

***Protection from Persecution:
Establishing Pathways for Hong Kongers and Uyghurs***

“Extending Safe Haven to the Persecuted Hong Kong & Uyghur People”

Testimony before the
Congressional-Executive Commission on China

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Prioritizing the Most Vulnerable Persecuted by the Chinese Government

Tursunay Ziyawudun, a female Uyghur camp survivor, described to the BBC the situation she faced while being held in a political reeducation camp in China. Ziyawudun – who was detained 9 months – said that women were selected nightly and removed from their cells to be raped – even gang raped – by camp officials. She spoke not merely as an observer, but as someone who experienced this firsthand.

She recounted:

"You can't tell anyone what happened, you can only lie down quietly ... It is designed to destroy everyone's spirit."¹

The horrors of the camps have been on full display as brave survivors, tenacious journalists, and committed civil society activists have sought to peel back the layers on some of the worst practices the CCP seeks to conceal.²

Today we know that Uyghurs face ongoing genocide and crimes against humanity.³ We understand the scope of their plight – many forcibly sterilized, subject to forced abortions, subjugated through forced labor, and detained *en masse*. There are, today, between 1.8 million to 3 million Uyghurs held in the camps.⁴

The world has watched as history repeats itself, even after we said, never again.

Uyghurs are far from the only Chinese citizens facing severe human rights violations. Hong Kongers watched as the freedom they had enjoyed since 1997 – and the “one country, two systems” framework that safeguarded it – crumbled. Many Americans observed with admiration as Hong Kongers took to the streets in 2019

¹ Matthew Hill et al., “‘Their goal is to destroy everyone’: Uighur camp detainees allege systematic rape,” *BBC News*, February 2, 2021, <https://www.bbc.com/news/world-asia-china-55794071>.

² “2021 China Transparency Report,” *The Heritage Foundation*, ed. Walter Lohman and Justin Rhee, http://thf_media.s3.amazonaws.com/2021/China_Transparency_Report.pdf.

³ Michael R. Pompeo, “Determination of the Secretary of State on Atrocities in Xinjiang,” *U.S. Department of State*, January 19, 2021, <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html>.

⁴ Joshua Lipes, “Expert Says 1.8 Million Uyghurs, Muslim Minorities Held in Xinjiang’s Internment Camps,” *Radio Free Asia*, November 24, 2019, <https://www.rfa.org/english/news/uyghur/detainees-11232019223242.html>; Randall G. Schriver, “Assistant Secretary of Defense for Indo-Pacific Security Affairs Schriver Press Briefing on the 2019 Report on Military and Security Developments in China,” *U.S. Department of Defense*, May 3, 2019, <https://www.defense.gov/News/Transcripts/Transcript/Article/1837011/assistant-secretary-of-defense-for-indo-pacific-security-affairs-schriver-press/>.

and 2020 to defend the liberties they held so dear. When the CCP swiftly instituted the National Security Law (NSL) the Hong Kong people's futures changed forever.

Both Uyghurs and Hong Kongers continue to face persecution at the hands of the CCP and many policymakers are asking themselves: What can be done?

In the midst of intractable crises, the U.S. has a tool at its disposal to practically provide help to those in need: The U.S. Refugee Admissions Program, or USRAP.

Whenever a crisis presents itself where governments abdicate their responsibility to preserve their citizen's rights, the U.S. and countries all around the globe can extend safe haven to persecuted populations through resettlement. One especially salient tool is conferring the label of a "group of special humanitarian concern" by extending Priority-2 (P-2) refugee status to people in need. Such a tool could be, and arguably should be, applied to Uyghurs and Hong Kongers.

It is necessary to first, understand the current situation facing Uyghurs and Hong Kongers. Second, the U.S. government must make ample use of practical tools to alleviate suffering in the midst of prolonged conflicts. And finally, the U.S. should consider next steps, especially extending P-2 status to Uyghurs and Hong Kongers.

The Plight of the Uyghur People

The plight of Uyghurs captivated international attention as reports of mass incarceration and collectivization made front page news. The situation was eerily reminiscent of the Soviet Union's gulags, Nazi Germany's concentration camps, and North Korea's modern-day political prison camps. Given these and other parallels, the Trump administration declared what happened against Uyghurs ongoing genocide and crimes against humanity. The determination has been affirmed by Secretary Blinken and the Biden administration.⁵

In many ways, the Trump administration handed the Biden administration a free pass because the incoming administration did not have to deliberate over whether genocide and crimes against humanity were happening and could instead proceed with policy actions to respond. This is arguably why you saw early action to hold Beijing to account, including multilateral sanctions against Chinese officials responsible for ongoing atrocities.⁶ The atrocity determination therefore, has already, and should continue to serve, as a catalyst for follow-on actions.

