



Written by [Peter Rykowski](#) on December 10, 2020

“Temporary” Hong Kong Immigration Bill Would Enable CCP Espionage

Congress is seeking to pass an immigration bill that would enable Chinese Communist Party (CCP) espionage and promote permanent unregulated migration under the guise of a “temporary” humanitarian amnesty.

On September 29, 2020, Representative Tom Malinowski (D-N.J.; [14% Freedom Index score](#)) introduced [H.R. 8428](#), titled the “Hong Kong People’s Freedom and Choice Act of 2020.” The bill has [23](#) House cosponsors.

On December 7, 2020, during the post-election lame-duck session, the U.S. House [passed](#) H.R. 8428 by voice vote, sending the bill to the U.S. Senate.

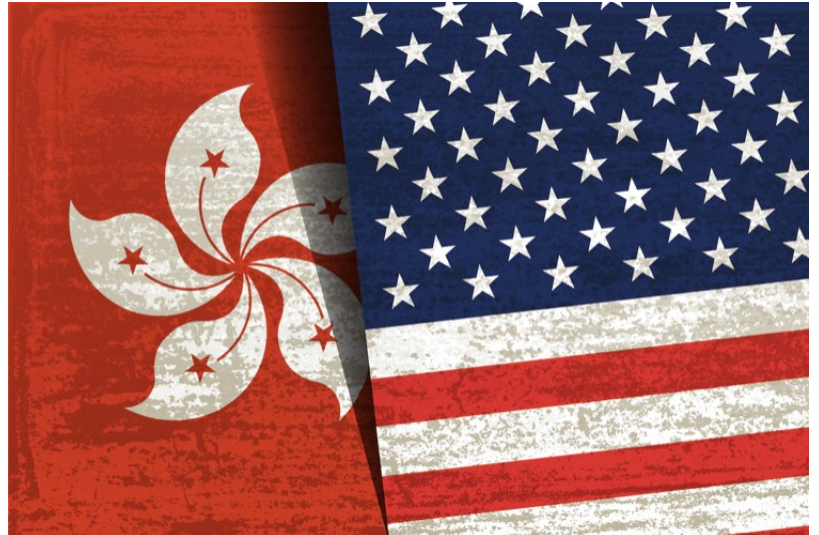


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If passed, H.R. 8428 would extend Temporary Protected Status (TPS) — an ostensibly temporary form of immigration amnesty that also [allows](#) recipients to work in the United States — to residents of Hong Kong [already](#) in the United States who claim fear of persecution if they were to return. The bill would also [make it easier](#) and quicker for “[Priority Hong Kong Residents](#)” — residing in Hong Kong or Macau for over 10 years and also including their spouses and children up to 27 years — to enter the United States as refugees. Furthermore, these new entrees would be [excluded](#) from the annual cap in refugee admissions under the 1980 Refugee Act.

At first glance, H.R. 8428 might appear to protect refugees and counter China. However, if passed, the bill would actually benefit the CCP and promote unrestricted migration into the United States.

First and foremost, H.R. 8428 would enable CCP espionage and infiltration. While the bill is intended to help Hong Kong and Macau residents opposed to the CCP’s encroachment on their freedoms, [many individuals](#) indifferent to or supportive of Communist China also live in Hong Kong and could, by extension, take advantage of the bill’s provisions.

Already, it is known that Hong Kongers have [committed](#) espionage in the United States on behalf of the CCP, and it is also known that Communist China [already uses](#) the U.S. immigration and visa systems to commit espionage in our country.

H.R. 8428 is harmful also because it would [promote](#) mass, permanent migration into the United States. It must be emphasized that Hong Kong and Macau — which is also included in the refugee portion of the bill — have a total population of [about](#) 8.15 million people. Many of these people, plus their spouses and children, would be included under the bill.

Additionally, while the bill is advertised as providing a “temporary” amnesty, this would not be the case. TPS has been used multiple times since the law’s enactment in 1990, and its use has [proven](#) that the



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amnesty it provides is, *de facto*, permanent. Additionally, the TPS law states the category is to be used for “extraordinary and temporary conditions,” the situation in Hong Kong [does not](#) meet this standard.

Among other problems with H.R. 8428, it lowers the basis for proving persecution as a ground for gaining refugee status. While the 1965 Immigration and Nationality Act states that applicants must prove “a well-founded fear of persecution,” the bill [merely says](#) “concern about the possibility of such persecution.” Last but not least, [not only](#) would the bill promote further unrestricted migration into the United States, since other groups might demand similarly lax treatment, but current U.S. law already protects legitimate Hong Kong refugees.

If common sense prevails, the Senate will put a stop to this “temporary” CCP espionage-enabling bill and instead advance legislation that puts American national interests first.

To urge your senators to reject H.R. 8428, visit The John Birch Society’s legislative alert [here](#).



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