

107TH CONGRESS
2D SESSION

S. 2856

To designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mr. TORRICELLI (for himself and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia 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 “Colombian Temporary
5 Protected Status Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) Colombia has been embroiled in a 38-year
2 civil war, resulting in the death of tens of thousands
3 of civilians and combatants;

4 (2) the two main armed anti-government rebel
5 groups, the Revolutionary Armed Forces of Colom-
6 bia (Fuerzas Armadas Revolucionarias de Colombia,
7 or FARC) and the National Liberation Army
8 (Ejercito de Liberacion Nacional, or ELN), have en-
9 gaged in military activities in 700 of 1,098 munici-
10 palities in Colombia, and in recent years have con-
11 trolled or influenced local governments in as much
12 as 40 percent to 50 percent of Colombian territory;

13 (3) the FARC and ELN not only attack police
14 and military forces but also regularly attack civilian
15 populations, commit massacres and extrajudicial
16 killings, collect war taxes, compel citizens into their
17 ranks, force farmers to grow illicit crops, and regu-
18 late travel, commerce, and other activities;

19 (4) paramilitary groups such as the United
20 Self-Defense Groups of Colombia (Autodefensas
21 Unidas de Colombia or AUC), originally established
22 to protect rural landowners, have grown dramatically
23 in recent years to become a major national military
24 force in Colombia;

1 (5) paramilitary groups are responsible, accord-
2 ing to human rights groups, for the greatest number
3 of extrajudicial killings and forced disappearances in
4 Colombia since 1995;

5 (6) the FARC, ELN, and AUC, all designated
6 by the State Department as foreign terrorist organi-
7 zations, have a combined force of 25,000 combat-
8 ants;

9 (7) the Government of Colombia, particularly
10 during the administration of President Andres
11 Pastrana, has afforded armed rebel groups numer-
12 ous opportunities to negotiate a peace agreement, in-
13 cluding the extraordinary step in November 1998 of
14 creating a safe haven for the FARC by withdrawing
15 its security forces from 5 municipalities covering
16 some 16,000–17,000 square miles;

17 (8) despite having been given the opportunity to
18 seek peace, the FARC instead used the safe haven
19 to enhance its military capability to further its vio-
20 lent campaign against the government and people of
21 Colombia;

22 (9) while President Pastrana and the Colom-
23 bian government negotiated in good faith, the FARC
24 proceeded to kidnap political officials, including
25 presidential candidate former Senator Ingrid Betan-

1 court, as well as execute Members of Congress who
2 were engaged in negotiations with the FARC, such
3 as Senator Martha Catalina Daniels;

4 (10) in February of this year, the FARC's ac-
5 tions forced President Pastrana to withdraw from
6 the peace process and begin the process of retaking
7 the safe zone he had previously ceded to the FARC
8 and other rebel groups;

9 (11) after the election of Alvaro Uribe as Co-
10 lombia's President, the FARC began targeting may-
11 ors with letters declaring that they had 24 hours to
12 leave or would be considered "military targets";

13 (12) although before the recent Presidential
14 election the violence had been mostly contained in
15 rural areas, it has now spread to the urban areas,
16 with cities such as Medellin experiencing an average
17 of 13 killings a day;

18 (13) an average of 2.8 rebel bombs go off every
19 day in Colombia while bomb squads disarm another
20 five;

21 (14) the middle and upper classes have been
22 targeted for kidnaping, with an average of 3,250 Co-
23 lombians being kidnaped each year since 1998;

24 (15) between 1,500,000 and 2,000,000 people
25 have been forced to leave their homes, representing

1 the third largest internal refugee crisis in the world;
2 and

3 (16) between 1,500 and 2,500 Colombians were
4 massacred in contested rural areas in 2001.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that, in view of the recent
7 escalation of the current civil war in Colombia, Colombia
8 qualifies for designation under section 244(b)(1)(A) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1254a(b)(1)(A)), pursuant to which Colombian nationals
11 would be eligible for temporary protected status in the
12 United States.

13 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
14 **PORARY PROTECTED STATUS TO COLOM-**
15 **BIANS.**

16 (a) DESIGNATION.—

17 (1) IN GENERAL.—For purposes of section 244
18 of the Immigration and Nationality Act (8 U.S.C.
19 1254a), Colombia shall be treated as if it had been
20 designated under subsection (b) of such section, sub-
21 ject to the provisions of this section.

22 (2) PERIOD OF DESIGNATION.—The initial pe-
23 riod of such designation shall begin on the date of
24 the enactment of this Act and shall remain in effect
25 for 1 year.

1 (b) ALIENS ELIGIBLE.—In applying section 244 of
2 the Immigration and Nationality Act pursuant to the des-
3 ignation under this Act, subject to section 244(c)(3) of
4 such Act, an alien who is a national of Colombia meets
5 the requirements of section 244(c)(1) of such Act only if—

6 (1) the alien has been continuously physically
7 present in the United States since the date of enact-
8 ment of this Act;

9 (2) the alien is admissible as an immigrant, ex-
10 cept as otherwise provided under section
11 244(c)(2)(A) of such Act, and is not ineligible for
12 temporary protected status under section
13 244(c)(2)(B) of such Act; and

14 (3) the alien registers for temporary protected
15 status in a manner that the Attorney General shall
16 establish.

17 (c) CONSENT TO TRAVEL ABROAD.—The Attorney
18 General shall give the prior consent to travel abroad de-
19 scribed in section 244(f)(3) of the Immigration and Na-
20 tionality Act to an alien who is granted temporary pro-
21 tected status pursuant to the designation under this Act,
22 if the alien establishes to the satisfaction of the Attorney
23 General that emergency and extenuating circumstances
24 beyond the control of the alien require the alien to depart
25 for a brief, temporary trip abroad. An alien returning to

1 the United States in accordance with such an authoriza-
2 tion shall be treated the same as any other returning alien
3 provided temporary protected status under section 244 of
4 such Act.

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