⁵ Bill Bostock, "Secretary of State Antony Blinken says he stands by Mike Pompeo's designation that China committed genocide against the Uighurs," *Business Insider*, January 28, 2021, <https://www.businessinsider.com/antony-blinken-agrees-china-uighur-genocide-pompeo-designation-2021-1>.

⁶ Emily Rauhala, "U.S., E.U., Canada and Britain announce sanctions on China over the abuse of Uyghurs," *The Washington Post*, March 22, 2021, https://www.washingtonpost.com/world/xinjiang-sanctions-european-union/2021/03/22/1b0d69aa-8b0a-11eb-a33e-da28941cb9ac_story.html.

While atrocities are already well-documented, I want to highlight a few areas of continued concern that substantiate atrocity claims: namely the CCP's systematic attempts to limit Uyghur births and ongoing forced labor schemes.

The CCP's Policies Limiting Uyghur Births

Among the most concerning trends is the CCP's systematic attempts to reduce the Uyghur population through coercive birth control.⁷ There is strong evidence indicating the CCP's "intent to eliminate, in whole or in part", future generations of Uyghurs – a standard required to meet the definition of genocide. Adrian Zenz, Senior Fellow for China, at The Victims of Communism Memorial Foundation, found several concerning trends that suggest an intent to prevent births, first through forced sterilizations and the forced implantation of IUDs, and second through forced abortions of Uyghur pre-born children.⁸ According to Chinese government documents, the CCP has the intent of subjecting at least *80 percent* of Uighur women of child-bearing age in four southern rural prefectures in Xinjiang to either forced sterilizations or mandatory IUD placement.⁹

Beyond this, women in the camps report being injected with unknown substances that cause them to lose their menstrual cycles. Some report being forced to take drugs that prematurely put them into menopause and had other deleterious health impacts, including memory loss.¹⁰ Some women who were eventually released from the camps later report their doctors informed them that they are now sterile.¹¹

The patterns illuminated by Zenz and other open-source materials seem to suggest that the CCP is undertaking a massive effort to either completely eradicate, or at least significantly reduce, the population size of the next generation of Uighurs.

The CCP's Uyghur Forced Labor Schemes

In addition to the CCP's coercive population control efforts, they have also subjected Uyghurs to forced labor. As my colleague Tori Smith, Jay Van Andel Senior Policy Analyst in Trade at The Heritage Foundation and I argue in our report

⁷ Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang," *The Jamestown Foundation*, June 2020, <https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs-UPDATED-July-21-Rev2.pdf?x41867> (accessed September 2, 2020).

⁸ Ibid.

⁹ Ibid.

¹⁰ Olivia Enos and Yujin Kim, "China's Forced Sterilization of Uighur Women is Cultural Genocide," *Heritage Foundation Commentary*, August 29, 2019, <https://www.heritage.org/asia/commentary/chinas-forced-sterilization-uyghur-women-cultural-genocide>.

¹¹ Peter Stubbley, "Muslim Women 'Sterilized' in China Detention Camps, Say Former Detainees," *The Independent*, August 12, 2019, <https://www.independent.co.uk/news/world/asia/uyghur-muslim-china-sterilisation-women-internment-camps-xinjiang-a9054641.html> (accessed September 2, 2020).

Strengthening the U.S. Response to Forced Labor, there is evidence to suggest that many Uyghurs both inside and outside of the camps are subject to forced labor.¹²

Buzzfeed's investigative work details how 170 of the nearly 260 political re-education camps in Xinjiang they identified through satellite imagery analyses are believed to have factories directly attached or adjacent to the camps where Uyghurs are no doubt forced to labor.¹³ The connection between the camps and factories is well-documented.^{14,15} Prison camp or prison camp-adjacent labor affects people in Xinjiang that are currently detained, as well as inmates released from political re-education camps and later transferred to factories both inside and outside Xinjiang through forced labor transfer programs.¹⁶

The CCP is also engaging in more traditional collectivization that uproots people from their homeland to labor in other provinces. In dispersing Uyghurs both within and outside Xinjiang, the CCP is able to separate them from their hometowns, their cultural and religious traditions, and from families, the most fundamental of societal building blocks. Collectivization efforts mean that Uyghurs are not forced to labor *only* in Xinjiang, but are also being transferred to other regions, including to

¹² Olivia Enos and Tori Smith, "Strengthening the U.S. Response to Forced Labor in Xinjiang," *The Heritage Foundation*, February 17, 2021, <https://www.heritage.org/asia/report/strengthening-the-us-response-forced-labor-xinjiang>.

