

117TH CONGRESS
1ST SESSION

S. 50

To temporarily designate Venezuela under section 244(b) of the Immigration and Nationality Act to permit eligible nationals of Venezuela to be granted temporary protected status.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2021

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. LEAHY, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To temporarily designate Venezuela under section 244(b) of the Immigration and Nationality Act to permit eligible nationals of Venezuela to be granted temporary protected status.

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 “Venezuela Temporary
5 Protected Status Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Venezuela is enduring an unprecedented
2 economic, humanitarian, security, and human rights
3 crisis, consisting of extreme food and medicine
4 shortages, severe infant and child malnutrition,
5 rampant crime, and government-sponsored repres-
6 sion, which has resulted in significant displacement
7 of Venezuelans to countries across the Western
8 Hemisphere.

9 (2) Venezuela’s economy contracted by 66 per-
10 cent between 2014 and 2019, with the International
11 Monetary Fund reporting that inflation reached an
12 annual rate of nearly 20,000 percent in 2019, mak-
13 ing Venezuela the country with the highest level of
14 inflation in the world.

15 (3) As evidence of the humanitarian crisis cre-
16 ated by Venezuela’s systemic economic turmoil and
17 government corruption—

18 (A) the percentage of Venezuelans living in
19 poverty increased from 48.4 percent in 2014 to
20 96 percent in 2019, with 80 percent living in
21 extreme poverty, according to household sur-
22 veys; and

23 (B) at least 2,300,000 Venezuelans face
24 severe food insecurity.

1 (4) Access to quality healthcare is severely im-
2 peded, with—

3 (A) more than 50 percent of healthcare
4 professionals having left Venezuela during the
5 past 5 years;

6 (B) pharmacies experiencing shortages of
7 approximately 85 percent of needed medicines;

8 (C) 88 percent of hospitals lacking the
9 basic medicines that should be available in any
10 functional public hospital, including those that
11 are on the World Health Organization’s List of
12 Essential Medicines; and

13 (D) roughly 70 percent of Venezuelan hos-
14 pitals surveyed in 2019 lacking access to clean
15 water.

16 (5) Venezuela continues to be among the
17 world’s most violent countries, and the Venezuelan
18 Violence Observatory, an independent nongovern-
19 mental organization, calculated that there were ap-
20 proximately 46 murders in Venezuela during 2020
21 for every 100,000 people.

22 (6) According to the United Nations Office of
23 the High Commissioner for Human Rights
24 (OHCHR)—

1 (A) Venezuelan intelligence and security
2 forces have increasingly used arbitrary arrests,
3 detentions, torture, and extrajudicial killings to
4 repress and intimidate civil society, political op-
5 ponents, and any voices of dissent;

6 (B) between 2015 and 2017, at least 505
7 people, including 24 children, were executed by
8 Venezuelan security forces, leading the Inter-
9 national Criminal Court prosecutor to announce
10 a preliminary investigation into the use of ex-
11 cessive force in Venezuela; and

12 (C) the incidence of alleged extrajudicial
13 killings by security forces has been shockingly
14 high, according to an OHCHR report, with the
15 government registering nearly 7,000 extrajudi-
16 cial killings between January 2018 and May
17 2019.

18 (7) The United Nations Human Rights Coun-
19 cil's Independent International Fact-Finding Mission
20 on the Bolivarian Republic of Venezuela reported in
21 September 2020 that the regime's crimes were "part
22 of a widespread and systematic course of conduct,
23 thus amounting to crimes against humanity".

24 (8) According to the United Nations High Com-
25 missioner for Refugees (UNHCR), more than

1 5,400,000 Venezuelans have fled their country for
2 reasons such as violence, political oppression, eco-
3 nomic hardship, and the ongoing humanitarian cri-
4 sis.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of the Congress that—

7 (1) Venezuela’s economic, security, and dis-
8 placement crisis has resulted in extraordinary and
9 temporary conditions that currently prevent Ven-
10 ezuelan nationals from safely returning to Ven-
11 ezuela; and

12 (2) Venezuela should be designated under sub-
13 section (b)(1)(C) of section 244 of the Immigration
14 and Nationality Act (8 U.S.C. 1254a) for a period
15 of 18 months to permit nationals of Venezuela to be
16 eligible for temporary protected status in accordance
17 with such section.

18 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**

19 **PORARY PROTECTED STATUS.**

20 (a) DESIGNATION.—

21 (1) IN GENERAL.—For purposes of section 244
22 of the Immigration and Nationality Act (8 U.S.C.
23 1254a), Venezuela shall be treated as if it had been
24 designated under subsection (b)(1)(C) of such sec-
25 tion, subject to the provisions of this section.

1 (2) PERIOD OF DESIGNATION.—The initial pe-
2 riod of the designation referred to in paragraph (1)
3 shall be for the 18-month period beginning on the
4 date of the enactment of this Act.

