



TRAVEL ADVISORY

UPDATED SAFETY ALERT FOR HONGKONGERS UNDER DEFERRED ENFORCED DEPARTURE

September 19, 2026

Our [August 1, 2026, travel advisory](#) warned Hongkongers under DED against nonessential air travel, including domestic flights, after ICE began detaining DED holders at airports. We are updating it because the detentions continue, DED ends in under five months, and many Hongkongers are still traveling.

Some Hongkongers are under the mistaken impression that the people arrested must have broken DED rules. They have not. In cases we have litigated for detained Hongkongers, the official position DHS has taken in its court filings is that even fully compliant DED holders should be detained until DED expires on February 5, 2027, then deported. **Following DED rules does not protect you from detention.**

Travel

1. **Do not fly within the US unless it is critical.** If ICE has the resources at your airport, they will detain you. This includes holiday trips.
2. **Ground travel is safer, but not risk-free.** Border Patrol checks highways, buses, and trains, especially near the borders. Avoid these routes where you can.
3. **If you are leaving the US permanently, fly directly out of the US.** Do not connect through another US airport. In the cases we have seen, international departures face far less enforcement, though some risk remains.
4. **If you have proceedings in immigration court, talk to a lawyer before departing the US.** If you miss your court date, you will be ordered removed, which can bar your return for years.
5. **If you go abroad, do not count on returning.** This is true even if you have been granted DED advance parole documents.

When DED Ends

DED likely to end February 5, 2027. Based on our conversations with the White House, State Department, and DHS over the past year, the chance of another DED extension is very low, and a grace period after February 5 is unlikely. Plan now to change to another status or protection, leave the US, or otherwise ensure you understand the risks in staying without status.

Unlawful presence starts February 6, 2027. If you stay without another status, protection, or pending application, you will begin to build up “unlawful presence.” This may change little day to day, since you are already treated as subject to arrest, but it matters if you later leave: after more than 180 days (from early August 2027), you can be barred from returning for 3 years, and after one year, for 10 years. Leaving before February 6 avoids

both bars. Unlawful presence generally does not build up while an asylum application (if you do not work without permission) or green card application (Form I-485) is pending, or while you are under 18, but people with pending applications can still be detained.

Work permits end February 5, 2027. After that date, you cannot legally work based on DED, and your employer will need new proof that you can work.

Asylum has a one-year deadline. Asylum normally must be requested within one year of arrival. Most of you would need an exception, and the time allowed after DED ends is short and uncertain. If asylum may be an option, talk to a lawyer now and file before February 5.

Proposed legislation. We have worked with a US Senator's office for over a year on a bill to let DED Hongkongers and their families apply for green cards, which will be introduced soon. It is unlikely to pass, but we consider it the most viable option on the table. After it is introduced, we will ask you to urge your members of Congress to support it.

If You Are Detained

You will not be released quickly. We continue to brief the State Department and sympathetic White House officials on Hongkonger detentions, but they have not been able to get DHS to release people immediately. Your lawyer will need to go to court for bond or a federal court ruling that your detention is illegal. This typically takes two to four weeks, sometimes much longer, and you stay detained the whole time. Depending on the court, release is not guaranteed.

Do not sign anything. Officers will press you hard to sign a "voluntary departure" form. It lets ICE put you on a plane to Hong Kong within days, without going to court. Politely and clearly say: "I do not agree to leave the United States. I fear returning to Hong Kong. I want to speak to my lawyer." Then stop talking.

Prepare Now

1. **Get legal advice now.** If you have an immigration lawyer you trust, contact them. If not, we are available. Whether you use us or another lawyer does not matter. What matters is understanding your options and risks well before February 5.
2. **Put your documents on file with a lawyer.** Include your passport, work permit, proof of continuous US residence since January 15, 2025, pending USCIS applications, and A-number. Sign paperwork letting a trusted person act for you.
3. **Memorize two phone numbers.** One for your lawyer, and one for a trusted friend or relative in the US with lawful status. You will not have your phone in detention.
4. **Before any trip, give that person your travel plans and a check-in time.** If you miss it, they should call your lawyer immediately, since ICE moves detainees quickly.

Please stay safe and share this notice with people who need it.

This message is provided for general informational purposes. It is not legal advice, and receiving it does not create an attorney-client relationship. Immigration outcomes depend on individual facts. Please consult a qualified immigration attorney about your specific circumstances. For any questions, [contact us](#).