¹³ Alison Killing and Megha Rajagopalan, "We Found the Factories Inside China's Mass Internment Camps," *BuzzFeed News*, January 4, 2021, https://www.buzzfeednews.com/article/alison_killing/xinjiang-camps-china-factories-forced-labor; Megha Rajagopalan, Alison Killing, and Christo Buschek, "China Secretly Built a Vast New Infrastructure to Imprison Muslims," *BuzzFeed News*, August 27, 2020, <https://www.buzzfeednews.com/article/meghara/china-new-internment-camps-xinjiang-uyghurs-muslims> (accessed January 19, 2021).

¹⁴ Amy K. Lehr, "Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region: Toward a Shared Agenda," *Center for Strategic and International Studies*, July 30, 2020, <https://www.csis.org/analysis/addressing-forced-labor-xinjiang-uyghur-autonomous-region-toward-shared-agenda> (accessed January 19, 2021); Luke Adams et al., "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," *Congressional-Executive Commission on China*, March 2020, <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Staff%20Report%20March%202020-%20Global%20Supply%20Chains%2C%20Forced%20Labor%2C%20and%20the%20Xinjiang%20Uyghur%20Autonomous%20Region.pdf> (accessed January 19, 2021); Adrian Zenz, "The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive," *Journal of Political Risk*, 8 no. 2, (February 2020), <https://www.jpolarisk.com/karakax/> (accessed February 3, 2021).

¹⁵ News release "CBP Issues Detention Orders against Companies Suspected of Using Forced Labor," *U.S. Customs and Border Protection*, October 1, 2019, <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-detention-orders-against-companies-suspected-using-forced> (accessed January 19, 2021); Scott Nova and Penelope Kyritsis, "Update on Forced Labor and Hetian Taida Apparel," *Worker Rights Consortium*, October 11, 2019, <https://www.workersrights.org/communications-to-affiliates/update-on-forced-labor-and-hetian-taida-apparel/> (accessed January 19, 2021).

¹⁶ "Against Their Will: The Situation in Xinjiang," *U.S. Department of Labor, Bureau of International Labor Affairs*, <https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang> (accessed January 19, 2021).

eastern China.¹⁷ Another report by Zenz estimates that in 2018 alone, at least 570,000 Uyghurs were mobilized for cotton-picking labor-transfer schemes.¹⁸

The situation facing Uyghurs will likely rank among the worst human rights violations perpetrated in the 21st century. Uyghurs are specifically targeted due to their ethnicity and religion. The situation merits a strong, continued response from the U.S. and the international community. Before we turn to policy options, I want to turn to the situation in Hong Kong.

The Plight of Hong Kongers

The Hong Kong people's future transformed dramatically over the last two years. The hope emanating from 2019 pro-democracy protests faded when Beijing continued to undermine its autonomy. The *coup de grâce* came when the Chinese promulgated the national security law (NSL) that rendered Hong Kong's "one country, two systems" model obsolete in key areas.¹⁹

Even though the U.S. news cycle has long-since moved on from the plight of the Hong Kong people, deteriorations in the Hong Kong people's freedoms is a lived reality. Since the NSL went into effect, countless individuals have been apprehended and imprisoned and freedom of expression in a range of areas has been significantly curtailed. There are even implications for the business community.²⁰

The number of individuals involved in the pro-democracy movement held hostage by Beijing is substantial. According to Human Rights Watch, over 100 people have been arrested under NSL charges, but over 10,000 have been arrested for their role in pro-democracy protests.²¹ Key leaders, including Joshua Wong, Agnes Chow, and Ivan Lam were imprisoned shortly after the NSL was implemented.²² Businessman and pro-democracy leader Jimmy Lai, the enigmatic founder of Apple Daily, has

¹⁷Ibid.

