116TH CONGRESS  
2d Session  

H. R.  

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  

Ms. McColl introduced the following bill; which was referred to the Committee on  

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 Refugee Deportation Prohibition Act of 2020”.  
5    SEC. 2. FINDINGS.  
6    Congress finds the following:
(1) Since 1975, nearly 200,000 refugees from the Lao People’s Democratic Republic (Lao P.D.R.), including persons of Hmong, Lao, Khmu, and Mien or Yao descent, have resettled in the U.S. as permanent residents or become citizens.

(2) Beginning in the 1950’s in Laos, Hmong soldiers fought the Communist Pathet Lao movement, and many Hmong and Lao later assisted U.S. forces during the Vietnam War.

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

(4) A former CIA officer stated to the Subcommittee on Immigration and Claims that, “Throughout the war, CIA’s paramilitary forces collected intelligence, used it in combat operations to tie down some 50,000 North Vietnamese forces in Laos, rescued downed American pilots and protected sensitive American installations at remote mountain tops...”

(5) P.L. 106-207, the Hmong Veterans Naturalization Act of 2000, provided thousands of Hmong refugees resettled to the U.S. who served with a special guerrilla unit, or irregular forces, op-
erating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978 with exemptions from certain provision of the Immigration and Naturalization Act.

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

(7) Scholars argue that the U.S. insufficiently resettled refugees from Laos leaving many ill-prepared for immediate work, unacclimated, and suffering psychosocial trauma resulting in cycles of poverty. In 2016, 37.8 percent of Hmong and 18.5 percent of Lao in the U.S. were living in poverty.

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

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


(11) The Lao P.D.R. is a communist state that does not currently have an official deportation agreement with the U.S. and there is no extradition treaty between the Laos and the U.S.

(12) Many of the over 4,700 persons with Final Orders of Removal who are at risk of deportation to the Lao P.D.R. have not been able to seek adequate immigration relief based on the complexity of the required legal filings and the backlogs in immigration courts. It can take several years for an individual to
seek to reopen their immigration case and have their eligibility for immigration relief decided on the merits.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) individuals of Hmong, Lao, Khmu, and Mien or Yao descent who arrived in the U.S. as refugees fleeing persecution in the Lao People's Democratic Republic shall not be deported to Laos for a period of 72 months; and

(2) the Trump administration's efforts to deport more than 4,700 individuals of Hmong, Lao, Khmu, and Mien or Yao descent residing in the U.S. to the Lao People's Democratic Republic puts these individuals at grave risk, is unnecessary to ensure public safety, and cruelly inflicts trauma and harm on Hmong-American and Lao-American families and communities that are making significant contributions to the strength and success of the U.S.

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

(a) DEFERRAL OF REMOVAL.—An alien may not be removed for the 72-month period beginning on the date of enactment of this Act if the alien—
(1) is an individual born in the Lao People’s Democratic Republic or colonial French administration of the present-day Lao People’s Democratic Republic;

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

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

(b) EMPLOYMENT AUTHORIZATION.—Upon application to the Secretary of Homeland Security, an alien whose removal is deferred pursuant to this Act—

(1) shall be authorized to engage in employment during the 72-month period described in subsection (a); and

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

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

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

(2) the authorization of employment described in subsection (b).
SEC. 5. NOTICE FOR CERTAIN ALIENS WITH REMOVAL ORDERS TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

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

(1) is an individual born in the Lao People’s Democratic Republic or colonial French administration of the present-day Lao People’s Democratic Republic; and

(2) has a final order of removal.

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

SEC. 6. PROHIBITION ON DETENTION.

The Secretary of Homeland Security may not detain an alien whose removal is deferred pursuant to this Act on the basis of the alien’s immigration status in the United States or as a result of a motion filed by the alien to reopen a proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).
SEC. 7. JUDICIAL REVIEW.

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

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