a waiver under
23 this clause if—

24 “(aa) the alien, through a
25 service approved by the Federal

1 Government, publicly renounces
2 his or her membership in the
3 Communist or totalitarian party
4 of which the alien was a member
5 or with which the alien was affili-
6 ated and denounces such party
7 during the asylum adjudication
8 process; and

9 “(bb) the Attorney General
10 or the Secretary of Homeland Se-
11 curity, in consultation with the
12 Director of National Intelligence,
13 determines that the alien is not a
14 danger to the security of the
15 United States.”.

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