

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To deny asylum to members of a Communist or other totalitarian party,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO (for himself, Mr. MARSHALL, Mr. SCOTT of Florida, Mr. HAGERTY, Mrs. BLACKBURN, Mr. HAWLEY, Mr. BRAUN, and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To deny asylum to members of a Communist or other  
totalitarian party, 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 “No Asylum for CCP  
5 Spies Act”.

6 **SEC. 2. DENIAL OF ASYLUM TO MEMBERS OF A COMMUNIST**  
7 **OR OTHER TOTALITARIAN PARTY.**

8 Section 208(b)(2) of the Immigration and Nationality  
9 Act (8 U.S.C. 1158(b)(2)) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (v), by striking “or” at the  
3 end;

4 (B) in clause (vi), by striking the period at  
5 the end and inserting “; or”; and

6 (C) by adding at the end the following:

7 “(vii) the alien is described in section  
8 212(a)(3)(D)(i), except as provided in sub-  
9 paragraph (B)(iii) and subject to”; and

10 (2) in subparagraph (B), by adding at the end  
11 the following:

12 “(iii) EXCEPTION TO PARTY MEMBER-  
13 SHIP.—

14 “(I) IN GENERAL.—Notwith-  
15 standing subparagraph (A)(vii), an  
16 alien who is described in section  
17 212(a)(3)(D)(i) may be granted asy-  
18 lum pursuant to paragraph (1) if—

19 “(aa) the alien—

20 “(AA) has, before ap-  
21 plying for asylum and  
22 through a service approved  
23 by the Federal Government,  
24 publicly renounced his or  
25 her membership in the Com-

1                    munist or totalitarian party  
2                    of which the alien was a  
3                    member or with which the  
4                    alien was affiliated and de-  
5                    nounces such party during  
6                    the asylum adjudication  
7                    process; and

8                    “(BB) establishes, to  
9                    the satisfaction of the Attor-  
10                   ne General or the Secretary  
11                   of Homeland Security, that  
12                   the membership or affili-  
13                   ation of the alien with a  
14                   Communist or totalitarian  
15                   party is or was involuntary,  
16                   limited to a period when the  
17                   alien was younger than 16  
18                   years of age, automatic, by  
19                   operation of law, without the  
20                   alien’s personal acquies-  
21                   cence, or solely for the pur-  
22                   pose of obtaining employ-  
23                   ment, food rations, or other  
24                   living essentials; and

1                   “(bb) the Attorney General  
2                   or the Secretary of Homeland Se-  
3                   curity, in consultation with the  
4                   Director of National Intelligence,  
5                   determines that the alien is not a  
6                   danger to the security of the  
7                   United States.

8                   “(iv) WAIVER.—

9                   “(I) IN GENERAL.—In the case  
10                  of an alien described in section  
11                  212(a)(3)(D)(i) who is not eligible for  
12                  asylum under clause (iii), the Attor-  
13                  ney General or the Secretary of  
14                  Homeland Security may waive the ap-  
15                  plication of such section if the Attor-  
16                  ney General or the Secretary, in con-  
17                  sultation with the Director of Na-  
18                  tional Intelligence, determines that  
19                  such alien has significant information  
20                  relating to national security.

21                  “(II) CONDITIONS.—An alien  
22                  may only be granted a waiver under  
23                  this clause if—

24                         “(aa) the alien, through a  
25                         service approved by the Federal

1 Government, publicly renounces  
2 his or her membership in the  
3 Communist or totalitarian party  
4 of which the alien was a member  
5 or with which the alien was affili-  
6 ated and denounces such party  
7 during the asylum adjudication  
8 process; and

9 “(bb) the Attorney General  
10 or the Secretary of Homeland Se-  
11 curity, in consultation with the  
12 Director of National Intelligence,  
13 determines that the alien is not a  
14 danger to the security of the  
15 United States.”.