



# HONG KONG SAFE HARBOR ACT

H.R. 461 | S. 295

The Hong Kong Safe Harbor Act would designate certain Hong Kong residents as Priority 2\* refugees\*\*. The designation would allow residents of Hong Kong -- who suffered persecution or have a well-founded fear of persecution on the basis of their political opinions, participation, or association, or have been formally charged, detained, or convicted on account of their peaceful actions, and their spouses, children, parents -- to apply for refugee protection when they are in Hong Kong or a third country in order to be admitted to the United States.

Additionally, it creates an asylum route for frontline protesters and pro-democracy activists in immediate danger from the Governments of Hong Kong and China to enter the United States and seek protection, including those who have:

- had an organizing role for such protests;
- acted as a first-aid responder for such protests;
- suffered harm while covering such protests as a journalist;
- provided paid or pro-bono legal services to one or more individuals arrested for participating in such protests; or
- been formally charged, detained, or convicted for his or her participation in such protests.

Hong Kong residents designated as Priority 2 refugees would be excluded from the numerical limitation (“ceiling”) for admission each year.

The Act also instructs the Secretary of State to work with US allies to make similar accommodations for Hong Kong residents fleeing oppression by the governments of Hong Kong and China.

*\*There are three categories of individuals eligible for refugee status, known as “priorities”. “Priority” does not establish precedence in the order in which the cases will be processed. Once cases are established as eligible under one of the three priorities, they all undergo the same processing steps:*

- **Priority 1** is for individuals referred by designated entities (primarily the UNHCR or US embassy);
- **Priority 2** is for specific groups who have been designated by the Department of State as being in need of resettlement by virtue of their circumstances;
- **Priority 3** is for Individuals who are spouses, unmarried children under the age of 21, or parents of individuals already admitted by the US as refugees or asylees.

*\*\*Asylees vs. Refugees: The difference is mostly procedural. Individuals apply for refugee status outside of the United States, while they apply for asylum from within the United States.*

*HKDC is a Washington, DC-based nonpartisan, nonprofit organization dedicated to preserving Hong Kong’s basic freedoms, the rule of law, and autonomy as promised under the “one country two systems” model and enshrined in the Basic Law and the Sino-British Joint Declaration.*

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