¹⁸ Adrian Zenz, "Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton," *Newlines Institute for Strategy and Policy*, December 2020, 3, <https://newlinesinstitute.org/wp-content/uploads/20201214-PB-China-Cotton-NISAP-2.pdf> (accessed January 19, 2021).

¹⁹ Pompeo, "Atrocities in Xinjiang."

²⁰ Catherine Tai and Cameron Moubrey, "The Impact of the Hong Kong National Security Law on the Private Sector," *Center for International Private Enterprise*, September 15, 2020, <https://www.cipe.org/blog/2020/09/15/the-impact-of-the-hong-kong-national-security-law-on-the-private-sector/>; "Dismantling a Free Society," *Human Rights Watch*, <https://www.hrw.org/feature/2021/06/25/dismantling-free-society/hong-kong-one-year-after-national-security-law>.

²¹ Ibid.

²² Olivia Enos, "Sentencing Of Pro-Democracy Advocates Another Sign Of Deteriorating Freedom In Hong Kong," *Forbes*, December 4, 2020, <https://www.forbes.com/sites/oliviaenos/2020/12/04/sentencing-of-pro-democracy-advocates-another-sign-of-deteriorating-freedom-in-hong-kong/?sh=332a951c5cb7>.

been jailed.²³ And of course, renowned father of Hong Kong democracy, Martin Lee, also faces charges.²⁴

The U.S. rightfully responded to the NSL by certifying to Congress that Hong Kong no longer merits treatment under U.S. law as separate from the mainland. As a part of the broader redefinition of U.S.-Hong Kong relations under E.O. 13936 the Trump administration carved out a surprising, but welcome provision “reallot[ing] admissions within the refugee ceiling set by the annual Presidential Determination to residents of Hong Kong based on humanitarian concerns.”²⁵

This provision is an oft overlooked, yet important, provision within the E.O. that gave many hope that safe haven would be extended to Hong Kongers fleeing newfound persecution. While some Hong Kongers have been resettled in the U.S., this pales in comparison to, the anticipated 123,000 to 164,000 Hong Kongers the United Kingdom expects to be resettled by the end of the 2021 under the status they receive as holders of British Nationals Overseas (BNOs) passports.²⁶ (The UK has said it will resettle as many as 3 million BNOs from Hong Kong.)²⁷

The U.S. has a long track record of humanitarian engagement— one that is bolstered by its commitment to resettling refugees within our own borders. In the midst of an intractable crisis (such as the one Hong Kongers & Uyghurs face), refugee resettlement is one of the most practical means of extending relief to those in need.

The Under-Utilized Tool in the USRAP Toolbox

USRAP is a useful humanitarian initiative with which the U.S. engages the world and provides relief for a select few during international crises. It supports U.S. interests by enabling the U.S. to assert leadership in foreign crises, assist in the midst of intractable crises, and help allies and partners in need. It also strengthens U.S. public diplomacy and tangibly alleviates human suffering.

To put a finer point on it, the USRAP offers several benefits, including by:

²³ Olivia Enos, “The Closure Of Apple Daily: Another Nail In The Coffin For Freedom In Hong Kong,” *Forbes*, July 1, 2021, <https://www.forbes.com/sites/oliviaenos/2021/07/01/the-closure-of-apple-daily-another-nail-in-the-coffin-for-freedom-in-hong-kong/?sh=b0adc8061bab>.

²⁴ Austin Ramzy, “Hong Kong Court Convicts Democracy Leaders Over Protest March,” *The New York Times*, June 4, 2021, <https://www.nytimes.com/2021/03/31/world/asia/hong-kong-democracy-protest.html>.

²⁵ “Executive Order 13936 of July 14, 2020, The President's Executive Order on Hong Kong Normalization,” *Federal Register*, July 17, 2020, <https://www.federalregister.gov/documents/2020/07/17/2020-15646/the-presidents-executive-order-on-hong-kong-normalization>.

²⁶ Thomas K. Grose, “Hong Kong Residents Moving to the U.K.,” *U.S. News*, September 16, 2021, <https://www.usnews.com/news/best-countries/articles/2021-09-16/hong-kong-residents-moving-to-the-united-kingdom-after-china-crackdown#:~:text=In%20the%20first%20half%20of,arrive%20in%20Britain%20this%20year>.

²⁷ “Hong Kong: UK makes citizenship offer to residents,” *BBC News*, July 1, 2020, <https://www.bbc.com/news/uk-politics-53246899>.