5 (b) ALIENS ELIGIBLE.—As a result of the designa-
6 tion made under subsection (a), an alien who is a national
7 of Venezuela is deemed to satisfy the requirements under
8 paragraph (1) of section 244(c) of the Immigration and
9 Nationality Act (8 U.S.C. 1254a(c)), subject to paragraph
10 (3) of such section, if the alien—

11 (1) has been continuously physically present in
12 the United States since the date of the enactment of
13 this Act;

14 (2) is admissible as an immigrant, except as
15 otherwise provided in paragraph (2)(A) of such sec-
16 tion;

17 (3) is not ineligible for temporary protected sta-
18 tus under paragraph (2)(B) of such section; and

19 (4) registers for temporary protected status in
20 a manner established by the Secretary of Homeland
21 Security.

22 (c) CONSENT TO TRAVEL ABROAD.—

23 (1) IN GENERAL.—The Secretary of Homeland
24 Security shall give prior consent to travel abroad, in
25 accordance with section 244(f)(3) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
2 an alien who is granted temporary protected status
3 pursuant to the designation made under subsection
4 (a) if the alien establishes, to the satisfaction of the
5 Secretary of Homeland Security, that emergency
6 and extenuating circumstances beyond the control of
7 the alien require the alien to depart for a brief, tem-
8 porary trip abroad.

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

15 **SEC. 5. IMPROVING INTERNAL MIGRATION SYSTEMS IN**
16 **COUNTRIES SURROUNDING VENEZUELA.**

17 (a) IN GENERAL.—The Secretary of State, in con-
18 sultation with the Secretary of Homeland Security, shall
19 work with international partners, including the United
20 Nations High Commissioner for Refugees and the Inter-
21 national Organization for Migration, to support and pro-
22 vide technical assistance to improve the domestic capacity
23 of countries surrounding Venezuela and in the region to
24 provide migration services and asylum to eligible Ven-
25 ezuelan citizens—

1 (1) by establishing and expanding temporary
2 and long-term, in-country reception centers and shel-
3 ter capacity in those surrounding countries to meet
4 the humanitarian needs of Venezuelan migrants or
5 Venezuelans seeking asylum or other forms of inter-
6 national protection;

7 (2) by improving migration and asylum reg-
8 istration systems in those surrounding countries to
9 ensure that Venezuelan migrants and Venezuelans
10 seeking asylum or other humanitarian protection—

11 (A) receive due process and meaningful ac-
12 cess to legal protections; and

13 (B) receive proper documents in order to
14 prevent fraud and facilitate freedom of move-
15 ment and access to basic social services;

16 (3) by supporting the creation or expansion of
17 a corps of trained migration and asylum officers
18 from those countries who are capable of—

19 (A) providing migration services; and

20 (B) evaluating and deciding individual asy-
21 lum claims consistent with international law
22 and obligations; and

23 (4) by developing the capacity to conduct best
24 interest determinations for Venezuelan migrants to
25 ensure that their needs are properly met.

1 (b) STRATEGY.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary of State,
3 in consultation with the Secretary of Homeland Security,
4 shall submit a strategy describing plans for assisting the
5 development of the international asylum processing capa-
6 bilities described in subsection (a) to—

7 (1) the Committee on Foreign Relations of the
8 Senate;

9 (2) the Committee on the Judiciary of the Sen-
10 ate;

11 (3) the Committee on Appropriations of the
12 Senate;

13 (4) the Committee on Foreign Affairs of the
14 House of Representatives;

15 (5) the Committee on the Judiciary of the
16 House of Representatives; and

17 (6) the Committee on Appropriations of the
18 House of Representatives.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to the Secretary of State \$10,000,000
22 for fiscal year 2021 to carry out the activities set
23 forth in subsection (b).

24 (2) NOTIFICATION REQUIREMENT.—

1 (A) IN GENERAL.—Except as provided
2 under subparagraph (B), amounts appropriated
3 or otherwise made available pursuant to para-
4 graph (1) may not be obligated until 15 days
5 after the date on which the President provides
6 notice to the committees listed in subsection (b)
7 of the intent to obligate such funds.

8 (B) WAIVER.—

9 (i) IN GENERAL.—The Secretary of
10 State may waive the requirement under
11 subparagraph (A) if the Secretary of State
12 determines that such waiver is in the na-
13 tional interest of the United States.

14 (ii) NOTIFICATION REQUIREMENT.—If
15 a waiver is invoked under clause (i), the
16 President shall notify the committees listed
17 in subsection (b) of the intention to obli-
18 gate funds under this section as early as
19 practicable, but not later than 3 days after
20 taking the action to which such notification
21 requirement was applicable in the context
22 of the circumstances necessitating such
23 waiver.

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