

116TH CONGRESS
2D SESSION

H. R. 6034

To defer the removal of individuals to the Lao People's Democratic Republic for a 72-month period, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2020

Ms. MCCOLLUM (for herself, Mr. PHILLIPS, Mr. KIND, Mr. COSTA, Ms. MOORE, Mr. LOWENTHAL, Ms. SCANLON, Mr. LEVIN of Michigan, Ms. JACKSON LEE, Mr. POCAN, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To defer the removal of individuals to the Lao People's Democratic Republic for a 72-month period, 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 “Hmong and Lao Ref-
5 ugee Deportation Prohibition Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Since 1975, nearly 200,000 refugees from
9 the Lao People's Democratic Republic (Lao P.D.R),

1 including persons of Hmong, Lao, Khmu, and Mien
2 or Yao descent, have resettled in the U.S. as perma-
3 nent residents or become citizens.

4 (2) Beginning in the 1950s in Laos, Hmong
5 soldiers fought the Communist Pathet Lao move-
6 ment, and many Hmong and Lao later assisted U.S.
7 forces during the Vietnam War.

8 (3) The House Judiciary Committee reported in
9 2000, “At great personal peril and loss of life, the
10 Hmong fought with American forces and performed
11 critical roles in dangerous missions.”.

12 (4) A former CIA officer stated to the Sub-
13 committee on Immigration and Claims that,
14 “[t]hroughout the war, CIA’s paramilitary forces
15 collected intelligence, used it in combat operations to
16 tie down some 50,000 North Vietnamese forces in
17 Laos, rescued downed American pilots and protected
18 sensitive American installations at remote mountain
19 tops . . .”.

20 (5) Public Law 106–207, the Hmong Veterans
21 Naturalization Act of 2000, provided thousands of
22 Hmong refugees resettled to the U.S. who served
23 with a special guerrilla unit, or irregular forces, op-
24 erating from a base in Laos in support of the United
25 States military at any time during the period begin-

1 ning February 28, 1961, and ending September 18,
2 1978, with exemptions from certain provisions of the
3 Immigration and Naturalization Act.

4 (6) In 2000, it was reported by the House Judi-
5 ciary Committee in Report 106–563 that “many
6 Hmong refugees have found it difficult to naturalize
7 because of a difficulty learning English. This is due
8 to the facts that they came from a tribal society
9 without a written language until recent decades and
10 that many Hmong were recruited to be guerrillas at
11 the age of 12–14 and hence did not attend school.”.

12 (7) Scholars argue that the U.S. insufficiently
13 resettled refugees from Laos leaving many ill-pre-
14 pared for immediate work, unacculturated, and suf-
15 fering psychosocial trauma resulting in cycles of pov-
16 erty. In 2016, 37.8 percent of Hmong and 18.5 per-
17 cent of Lao in the U.S. were living in poverty.

18 (8) There are currently over 4,700 long-time
19 U.S. residents of Hmong, Lao, Khmu, and Mien or
20 Yao descent with Final Orders for Removal who
21 were born in the Lao P.D.R., fled persecution in
22 Laos, were resettled in the U.S. as refugees, and
23 now face deportation to Laos due to past criminal
24 convictions.

1 (9) Individuals with Final Orders for Removal
2 who could be deported to the Lao P.D.R. often do
3 not speak the Lao language, lack familial connec-
4 tions, and are at risk of being a target for human
5 rights abuses as a result of historic support for U.S.
6 anti-communist policies.

7 (10) A 2018 Department of State Laos Human
8 Rights Report acknowledges the long record of
9 human rights abuses in the Lao P.D.R. The report
10 states, “The government neither prosecuted nor
11 punished officials who committed abuses, and police
12 and security forces committed human rights abuses
13 with impunity.”.

14 (11) The Lao P.D.R. is a communist state that
15 does not currently have an official deportation agree-
16 ment with the U.S. and there is no extradition trea-
17 ty between Laos and the U.S.

18 (12) Many of the over 4,700 persons with Final
19 Orders of Removal who are at risk of deportation to
20 the Lao P.D.R. have not been able to seek adequate
21 immigration relief based on the complexity of the re-
22 quired legal filings and the backlogs in immigration
23 courts. It can take several years for an individual to
24 seek to reopen their immigration case and have their

1 eligibility for immigration relief decided on the mer-
2 its.

