

117TH CONGRESS  
2D SESSION

# H. R. 8922

To halt removal of certain nationals of Vietnam, Cambodia, and Laos, and  
for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2022

Mr. LOWENTHAL (for himself, Ms. LOFGREN, Ms. JAYAPAL, Ms. CHU, Ms. PRESSLEY, Mr. EVANS, Ms. MCCOLLUM, Ms. NORTON, Mr. MCGOVERN, Ms. TLAIB, Ms. MENG, Mr. TORRES of New York, Ms. SCHAKOWSKY, Ms. OCASIO-CORTEZ, Mr. SMITH of Washington, Mrs. NAPOLITANO, Ms. OMAR, Mr. VARGAS, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To halt removal of certain nationals of Vietnam, Cambodia,  
and Laos, 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 “Southeast Asian De-  
5 portation Relief Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1           (1) Millions of Southeast Asian Americans live  
2       in the United States, including 2,182,735 Viet-  
3       namese Americans, 338,637 Cambodian Americans,  
4       254,304 Laotian Americans, and 326,843 Hmong  
5       Americans, according to the 2019 American Com-  
6       munity Survey. Many of these communities arrived  
7       as refugees beginning over 40 years ago from Viet-  
8       nam, Cambodia, and Laos, in the aftermath of the  
9       wars in Southeast Asia (more commonly known as  
10      the “Vietnam War”).

11          (2) The United States intervened in Cambodia,  
12      Laos, and Vietnam between 1954 and 1975, to pre-  
13      vent the spread of communism in Southeast Asia  
14      through direct military interventions and covert and  
15      clandestine operations.

16          (3) South Vietnam allied with the United  
17      States in opposition to the expansion of North Viet-  
18      nam until the Fall of Saigon on April 30, 1975. As  
19      a result of this service, many Vietnamese Americans  
20      to this day still suffer lasting trauma from the war,  
21      including post-traumatic stress disorder and expo-  
22      sure to Agent Orange. The Central Intelligence  
23      Agency (CIA) and various agencies enlisted over  
24      30,000 soldiers from Hmong, Lao, and Laotian eth-  
25      nic groups in Laos as allies to aid United States

1 forces in Southeast Asia, waging a 13-year covert  
2 operation called the “Secret War” against the  
3 Pathet Lao, Viet Cong, and Northern Vietnamese  
4 Army.

5 (4) The United States heavily bombed Laos,  
6 making it the most heavily bombed country in the  
7 world, with over 580,000 bombing missions between  
8 1964 and 1973. Today, an estimated 80,000,000  
9 bombs remain unexploded, with 20,000 people who  
10 have been injured or killed since the bombings  
11 stopped.

12 (5) Between 1969 to 1973, the United States  
13 dropped 540,000 tons of bombs into Cambodia  
14 against Viet Cong forces, destabilizing the country’s  
15 already fragile government. This mass bombing of  
16 Cambodia’s countryside helping to fuel the rise of  
17 the Khmer Rouge, which subsequently carried out  
18 the destruction of Cambodian society and the geno-  
19 cide of an estimated 2,000,000 Cambodians.

20 (6) Over 3,000,000 individuals were displaced  
21 by war, conflict, and genocide from Vietnam, Cam-  
22 bodia, and Laos. Between 1975 to 2008, the United  
23 States Government resettled over 1,200,000 South-  
24 east Asian refugees in this country, as part of the  
25 largest refugee resettlement effort in the history of

1 the United States. Southeast Asian refugees in-  
2 cluded survivors of the war in Vietnam and Laos,  
3 the genocide in Cambodia, Hmong soldiers and their  
4 families who received refugee status in exchange for  
5 their service in the Secret War, and other ethnic mi-  
6 nority groups persecuted in the aftermath of the  
7 war.

8 (7) Many Southeast Asian refugees face signifi-  
9 cant physical and mental health issues, such as post-  
10 traumatic stress disorder and depression, stemming  
11 from their experiences escaping war, genocide, tor-  
12 ture, and mass starvation. Additionally, many  
13 Southeast Asian refugees were resettled in commu-  
14 nities that were heavily disinvested and lacked long-  
15 term resettlement support, causing many Southeast  
16 Asians also suffer from systemic poverty, discrimina-  
17 tion, and linguistic barriers.

18 (8) Immigrant communities face significant  
19 challenges assimilating as a result of the trauma of  
20 war. A 2018 study published by Rashmi Gangamma  
21 and Daran Shipman in the Journal of Marital and  
22 Family Therapy noted that “the traumatic nature of  
23 (immigrant’s) forced displacement flight, and reset-  
24 tlement can increase vulnerability to mental dis-  
25 tress”. First generation immigrants are especially

1 vulnerable to gang violence within communities in  
2 which their parents cannot guide them with cultural  
3 or political familiarity.

4 (9) Key policies during the 1990s including the  
5 period's "War on Drugs", passage of the Violent  
6 Crime Control and Law Enforcement Act, expansion  
7 of the carceral system, and over-policing of low-in-  
8 come communities of color entangled a significant  
9 number of Southeast Asian Americans, especially  
10 Southeast Asian youth, within the criminal justice  
11 system. During this period, Southeast Asian youth  
12 were incarcerated at twice the rate of White youth  
13 for similar offenses.