1. **Enabling the U.S. to assert American leadership in foreign crises.** Resettling refugees is one way for the U.S. to exercise global leadership. It demonstrates U.S. engagement to the international community and enhances the persuasiveness of U.S. appeals to other countries to do more to help ameliorate crises. Far too few countries resettle refugees; many more need to participate in shouldering this humanitarian assistance.
2. **Providing the U.S. with a way to respond positively to intractable crises.** There is little the U.S. can reasonably do about some global conflicts, either because they are beyond solving or it is not sufficiently in U.S. interests to expend the resources required to solve them. Resettling refugees is a small but concrete and useful action the U.S. can take in response to otherwise intractable crises.
3. **Assisting allies and partners in crisis.** Refugee-hosting countries are often fragile, and the challenge of caring for and managing refugees can exacerbate their instability. Some of these countries are also American allies. There are many ways for the U.S. to support refugee-hosting allies. Many more displaced migrants can be helped in their own region than resettling small numbers in the U.S. Nonetheless, the U.S., like other countries, should resettle even small numbers of refugees from such countries to protect those most in need and to send a message of solidarity and support to important allies.
4. **Strengthening American public diplomacy.** The U.S. expends great effort to protect and enhance its reputation as a force for good in the world, as such “soft power” helps it to better influence international events. When properly managed, the refugee resettlement program, U.S. assistance during disasters, properly focused and conditioned foreign aid, and other such efforts are components of U.S. public diplomacy that make the U.S. stronger.
5. **Alleviating human suffering.** The U.S. is not obligated to resettle refugees and cannot solve many of the problems afflicting them. However, refugees are frequently some of the most desperate people on earth, and the U.S. has a long humanitarian tradition of which it should be proud. Aiding refugees, including by accommodating a small number for resettlement, is in strong and obvious keeping with that tradition.²⁸

Why P-2?

All of the advantages above are certainly applicable to resettlement of Uyghurs and Hong Kongers. And yet, the U.S. has not activated one of its most effective tools in its toolbox: extending P-2 refugee status to Uyghurs and Hong Kongers.

There are many unique elements that make extending P-2 status a potentially superior option to other categories of refugee resettlement.

²⁸ Olivia Enos et al., “The U.S. Refugee Admissions Program: A Roadmap for Reform,” *The Heritage Foundation*, July 5, 2017, <https://www.heritage.org/immigration/report/the-us-refugee-admissions-program-roadmap-reform>.

According to U.S. refugee laws, a refugee is an individual who has experienced or has a well-founded fear of future persecution on account of “race, religion, nationality, membership in a particular social group, or political opinion.”²⁹ The Chinese Communist Party may target a person in Hong Kong because of their political beliefs. And Uyghurs have been targeted by the CCP because of their religion and ethnicity. These identifiers may form the basis of their refugee claim.

The U.S. has a P-2 designation that allows claims of persecution to be made on the basis of one’s membership in a designated group. By identifying Hong Kongers and Uyghurs as P-2 groups of special humanitarian concern, the U.S. can more easily protect them.

There are at least three unique benefits to extending P-2 status:

- 1. If granted P-2 status, Uyghurs and Hong Kongers would be considered a group of “special humanitarian concern”.** As a member of a P-2 category, individuals are part of a group identified by the U.S. refugee program as of special humanitarian concern, but are still required to prove their individual case of persecution.³⁰ Previous recipients of P-2 status include groups from Burma in Thailand, religious minorities from the Middle East, and translators/individuals who assisted the U.S. government in both Iraq and Afghanistan.³¹ This gives individuals who are a member of this group of special humanitarian concern preference within the refugee admission system.
- 2. P-2 refugees can bypass UNHCR, NGO, and embassy referral.** P-2 recipients can also apply whether they are inside or outside of their country of origin. This is especially important given that Hong Kong citizens who turned up at embassies or consulates in Hong Kong were often turned away

²⁹ 8 U.S. Code § 1101(a)(42),

https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=8-USC-1085535685-1201680126&term_occur=4&term_src=.

³⁰ “The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities”, *USCIS*, last updated August 6, 2021, <https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap>., “U.S. Refugee Resettlement Processing for Iraqi and Syrian Beneficiaries of an Approved I-130 Petition -- Frequently Asked Questions,” *U.S. Department of State, Bureau of Population, Refugees, and Migration*, <https://2009-2017.state.gov/j/prm/releases/factsheets/2016/254649.htm>.