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

4 It is the sense of the Congress that—

5 (1) individuals of Hmong, Lao, Khmu, and
6 Mien or Yao descent who arrived in the U.S. as ref-
7 ugees fleeing persecution in the Lao People's Demo-
8 cratic Republic shall not be deported to Laos for a
9 period of 72 months; and

10 (2) the Trump administration's efforts to de-
11 port more than 4,700 individuals of Hmong, Lao,
12 Khmu, and Mien or Yao descent residing in the U.S.
13 to the Lao People's Democratic Republic puts these
14 individuals at grave risk, is unnecessary to ensure
15 public safety, and cruelly inflicts trauma and harm
16 on Hmong-American and Lao-American families and
17 communities that are making significant contribu-
18 tions to the strength and success of the U.S.

19 **SEC. 4. DEFERRAL OF REMOVAL TO THE LAO PEOPLE'S**
20 **DEMOCRATIC REPUBLIC FOR INDIVIDUALS**
21 **WITH REMOVAL ORDERS.**

22 (a) DEFERRAL OF REMOVAL.—An alien may not be
23 removed for the 72-month period beginning on the date
24 of enactment of this Act if the alien—

1 (1) is an individual born in the Lao People's
2 Democratic Republic or colonial French administra-
3 tion of the present-day Lao People's Democratic Re-
4 public;

5 (2) has been ordered removed to Lao People's
6 Democratic Republic at any time before the date of
7 enactment of this Act; and

8 (3) resided in the United States on or before
9 January 1, 2011.

10 (b) EMPLOYMENT AUTHORIZATION.—Upon applica-
11 tion to the Secretary of Homeland Security, an alien
12 whose removal is deferred pursuant to this Act—

13 (1) shall be authorized to engage in employ-
14 ment during the 72-month period described in sub-
15 section (a); and

16 (2) shall be issued an employment authorization
17 document that remains valid for 24 months subject
18 to renewal.

19 (c) IMPLEMENTATION.—The Secretary of Homeland
20 Security shall take the necessary steps to implement—

21 (1) the deferral of removal authorized under
22 this section; and

23 (2) the authorization of employment described
24 in subsection (b).

1 **SEC. 5. NOTICE FOR CERTAIN ALIENS WITH REMOVAL OR-**
2 **DERS TO THE LAO PEOPLE'S DEMOCRATIC**
3 **REPUBLIC.**

4 (a) IN GENERAL.—Not later than 60 days after the
5 date of enactment of this Act, the Secretary of Homeland
6 Security shall provide notice of the provisions of this Act
7 to each alien who—

8 (1) is an individual born in the Lao People's
9 Democratic Republic or colonial French administra-
10 tion of the present-day Lao People's Democratic Re-
11 public; and

12 (2) has a final order of removal.

13 (b) CONTENTS OF NOTICE.—The notice required
14 under subsection (a) shall include clear instructions ex-
15 plaining the requirements for an alien to file a motion to
16 reopen a proceeding under section 240 of the Immigration
17 and Nationality Act (8 U.S.C. 1229a) based on changed
18 country conditions.

19 **SEC. 6. PROHIBITION ON DETENTION.**

20 The Secretary of Homeland Security may not detain
21 an alien whose removal is deferred pursuant to this Act
22 on the basis of the alien's immigration status in the
23 United States or as a result of a motion filed by the alien
24 to reopen a proceeding under section 240 of the Immigra-
25 tion and Nationality Act (8 U.S.C. 1229a).

1 **SEC. 7. JUDICIAL REVIEW.**

2 (a) REVIEW.—Notwithstanding any other provision
3 of law, an individual or entity who has been harmed by
4 a violation of this Act may file an action in an appropriate
5 district court of the United States to seek declaratory or
6 injunctive relief.

7 (b) RULE OF CONSTRUCTION.—Nothing in this Act
8 may be construed to preclude an action filed pursuant to
9 subsection (a) from proceeding as a class action (as such
10 term is defined in section 1711 of title 28, United States
11 Code).

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