14 (10) Additional immigration policies during the  
15 1990s reinforced this emerging prison to deportation  
16 pipeline. The Illegal Immigration Reform and Immigrant  
17 Responsibility Act of 1996 (IIRIRA) and the  
18 Antiterrorism and Effective Death Penalty Act  
19 (AEDPA) expanded the category of crimes that  
20 could lead to deportation and limited due process  
21 protections for noncitizens. IIRIRA also applied  
22 these changes retroactively without proper consider-  
23 ation of an individual's lived circumstances.

24 (11) Approximately 15,000 long-term residents  
25 of Southeast Asian descent, many of whom initially

1 arrived as child refugees, live in the United States  
2 with a final order of removal. These individuals  
3 often do not speak the native language of that coun-  
4 try, lack familial connections there, and are at risk  
5 of being targeted for human rights abuses as a re-  
6 sult of historic support for United States anti-com-  
7 munist policies.

8 (12) The United States accepted thousands of  
9 Vietnamese refugees through the Orderly Departure  
10 Program, Humanitarian Resettlement program, and  
11 McCain Amendment through 2009, including sur-  
12 vivors of re-education centers, former employees of  
13 the United States Government and United States  
14 companies or organizations, and immediate family  
15 members.

16 (13) In 2002, the United States and Cambodia  
17 signed a bilateral repatriation agreement, hereafter  
18 known as the 2002 U.S.-Cambodia Repatriation  
19 Agreement. Deportations of Cambodian Americans  
20 to Cambodia increased by 366 percent the following  
21 year. Over 1,000 Cambodian Americans have been  
22 deported to Cambodia since then.

23 (14) In 2008, the United States and Vietnam  
24 signed a bilateral repatriation agreement, hereafter  
25 known as the 2008 U.S.-Vietnam Memorandum of

1 Understanding (MOU). According to section 2, arti-  
2 cle 2 of the 2008 Vietnam-U.S. MOU, “Vietnamese  
3 citizens are not subject to return to Vietnam under  
4 this Agreement if they arrived in the United States  
5 before July 12, 1995, the date on which diplomatic  
6 relations were re-established between the U.S. Gov-  
7 ernment and the Vietnamese Government”. Presi-  
8 dent George W. Bush and President Barack Obama  
9 both recognized the 2008 United States-Vietnam  
10 MOU’s removal protections for pre-1995 refugees.

11 (15) In 2020, President Trump’s administra-  
12 tion entered into a new memorandum of under-  
13 standing with Vietnam, expanding the categories of  
14 immigrants it could deport to include pre-95 Viet-  
15 nameese refugees who were previously protected from  
16 removal by the 2008 MOU.

17 **SEC. 3. LIMITATION ON THE DETENTION AND REMOVAL OF**  
18 **NATIONALS OF VIETNAM, CAMBODIA, AND**  
19 **LAOS.**

20 (a) LIMITATION ON DETENTION AND REMOVAL.—An  
21 alien who is subject to a final order or removal may not  
22 be detained or removed from the United States on or after  
23 the date of enactment of this Act if the alien—

24 (1) is a national of Vietnam, Cambodia, or  
25 Laos;

1           (2) entered the United States on or before Jan-  
2       uary 1, 2008, and has continuously resided in the  
3       United States since such entry; and

4           (3) is subject to a final order of removal.

5       (b) EMPLOYMENT AUTHORIZATION.—The Secretary  
6   of Homeland Security shall authorize an alien described  
7   in subsection (a) to permanently engage in employment  
8   in the United States and provide such alien with an “em-  
9   ployment authorized” endorsement or other appropriate  
10  work permit, which shall be valid for a period of 5 years,  
11  and may be renewed any number of times.

12       (c) LIMITATION ON PERIODIC IDENTIFICATION.—  
13  Upon application to the Secretary of Homeland Security,  
14  an alien described in subsection (a) who is subject to an  
15  order of supervision under section 241(a)(3) of the Immi-  
16  gration and Nationality Act (8 U.S.C. 1231(a)(3)) shall  
17  not be required to appear in-person before an immigration  
18  officer for periodic identification pursuant to such order  
19  of supervision. The Secretary shall, in lieu of such periodic  
20  identification, require such an alien to appear virtually be-  
21  fore an immigration officer not more frequently than once  
22  every 5 years.



1 **SEC. 4. NOTICE FOR CERTAIN NATIONALS OF VIETNAM,**  
2 **CAMBODIA, AND LAOS WITH REMOVAL OR-**  
3 **DERS.**

4 (a) IN GENERAL.—Not later than 60 days after the  
5 date of enactment of this Act, the Secretary of Homeland  
6 Security shall provide notice of the provisions of this Act  
7 to each alien described in section 3(a).

8 (b) CONTENTS OF NOTICE.—The notice described in  
9 subsection (a) shall include information explaining the re-  
10 quirements and instructions for filing a motion to reopen  
11 removal proceedings under section 240(c)(7) of the Immi-  
12 gration and Nationality Act (8 U.S.C. 1229a(c)(7)).

13 **SEC. 5. JUDICIAL REVIEW.**

14 (a) REVIEW.—Notwithstanding any other provision  
15 of law, an individual or entity who has been harmed by  
16 a violation of this Act may file an action in an appropriate  
17 district court of the United States to seek declaratory or  
18 injunctive relief.

19 (b) RULE OF CONSTRUCTION.—Nothing in this Act  
20 may be construed to preclude an action filed pursuant to  
21 subsection (a) from proceeding as a class action (as such  
22 term is defined in section 1711 of title 28, United States  
23 Code).

○