

116TH CONGRESS
1ST SESSION

S. 636

To designate Venezuela under section 244 of the Immigration and Nationality Act to permit nationals of Venezuela to be eligible for temporary protected status under such section.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2019

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. RUBIO, Mr. LEAHY, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate Venezuela under section 244 of the Immigration and Nationality Act to permit nationals of Venezuela to be eligible for temporary protected status under such section.

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 “Venezuela Temporary
5 Protected Status Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Venezuela is enduring an unprecedented
2 economic, humanitarian, security, and refugee crisis,
3 consisting of extreme food and medicine shortages,
4 severe infant and child malnutrition, rampant crime,
5 and government-sponsored repression.

6 (2) Venezuela's economic crisis continues
7 unabated and the International Monetary Fund
8 projects that inflation in Venezuela could reach an
9 annual rate of 10,000,000 percent in 2019.

10 (3) As evidence of the humanitarian crisis cre-
11 ated by Venezuela's systemic economic turmoil—

12 (A) more than 9,000,000 people in Ven-
13 ezuela are eating 2 or fewer meals a day; and

14 (B) approximately 75 percent of the popu-
15 lation have reported losing an average of—

16 (i) 19 pounds in 2016; and

17 (ii) 24 pounds in 2017.

18 (4) Moderate to severe malnutrition among
19 Venezuelan children under 5 years of age increased
20 by more than 50 percent in 2017, and approximately
21 300,000 Venezuelan children are at risk of dying
22 from malnutrition, according to Cáritas de Ven-
23 ezuela, a Catholic humanitarian organization.

24 (5) Pharmacies in Venezuela have shortages of
25 approximately 85 percent of needed medicines and

1 76 percent of public hospitals lack the basic medi-
2 cines that should be available in any functional pub-
3 lic hospital, including those that are on the World
4 Health Organization’s List of Essential Medicines.

5 (6) As evidence of the significant effect that
6 Venezuela’s economic crisis on public health, Ven-
7 ezuela’s Health Ministry reported that in 2016—

8 (A) there was a 30-percent increase in the
9 infant mortality rate; and

10 (B) there was a 65-percent increase in the
11 maternal mortality rate.

12 (7) Violent crime in Venezuela has risen sharply
13 and the Venezuelan Violence Observatory, an inde-
14 pendent nongovernmental organization, calculated
15 the national per capita murder rate to be 89 per
16 100,000 people in 2017.

17 (8) According to Citizens Council for Public
18 Safety and Criminal Justice, Caracas was the most
19 dangerous capital city in the world in 2017, with
20 111 murders per 100,000 residents.

21 (9) According to the United Nations Human
22 Rights Office of the High Commissioner—

23 (A) Venezuelan intelligence and security
24 forces have increasingly used arbitrary arrests
25 and detentions to repress and intimidate civil

1 society, political opponents, and any voices of
2 dissent; and

3 (B) between 2015 and 2017, at least 505
4 people including 24 children, were executed by
5 Venezuelan security forces, leading the Inter-
6 national Criminal Court prosecutor to announce
7 a preliminary investigation into the use of ex-
8 cessive force in Venezuela.

9 (10) Zeid Ra’ad Al Hussein, the United Na-
10 tions High Commissioner for Human Rights, stated,
11 “The failure to hold security forces accountable for
12 such serious human rights violations suggests that
13 the rule of law is virtually absent in Venezuela.”.

14 (11) According to the United Nations High
15 Commissioner for Human Rights, more than
16 3,400,000 Venezuelans have left their country for
17 reasons such as violence, political oppression, eco-
18 nomic hardship, and the ongoing humanitarian cri-
19 sis.

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of the Congress that—

22 (1) Venezuela’s economic, humanitarian, secu-
23 rity, and refugee crisis has resulted in extraordinary
24 and temporary conditions that currently prevent

1 Venezuelan nationals from safely returning to Ven-
2 ezuela; and

3 (2) Venezuela should be designated under sub-
4 section (b)(1)(C) of section 244 of the Immigration
5 and Nationality Act (8 U.S.C. 1254a) for a period
6 of 18 months to permit nationals of Venezuela to be
7 eligible for temporary protected status in accordance
8 with such section.

9 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
10 **PORARY PROTECTED STATUS.**

11 (a) DESIGNATION.—

12 (1) IN GENERAL.—For purposes of section 244
13 of the Immigration and Nationality Act (8 U.S.C.
14 1254a), Venezuela shall be treated as if it had been
15 designated under subsection (b)(1)(C) of that sec-
16 tion, subject to the provisions of this section.

17 (2) PERIOD OF DESIGNATION.—The initial pe-
18 riod of the designation referred to in paragraph (1)
19 shall be for the 18-month period beginning on the
20 date of the enactment of this Act.

