

Why the U.S. Should Extend “Priority 2” Refugee Status to Uyghurs and Hong Kong Citizens

THE ISSUE

Under Xi Jinping, the Chinese Communist Party (CCP) has ramped up efforts to undermine its citizens’ rights. Perhaps no two groups have faced more persecution than the Uyghurs and Hong Kongers. The CCP is currently perpetrating ongoing genocide and crimes against humanity against the Uyghurs, and almost overnight changed the future of Hong Kong’s citizens when it instituted the National Security Law. Congress is currently considering a range of options to extend temporary or permanent safe haven to both groups. When intractable, long-term crises occur, the U.S. has a practical tool at its disposal: the U.S. Refugee Admissions Program. When situations are especially grave, the U.S. can confer the label of “groups of special humanitarian concern” by extending Priority 2 (P-2) refugee status.

WHAT IS PRIORITY 2 STATUS AND HOW DOES IT FIT INTO THE U.S. REFUGEE ADMISSIONS PROGRAM (USRAP)?

P-2 is a specific category of refugee within the USRAP. The U.S. and 146 other countries base their refugee policy on the 1951 United Nations Convention Relating to the Status of Refugees, or on the convention’s 1967 protocol. The convention defines a refugee as a person who,

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political

opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

WHAT ARE THE BENEFITS OF P-2 STATUS?

There are at least three unique benefits of extending P-2 status:

1. **If granted P-2 status, Uyghurs and Hong Kongers would be considered members of “groups of special humanitarian concern.”** As a member of the P-2 category, individuals are still required to prove their individual case of persecution.
2. **P-2 refugees can bypass referrals from the United Nations High Commissioner for Refugees (UNHCR), nongovernmental organizations (NGOs), and embassies.** P-2 recipients can also apply whether they are inside or outside their country of origin.
3. **P-2 refugees receive the same level of vetting as other refugee categories.** While P-2 refugee applicants can skip the initial referral process, they are subject to standard vetting procedures baked into the USRAP. In fact, P-2 refugees follow all the same vetting protocols except for UNHCR/NGO/embassy referrals.

This paper, in its entirety, can be found at <http://report.heritage.org/fs225>

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WHICH BRANCH OF GOVERNMENT GRANTS P-2 STATUS?

Either the executive branch or the legislative branch grants P-2 status. P-2 groups are traditionally designated by the U.S. Department of State. However, as was the case with Iraqi P-2 recipients, their designation was originally created by an [act of Congress](#). The executive branch has the authority to create a P-2 refugee category without consulting Congress, as was the case most recently when the Biden Administration expanded refugee options for [Afghans post-U.S. withdrawal](#).

Barring Administration action, however, Congress can confer this status itself through legislation, as Senator Marco Rubio's (R-FL) [Hong Kong Safe Harbor Act](#) (and its [U.S. House of Representatives equivalent](#)) does. The

Department of Homeland Security retains its ability to evaluate the eligibility of the individual applicants under this status.

DO HONG KONGERS AND UYGHURS ALREADY HAVE SPECIAL STATUS IN THE U.S.?

Hong Kong citizens already have a form of temporary safe haven in the U.S. On August 5, 2021, the Biden Administration extended [Deferred Enforced Departure](#) to Hong Kongers, which means that eligible citizens of Hong Kong can stay (and work) in the U.S. for up to 18 months without fear of removal. Therefore, there are already temporary, short-term options, at least for Hong Kongers.

Neither Uyghurs nor Hong Kongers receive any special, long-term refugee accommodations.