

Congress of the United States

Washington, DC 20515

September 17, 2026

The Honorable Markwayne Mullin
Secretary of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

The Honorable Marco Rubio
Secretary of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretaries Mullin and Rubio:

We are writing to ask that the U.S. government cease the detention of individuals who would be at risk of severe persecution if they were deported to the People's Republic of China (PRC) or to a third country from which they may ultimately be returned to the PRC.

We are making this letter public so it can serve as a resource for immigration lawyers representing PRC nationals at risk of deportation.

Many people who have fled persecution in the PRC come to the United States with an expectation that they can find refuge. They should be given every opportunity to apply for asylum if they have not yet done so and given fair and timely consideration of such application for asylum or other protection. Under no circumstances should at-risk individuals be deported to the PRC.

We have been made aware of several recent cases of individuals from the PRC who have been taken into custody by Immigration and Customs Enforcement (ICE). While anecdotal, the uptick in cases made known to us suggests a trend. One such case is Guan Heng, who fled to the United States after documenting detention and internment facilities associated with the mass arbitrary detention of Uyghurs in the Xinjiang Uyghur Autonomous Region.¹ Another is Wu Shaoping, who was forced to flee the PRC after attending a gathering of lawyers and human rights activists in 2019 that the PRC government targeted for persecution.²

Both Mr. Guan and Mr. Wu were released from ICE detention following intervention by Members of Congress and media attention to their cases. There are other detained PRC nationals whose cases have not been made public who have received advocacy from Members of Congress. The media has reported that several Uyghurs, members of an ethnic group that the U.S. government has determined face genocide inside the PRC, remain in ICE detention at risk of deportation.³

¹ <https://www.nbcnews.com/news/us-news/chinese-national-exposed-rights-abuses-freed-us-detention-granted-asyl-rcna257597>

² https://www.nytimes.com/2026/07/16/us/chinese-lawyer-wu-shaoping-ice-detention.html?eafs_enabled=false

³ *ibid*

We have no doubt that individuals such as Mr. Guan and Mr. Wu, others who have defended and promoted human rights in the PRC, and members of groups with a record of being targeted for repression by PRC authorities, including Tibetans, Uyghurs, members of unregistered Christian churches, Falun Gong, and Hong Kongers, would be subject to severe persecution if sent back to the PRC.

Our confidence comes from our service as commissioners of the Congressional-Executive Commission on China (CECC), which monitors human rights violations in the PRC. The CECC's reporting⁴ documents systemic abuses against those the Chinese Communist Party considers oppositional.

Deporting an individual to a country where their life or freedom would be threatened ("refoulement") would be illegal under U.S.⁵ and international law.⁶ Moreover, deportation would be a betrayal of an American promise to those subject to the repression of the Chinese Communist Party, as enunciated by then-Senator Marco Rubio when he advocated for the United States to "be a place of refuge for persecuted peoples like Hong Kongers and Uyghurs"⁷ when he introduced Hong Kong Safe Harbor Act⁸ and the Uyghur Human Rights Protection Act.⁹

Legal, policy and humanitarian justifications against refoulement of individuals apply to every country, and this letter is not intended to imply that PRC nationals are any more worthy of protection than individuals fearing persecution in other places. We write this letter because, through our policy background and service on the CECC, we can offer an informed perspective on the dangers that at-risk individuals would face if deported from the United States to the PRC.

We recognize that the cases that have come to our attention, through public reporting or communications to our offices, are just that. There are likely many more detainees at ICE facilities, perhaps lacking representation, who fear deportation to a country run by a government that seeks to do them harm. There are perhaps others who have already been sent back to the PRC who are now experiencing persecution, torture or worse. Thus, we see value in making this letter and its message public.

⁴ <https://www.cecc.gov/publications/annual-reports>

⁵ Immigration and Nationality Act, Section 241(B)(3); 8 CFR § 208.16 through §208.18

⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

⁷ https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/2021.10.22%20Rubio%20CECC%20Hearing%20Statement%20for%20the%20Record_0.pdf

⁸ <https://www.merkley.senate.gov/rubio-menendez-young-cardin-merkley-introduce-the-hong-kong-safe-harbor-act-2020/>

⁹ <https://www.coons.senate.gov/news/press-releases/sens-coons-and-rubio-seek-to-prioritize-uyghurs-for-refugee-processing/>

Again, we ask that the U.S. government halt the practice of detaining at-risk individuals, release those currently in detention, prohibit them from being deported to the PRC, and give fair and timely consideration of their applications for asylum.

Sincerely,



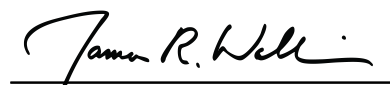
James P. McGovern
Member of Congress



Jeffrey A. Merkley
United States Senator



Tammy Duckworth
United States Senator



James R. Walkinshaw
Member of Congress