³¹ “The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities,” *U.S. Citizenship and Immigration Services*, <https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap>; “U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals,” *U.S. Department of State*, August 2, 2021, <https://www.state.gov/u-s-refugee-admissions-program-priority-2-designation-for-afghan-nationals/>.

due to intimidation from the CCP, and Uyghurs would no doubt face similar forms of intimidation.³²

- 3. P-2 refugees receive the same level of stringent vetting as other refugee categories.** While P-2 refugee applicants can skip the initial referral process, they are subject to normal, stringent vetting procedures baked into the USRAP. In fact, P-2 refugees follow all of the same vetting protocols *except* for UNHCR/embassy/NGO referral. According to the U.S. Department of State’s website “P-2 includes specific groups identified by U.S. law... The Resettlement Support Centers (RSCs) responsible for handling open-access P-2 applications, working under the direction of PRM, make a preliminary determination as to whether individual applicants qualify for access and should be presented to DHS for interview. Applicants who clearly do not meet the access requirements are “screened out” before the DHS interview.” (emphasis added by author)³³ They are also subject to all of the same security and medical checks of every other refugee category.³⁴

Alternative Forms of Relief

There are a few possible alternatives that are currently being considered by Congress or have been suggested as possibilities by civil society.

First, one bill considers extending **Temporary Protected Status (TPS)** to Hong Kongers.³⁵ A country can be designated by the executive branch for TPS “due to conditions in the country that temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.”³⁶ Current recipients of TPS originate from 12 countries, including Burma, El Salvador, Haiti, Syria and elsewhere. It is difficult to even conceive of the situation facing most Hong Kongers as temporary since the NSL represents a permanent change in law. Likewise, Uyghurs have a long-standing case for persecution that predates even our knowledge of the existence of camps in 2017. TPS, unlike P-2, does not afford a recipient with eligibility to become a Legal Permanent Resident (LPR) (although they are eligible

³² Shibani Mahtani, “Hong Kong activists turned away in bid for refuge at U.S. Consulate, advocacy group says,” *The Washington Post*, October 28, 2020, https://www.washingtonpost.com/world/asia_pacific/hong-kong-us-consulate-asylum/2020/10/28/8f92a9dc-18d9-11eb-8bda-814ca56e138b_story.html; “Nowhere Feels Safe: Uyghurs Tell of China-Led Intimidation Campaign Abroad,” *Amnesty International*, <https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/>.

³³ U.S. Department of State, Bureau of Population, Refugees, and Migration, *U.S. Refugee Admissions Program Access Categories*, <https://2017-2021.state.gov/refugee-admissions/u-s-refugee-admissions-program-access-categories/index.html>.

³⁴ *Ibid.*

³⁵ U.S. Congress, House, *Hong Kong People’s Freedom and Choice Act of 2021*, HR 4276, 117th Cong., 1st sess., introduced in House June 30, 2021, <https://www.congress.gov/bill/117th-congress/house-bill/4276/text?r=78&s=1>.

³⁶ U.S. Citizenship and Immigration Services, *Temporary Protected Status*, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

for nonimmigrant status, to request a change of immigration status, and other benefits) and therefore extending TPS would be only a temporary solution to what is most likely a long-term problem for Hong Kongers and Uyghurs.³⁷

Second, some have floated the idea of **humanitarian parole**. Humanitarian parole is typically extended to individuals who need to gain access to the U.S. on an emergency basis (typically for a discrete set of reasons including dire “humanitarian circumstances or for significant public benefit reasons”)³⁸, but who are otherwise ineligible to enter the U.S. Some examples of discrete reasons for humanitarian parole include needing emergency medical attention or testifying in a court case. In other words, this is a status that is supposed to be extended on a case-by-case, individual basis and is not designed or generally applicable to a group. Like TPS, humanitarian parole does not provide a pathway for permanent resettlement.

Hong Kong citizens already have a form of temporary safe haven in the U.S. On August 5, 2021, the Biden administration extended Deferred Enforced Departure (DED) to Hong Kongers, which means that eligible citizens of Hong Kong can stay (and work) in the U.S. for up to 18 months without fear of removal.³⁹ Therefore, there are already temporary, short-term options in place for at least Hong Kongers.

