

MEMORANDUM OF DISAPPROVAL

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

MEMORANDUM OF DISAPPROVAL OF H.R. 2712, THE "EMERGENCY  
CHINESE IMMIGRATION RELIEF ACT OF 1989"



JANUARY 23, 1990.—Message and accompanying bill were ordered to be printed

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## MEMORANDUM OF DISAPPROVAL

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In light of the actions I have taken in June and again today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." These actions make H.R. 2712 wholly unnecessary.

I share the objectives of the overwhelming majority in the Congress who passed this legislation. Within hours of the events of Tiananmen Square in June, I ordered the Attorney General to ensure that no nationals from the People's Republic of China be deported against their will, and no such nationals have been deported. Since June, my Administration has taken numerous additional and substantive actions to further guarantee this objective.

Today I am extending and broadening these measures to provide the same protections as H.R. 2712. I am directing the Attorney General and the Secretary of State to provide additional protections to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China. These protections will include: (1) irrevocable waiver of the 2-year home country residence requirement which may be exercised until January 1, 1994; (2) assurance of continued lawful immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired.

In addition, I have directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection as would H.R. 2712 as presented to me on November 21, 1989. Indeed, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the statute would have required. My action today provides complete assurance that the United States will provide to Chinese nationals here the protection they deserve.

It has always been my view, and it is my policy as President, that the United States shall not return any person to a country where he or she faces persecution.

I have under current law sufficient authority to provide the necessary relief for Chinese students and others who fear returning to China in the near future. I will continue to exercise vigorously this

authority. Waivers granted under this authority will not be revoked.

Maintaining flexibility in administering our productive student and scholar exchange program with China is important. As many as 80,000 Chinese have studied and conducted research in the United States since these exchanges began. I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs.

My actions today accomplish the laudable objectives of the Congress in passing H.R. 2712 while preserving my ability to manage foreign relations. I would note that, with respect to individuals expressing a fear of persecution related to their country's coercive family policies, my actions today provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals. Despite my strong support for the basic principles of international family planning, the United States cannot condone any policy involving forced abortion or coercive sterilization.

I deplore the violence and repression employed in the Tiananmen events. I believe that China, as its leaders state, will return to the policy of reform pursued before June 3. I further believe that the Chinese visitors would wish to return to China in those circumstances, in which case I would hope that the knowledge and experience gained by the Chinese visitors temporarily in our country be applied to help promote China's reforms and modernization.

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *The Pocket Veto Case*, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

GEORGE BUSH.

THE WHITE HOUSE, *November 30, 1989.*