21 (b) ALIENS ELIGIBLE.—As a result of the designa-
22 tion made under subsection (a), an alien who is a national
23 of Venezuela is deemed to satisfy the requirements under
24 paragraph (1) of section 244(c) of the Immigration and

1 Nationality Act (8 U.S.C. 1254a(c)), subject to paragraph
2 (3) of such section, if the alien—

3 (1) has been continuously physically present in
4 the United States since the date of the enactment of
5 this Act;

6 (2) is admissible as an immigrant, except as
7 otherwise provided in paragraph (2)(A) of such sec-
8 tion, and is not ineligible for temporary protected
9 status under paragraph (2)(B) of such section; and

10 (3) registers for temporary protected status in
11 a manner established by the Secretary of Homeland
12 Security.

13 (c) CONSENT TO TRAVEL ABROAD.—

14 (1) IN GENERAL.—The Secretary of Homeland
15 Security shall give prior consent to travel abroad, in
16 accordance with section 244(f)(3) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
18 an alien who is granted temporary protected status
19 pursuant to the designation made under subsection
20 (a) if the alien establishes to the satisfaction of the
21 Secretary of Homeland Security that emergency and
22 extenuating circumstances beyond the control of the
23 alien require the alien to depart for a brief, tem-
24 porary trip abroad.

1 (2) TREATMENT UPON RETURN.—An alien re-
2 turning to the United States in accordance with an
3 authorization described in paragraph (1) shall be
4 treated as any other returning alien provided tem-
5 porary protected status under section 244 of the Im-
6 migration and Nationality Act (8 U.S.C. 1254a).

7 **SEC. 5. IMPROVING INTERNAL MIGRATION SYSTEMS IN**
8 **COUNTRIES SURROUNDING VENEZUELA.**

9 (a) IN GENERAL.—The Secretary of State, in con-
10 sultation with the Secretary of Homeland Security, shall
11 work with international partners, including the United
12 Nations High Commissioner for Refugees, to support and
13 provide technical assistance to improve the domestic ca-
14 pacity of countries surrounding Venezuela and in the re-
15 gion to provide migration services and asylum to eligible
16 Venezuelan citizens—

17 (1) by establishing and expanding temporary
18 and long-term, in-country reception centers and shel-
19 ter capacity in those surrounding countries to meet
20 the humanitarian needs of Venezuelan migrants or
21 Venezuelans seeking asylum or other forms of inter-
22 national protection;

23 (2) by improving migration and asylum reg-
24 istration systems in those surrounding countries to

1 ensure that Venezuelan migrants and Venezuelans
2 seeking asylum or other humanitarian protection—

3 (A) receive due process and meaningful ac-
4 cess to legal protections; and

5 (B) receive proper documents in order to
6 prevent fraud and facilitate freedom of move-
7 ment and access to basic social services;

8 (3) by supporting the creation or expansion of
9 a corps of trained migration and asylum officers
10 from those countries who are capable of—

11 (A) providing migration services; and

12 (B) evaluating and deciding individual asy-
13 lum claims consistent with international law
14 and obligations; and

15 (4) by developing the capacity to conduct best
16 interest determinations for Venezuelan migrants to
17 ensure that their needs are properly met.

18 (b) STRATEGY.—Not later than 90 days after the
19 date of the enactment of this Act, the Secretary of State,
20 in consultation with the Secretary of Homeland Security,
21 shall submit a strategy describing plans for assisting the
22 development of the international asylum processing capa-
23 bilities described in subsection (a) to—

24 (1) the Committee on Foreign Relations of the
25 Senate;

1 (2) the Committee on the Judiciary of the Sen-
2 ate;

3 (3) the Committee on Appropriations of the
4 Senate;

5 (4) the Committee on Foreign Affairs of the
6 House of Representatives;

7 (5) the Committee on the Judiciary of the
8 House of Representatives; and

9 (6) the Committee on Appropriations of the
10 House of Representatives.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to the Secretary of State \$10,000,000
14 for fiscal year 2019 to carry out the activities set
15 forth in subsection (b), in accordance with this sec-
16 tion.

17 (2) NOTIFICATION REQUIREMENT.—

18 (A) IN GENERAL.—Except as provided
19 under subparagraph (B), amounts appropriated
20 or otherwise made available pursuant to para-
21 graph (1) may not be obligated until 15 days
22 after the date on which the President provides
23 notice to the committees listed in subsection (b)
24 of the intent to obligate such funds.

25 (B) WAIVER.—

1 (i) IN GENERAL.—The Secretary of
2 State may waive the requirement under
3 subparagraph (A) if the Secretary of State
4 determines that such waiver is in the na-
5 tional interest of the United States.

6 (ii) NOTIFICATION REQUIREMENT.—If
7 a waiver is invoked under clause (i), the
8 President shall notify the committees listed
9 in subsection (b) of the intention to obli-
10 gate funds under this section as early as
11 practicable, but not later than 3 days after
12 taking the action to which such notification
13 requirement was applicable in the context
14 of the circumstances necessitating such
15 waiver.

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