

103^D CONGRESS
1ST SESSION

H. R. 1307

To prohibit the involuntary return to Haiti of Haitian refugees outside the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1993

Mr. GILMAN (for himself and Mr. RANGEL) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Foreign Affairs

A BILL

To prohibit the involuntary return to Haiti of Haitian refugees outside the United States.

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 “Haitian Refugee Pro-
5 tection Act of 1993”.

6 **SEC. 2. PROHIBITION OF INVOLUNTARY RETURN TO HAITI**
7 **OF HAITIAN REFUGEES.**

8 (a) ACTIONS OUTSIDE THE UNITED STATES.—The
9 United States Government shall not return, cause to be
10 returned, or affect the movement in any manner which

1 results in returning, a national or habitual resident of
2 Haiti, who is outside the territorial boundaries of the
3 United States, to the territorial boundaries of Haiti, and
4 no funds may be expended with respect to any such return,
5 unless the United States Government determines in ac-
6 cordance with fair procedures that that individual is not,
7 due to fears about returning to Haiti, a refugee under
8 United States law.

9 (b) ACTIONS WITHIN THE TERRITORIAL WATERS OF
10 HAITI.—The United States Government shall not return,
11 cause to be returned, or affect the movement in any man-
12 ner which results in returning, a national or habitual resi-
13 dent of Haiti, who is within the territorial waters of Haiti,
14 to the land frontier or territorial land of Haiti, and no
15 funds may be expended with respect to any such return,
16 unless the United States Government determines in ac-
17 cordance with fair procedures that if that individual were
18 outside the territory of Haiti such individual would not
19 be, due to fears about returning to Haiti, a refugee under
20 United States law. This subsection shall not constitute au-
21 thority for conducting operations by the United States
22 Government within the territorial waters of another
23 country.

24 (c) LIMITATIONS.—

1 (1) The provisions of this section do not apply
2 to an individual if—

3 (A) such individual ordered, incited, as-
4 sisted, or otherwise participated in the persecu-
5 tion of any person on account of race, religion,
6 nationality, membership in a particular social
7 group or political opinion; and

8 (B) such individual, having been convicted
9 by a final judgment of an aggravated felony (as
10 defined in section 101(a)(43) of the Immigra-
11 tion and Nationality Act) constitutes a danger
12 to the community of the United States.

13 (2) The provisions of this section do not apply
14 to nationals and habitual residents of Haiti at
15 United States diplomatic and consular missions in
16 Haiti.

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