

BRIEFING ROOM

Memorandum on the Deferred Enforced Departure for Certain Hong Kong Residents

AUGUST 05, 2021 • STATEMENTS AND RELEASES

MEMORANDUM FOR THE SECRETARY OF STATE THE SECRETARY OF HOMELAND SECURITY

SUBJECT: Deferred Enforced Departure for Certain Hong Kong Residents

The United States supports the human rights and fundamental freedoms of the residents of Hong Kong. Recognizing the significant erosion of those rights and freedoms in Hong Kong by the People's Republic of China (PRC), I am directing the deferral of removal of certain Hong Kong residents who are present in the United States.

By unilaterally imposing on Hong Kong the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL), the PRC has undermined the enjoyment of rights and freedoms in Hong Kong, including those protected under the Basic Law and the Sino-British Joint Declaration. Since the imposition of the NSL in June 2020, Hong Kong police have continued a campaign of politically motivated arrests, taking into custody at least 100 opposition politicians, activists, and protesters on NSL-related charges including secession, subversion, terrorist activities, and collusion with a foreign country or external elements. Over 10,000 individuals have been arrested for other charges in connection with anti-government protests. Over the last year, the PRC has continued its assault on Hong Kong's autonomy, undermining its remaining democratic processes and institutions, imposing limits on academic freedom, and cracking down on freedom of the press.

There are compelling foreign policy reasons to defer enforced departure for Hong Kong residents presently in the United States. The United States is committed to a foreign policy that unites our democratic values with our foreign policy goals, which is centered on the defense of democracy and the promotion of human rights around the world. Offering safe haven for Hong Kong residents who have been deprived of their guaranteed freedoms in Hong Kong furthers United States interests in the region. The United States will not waver in our

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support of people in Hong Kong.

Pursuant to my constitutional authority to conduct the foreign relations of the United States, I have determined that it is in the foreign policy interest of the United States to defer for 18 months the removal of any Hong Kong resident subject to the conditions and exceptions provided below.

Accordingly, I hereby direct the Secretary of Homeland Security to take appropriate measures to defer for 18 months the removal of any Hong Kong resident who is present in the United States on the date of this memorandum, except for those:

- (1) who have voluntarily returned to Hong Kong or the PRC after the date of this memorandum;
- (2) who have not continuously resided in the United States since the date of this memorandum;
- (3) who are inadmissible under section 212(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(3)) or deportable under section 237(a)(4) of the INA (8 U.S.C. 1227(a)(4));
- (4) who have been convicted of any felony or two or more misdemeanors committed in the United States, or who meet any of the criteria set forth in section 208(b)(2)(A) of the INA (8 U.S.C. 1158(b)(2)(A));
- (5) who are subject to extradition;
- (6) whose presence in the United States the Secretary of Homeland Security has determined is not in the interest of the United States or presents a danger to public safety; or
- (7) whose presence in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.

I further direct the Secretary of Homeland Security to take appropriate measures to authorize employment for noncitizens whose removal has been deferred, as provided by this memorandum, for the duration of such deferral, and to consider suspending regulatory requirements with respect to F-1 nonimmigrant students who are Hong Kong residents as the Secretary of Homeland Security determines to be appropriate.

The Secretary of Homeland Security is authorized and directed to publish this memorandum in the *Federal Register*.

JOSEPH R. BIDEN JR.