



Bill Summary: The Hong Kong Safe Harbor Act

The bipartisan Hong Kong Safe Harbor Act ([S. 4110](#)) would offer refuge to residents of Hong Kong facing politically-motivated persecution due to their involvement with the Hong Kong protest movement by designating them as refugees of special humanitarian concern. It would extend protection to the refugees' spouses, children, and parents who are also citizens of the People's Republic of China.

The Hong Kong Safe Harbor Act was introduced as a response to Chinese [national security](#) legislation, which criminalizes any activities in Hong Kong threatening broadly-defined "national security." The Chinese national security legislation has [faced criticism](#) both within Hong Kong and internationally for undermining Hong Kong's autonomy. The introduction of the Hong Kong Safe Harbor Act in the United States follows the adoption of [similar measures](#) elsewhere, including the United Kingdom, Taiwan, and Australia.

Senator Marco Rubio (R – Florida) introduced the Hong Kong Safe Harbor Act on June 30, joined by Senator Robert Menendez (D – New Jersey), Senator Todd Young (R – Indiana), Senator Benjamin Cardin (D – Maryland), and Senator Jeff Merkley (D – Oregon). A companion bill, [H.R. 7415](#), was sponsored in the House of Representatives by Representative John Curtis (R – Utah), who was joined by six Republicans and seven Democrats.

The Act was reintroduced by Senator Rubio on February 9, 2021, joined by Senator Robert Menendez (D–New Jersey), Senator Todd Young (R–Indiana), Senator Benjamin Cardin (D–Maryland), Senator John Cornyn (R-Texas), Senator Jeff Merkley (D–Oregon), Senator Elizabeth Warren (D-MA), Senator Dick Durbin (D-Illinois), Senator James Lankford (R-Oklahoma), Senator Ron Wyden (D-Oregon), Senator Richard Blumenthal (D-Connecticut), and Senator Chris Coons (D-Delaware). The reintroduced bill had no substantive changes, but did change certain dates to correspond with the reintroduction.

Protected Groups under the Hong Kong Safe Harbor Act

The bill would:

- Designate as "Priority 2 refugees of special humanitarian concern" any residents of the Hong Kong Special Administrative Region who have suffered persecution or who have a well-founded fear of future persecution because of their peaceful political activities. Priority 2 of the [U.S. Refugee Admissions Program](#) protects groups of special concern designated by the Department of State by virtue of their circumstances and apparent need for resettlement. This designation would allow residents of Hong Kong to directly apply to the U.S. Refugee Admissions Program through Resettlement Support Centers (RSCs) rather than having to go through a U.S. embassy or the United Nations.
- Extend protections to spouses, children, and parents of these residents, also designating them Priority 2 refugees, except for parents who are citizens of countries other than the People's Republic of China.

- Establish that, for purposes of application processing, any person whose citizenship, nationality, or residency is revoked due to submitting a nonfrivolous application for refugee status, asylum, or for other U.S. immigration benefits will be considered to have suffered persecution. Further, this revocation of citizenship, nationality, or residency will be considered a changed circumstance which allows asylum applicants who were previously denied asylum to reapply or were present in the United States for more than a year to apply for asylum.

Relaxation of Refugee and Asylum Limitations

The Hong Kong Safe Harbor Act would also:

- Clarify that anyone seeking protection under this bill cannot be denied because they are eligible for admission to the United States on a different basis or because they suffered politically motivated detentions, charges, or convictions.
- Prevent any refugee admitted under this bill from counting against refugee and immigration caps.
- Waive the U.S. nonimmigrant visa requirement of intent to reside temporarily for certain Chinese residents of Hong Kong closely involved in the 2019 and 2020 protests — specifically, for civil society organization leaders, protest organizers, journalists, first responders, legal service providers, and anyone who was detained, charged, or convicted of peaceful protest participation — provided they are also actively applying for refugee protection. This waiver will make nonimmigrant visas accessible to residents who may need to leave Hong Kong quickly due to their active roles in the protest movement.

Additional Provisions

The bill would:

- Allow individuals to apply for protection either in or outside of Hong Kong.
- Make a statement of policy to encourage the United States' allies and partners to make similar accommodations for Hong Kong residents.
- Require regular reporting to the relevant congressional committees and to the public from the Secretary of State and the Secretary of Homeland Security regarding the number of applicants seeking relief under the bill, as well as denials and wait times.
- Sunset five years from the date of enactment.