Third, there are more permanent options under consideration, including **Lautenberg Amendment** refugee status. Lautenberg Amendment refugee status is actually a part of the P-2 program. It was originally created for religious minorities fleeing the Soviet Union and Indochina who, as a group, had a well-founded fear of persecution.⁴⁰ Unlike other P-2s, they do not have to prove individual persecution as much as they must prove their membership in a particular group. Furthermore, they are required to have close family in the U.S. to sponsor their case. It functions primarily as a family reunification mechanism.⁴¹ Furthermore, Lautenberg Amendment refugees are processed within their country of origin; this is a near impossibility for either Uyghurs or Hong Kongers.⁴² While the Lautenberg Amendment may be a relevant option for some Uyghurs with family in the U.S., this option is less salient than a straight P-2 designation. Likewise, it is hard to make a case for Hong Kongers as a persecuted religious minority since they are persecuted principal on a political and not a religious basis.

³⁷ Ibid.

³⁸ U.S. Citizenship and Immigration Services, *Information for Afghan Nationals on Requests to USCIS for Humanitarian Parole*, <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>.

³⁹ Joseph R. Biden Jr., “Memorandum on the Deferred Enforced Departure for Certain Hong Kong Residents,” *The White House*, August 5, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/05/memorandum-on-the-deferred-enforced-departure-for-certain-hong-kong-residents/>.

⁴⁰ U.S. Library of Congress, Congressional Research Service, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno, RL31269 (2018), 9, <https://sgp.fas.org/crs/misc/RL31269.pdf>.

⁴¹ “Lautenberg Amendment,” *Hebrew Immigrant Aid Society*, <https://www.hias.org/lautenberg-amendment>.

⁴² Bruno, *Refugee Admissions*, 6.

In the end, P-2 is the appropriate avenue. Humanitarian parole is for a temporary urgent need on a case-by-case basis; not for groups of people. TPS is designated by the executive branch, not Congress, and provides temporary relief for those already in the U.S. when conditions in their home country deteriorated. In addition, Hong Kongers already have DED status, so there is no need to also designate Hong Kong for TPS, which provides the same benefits as DED.

Next Steps the U.S. Government Can Take

In the midst of long-term crises like the ones facing Uyghurs and Hong Kongers, the U.S. should consider the most applicable tools in its toolbox to provide safe haven. The rest of the world is looking to the U.S. to provide leadership in countering China, in responding to the suffering the CCP leaves behind in its wake, and in safeguarding human rights and freedom. This is best done through a comprehensive policy response that includes a robust humanitarian solution.

Given this, the U.S. Congress and the executive branch should:

- **Designate Uyghurs and Hong Kongers Priority-2 (P-2) processing status.** P-2 is the best option among the tools available in the USRAP for the situation facing Uyghurs and Hong Kongers. It provides a long-term resettlement option, with expedited referral, but thorough vetting. It offers a safe way to bring Uyghurs and Hong Kongers to the U.S. and is an opportunity for the U.S. to lead in resettling communities in need. Such a move also builds upon the atrocity determination, sanctions against CCP officials responsible for undermining human rights and freedom in both contexts and is a practical way to alleviate suffering in the midst of intractable crises. Such an option should be extended as soon as possible since Uyghur and Hong Kong lives are presently at stake. Furthermore, in the Hong Kong case, the U.S. should make full use of provisions in E.O. 13936 that prioritize resettlement of Hong Kongers.
- **Build a coalition of allies and partners to resettle Uyghurs and Hong Kongers in need.** Beyond extending P-2 status, the U.S. should continue to lead a coalition of allies and partners to likewise extend safe harbor to the people of Hong Kong. The Biden administration has identified coordination and cooperation with allies as a key cornerstone of his foreign policy. One way to act on this commitment is to bring partners and friends in Asia and Europe alongside U.S. commitments to provide relief. In fact, there is a growing consensus among Asian and European partners on the threat China poses to universal norms and values. Multilateral action was already taken earlier this year by the U.S., the United Kingdom, Canada, and the European Union to issue sanctions against key Chinese officials for the role they play in

perpetrating ongoing genocide and crimes against humanity in Xinjiang. The Biden administration should build on that by leading in resettling Uyghurs and Hong Kongers in need.

- **The United States should prioritize diplomacy with key countries hosting Uyghurs, including Turkey, Malaysia, Thailand, and Kazakhstan.** These countries all face significant pressure from China to deport Uyghurs back to Xinjiang. Washington can send a clear message of support by stepping up and offering P-2 status to Uyghurs, which will hopefully strengthen those countries' willingness to accept Uighur refugees within their own borders.

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