H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. LOWENTHAL introduced the following bill; which was referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Honor Our Commit-
ment Act of 2022”.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) From April to September 1975, the United
States conducted Operation New Arrival to relocate
130,000 Vietnamese refugees to the United States following the end of the Vietnam War. During this time, more than 50,000 Vietnamese refugees were processed through Camp Pendleton for resettlement in southern California.

(2) In the 4 decades since they fled Vietnam as refugees, Vietnamese Americans have woven their stories into the American fabric.

(3) The largest concentrations of Vietnamese Americans can be found in Orange County, California, followed by San Jose (California), Houston (Texas), Seattle (Washington), Northern Virginia, and New Orleans (Louisiana).

(4) According to the American Community Survey, 1.4 million Americans speak Vietnamese at home, the fourth-most-common language other than English.

(5) Immigrants may find it difficult to assimilate into their new communities as a result of the trauma of war. A 2018 study published by Rashmi Gangamma and Daran Shipman in the Journal of Marital and Family Therapy noted that “the traumatic nature of (an immigrant’s) forced displacement flight, and resettlement can increase vulnerability to mental distress.” First generation immi-
grant children are especially vulnerable to gang violence when their parents find it difficult to navigate their new communities culturally and politically.

(6) In 2008, the United States and Vietnam signed a bilateral repatriation agreement, hereinafter known as the 2008 Vietnam-U.S. Memorandum of Understanding (MOU).

(7) According to Section 2, Article 2 of the 2008 Vietnam-U.S. MOU, “Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S. Government and the Vietnamese Government. The U.S. Government and the Vietnamese Government maintain their respective legal positions relative to Vietnamese citizens who departed Vietnam for the United States prior to that date.”.

(8) Under President George Bush and President Barack Obama, the United States recognized the 2008 Vietnam-U.S. MOU’s protections and refrained from deporting pre-1995 Vietnamese refugees.

(9) In November 2020, President Donald Trump’s Administration signed a new agreement
with Vietnam which allows for the deportation of Vietnamese refugees who arrived in the United States prior to July 12, 1995. This includes lawful permanent residents who have committed certain minor crimes and others who came to the United States as children after the Vietnam War.

SEC. 3. LIMITATION ON THE DETENTION AND REMOVAL OF NATIONALS OF VIETNAM.

(a) LIMITATION ON DETENTION AND REMOVAL.—Except as provided in subsection (b), an alien may not be detained or removed from the United States on or after the date of enactment of this Act if the alien—

(1) is a national of Vietnam;

(2) entered the United States on or before July 12, 1995 and has continuously resided in the United States since such entry; and

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

(b) EXCEPTION.—Subsection (a) shall not apply to an alien if—

(1) the Secretary of Homeland Security determines, based on credible facts, that the alien is directly responsible for harming the security of the United States; or

(2) the alien is subject to extradition.
(c) **Employment Authorization.**—The Secretary of Homeland Security shall authorize an alien described in subsection (a) to engage in employment in the United States and provide such alien with an “employment authorized” endorsement or other appropriate work permit.

**SEC. 4. NOTICE FOR CERTAIN VIETNAMESE NATIONALS WITH REMOVAL ORDERS.**

(a) **In General.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide notice of the provisions of this Act to each alien described in section 3(a).

(b) **Contents of Notice.**—The notice described in subsection (a) shall include information explaining the requirements and instructions for filing a motion to reopen removal proceedings under section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(7)).

**SEC. 5. JUDICIAL REVIEW.**

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

(b) **Rule of Construction.**—Nothing in this Act may be construed to preclude an action filed pursuant to subsection (a) from proceeding as a class action (as such
term is defined in section 1711 of title 28, United States Code).