

1 TODD BLANCHE
Deputy Attorney General
2 BILAL A. ESSAYLI
First Assistant United States Attorney
3 DAVID M. HARRIS
Assistant United States Attorney
4 Chief, Civil Division
DANIEL A. BECK
5 Assistant United States Attorney (Cal. Bar No. 204496)
Chief, Complex and Defensive Litigation Section
6 Assistant United States Attorney
Federal Building, Suite 7516
7 300 North Los Angeles Street
Los Angeles, California 90012
8 Telephone: (213) 894-2574
E-mail: Daniel.Beck@usdoj.gov
9

10 Attorneys for Federal Respondents

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 LONG TON,
15 Petitioner,
16 v.
17 KRISTI NOEM, et al.,
18 Respondents.
19

No. 2:25-cv-02894-AGR

**RESPONSE TO ORDER FOR
SUPPLEMENTAL BRIEFS**

**Hon. Alicia G. Rosenberg
United States Magistrate Judge**

RESPONSE TO ORDER FOR SUPPLEMENTAL BRIEFING

On November 19, 2025, the Court issued a minute order [[Dkt. no. 17](#)] for supplemental briefing and declarations from the parties on the issue of whether there is a legal or other impediment to Petitioner's removal under the law of China as applicable to Hong Kong, i.e. whether the law of China becoming applicable to Hong Kong starting in 1997 has changed the likelihood that Petitioner, born to Vietnamese parents in a refugee camp in Hong Kong in 1979 and who left to the United States in 1980, may now be removed to China.

In response to the Court's order, undersigned counsel requested that the respondent agency, ICE, obtain the requested legal opinions and information regarding whether Chinese citizenship or residency law would apply to Petitioner due to his birth in Hong Kong, but after investigation the agency has been unable to obtain such a declaration to submit at this juncture, apparently reflecting its lack of resources in this somewhat unusual area of law.

Respondents note that Petitioner's counsel has filed supplemental briefing [[Dkt. no. 18](#)]. Much of that briefing does not address the specific question that supplemental briefing was requested upon. Instead, Petitioner re-argues at length the merits of his case from various angles, which appears beyond the scope of the briefing requested.

The letter from Jisen Zhang [[Dkt. 18-1, p. 11](#)], however, does address the subject. It was evidently solicited online by Petitioner's counsel. Although not a declaration, it provides an explanation as to why the writer would have a basis for knowing the subject area. In essence, Attorney Zhang opines that the Petitioner's right to return to China would hinge upon whether Hong Kong law had granted him that right under Hong Kong immigration laws, rather than on whether Chinese law separately would apply. *Id.*

The other materials submitted by Petitioner do not appear to bear on the issue.

Hong Kong legal resources are unfortunately rather opaque on this issue. The current law is explained on the following official website:

<https://www.immd.gov.hk/eng/faq/faqroa.html>

1 The website is unclear as to who has the right to abide in Hong Kong, as reflected
2 in its first question, Q 1. In response to the following question Q 8: “I was born in Hong
3 Kong and emigrated overseas in the 1980s. I am now holding a foreign passport. Am I
4 still a Chinese citizen? Can I enjoy the right of abode in the HKSAR?”, the website
5 explains:

6 If you were a Chinese citizen born in Hong Kong before the establishment of
7 the HKSAR, you will still be regarded as a Chinese citizen unless you have
8 made a declaration of change of nationality to the HKSAR Immigration
9 Department. You are eligible for Hong Kong permanent resident status
10 under Paragraph 2(a) of Schedule 1 to the Immigration Ordinance, Cap 115.
11 You will not lose your Hong Kong permanent resident status even if you
12 have been absent from Hong Kong for long periods.

13 In general, the website appears to confirm that once Chinese citizenship via birth in
14 Hong Kong is conferred, the subsequent Chinese takeover of Hong Kong law did
15 not alter the right to return.

16 In that regard, it appears the issue remains whether by virtue of being born in
17 Hong Kong to Vietnamese refugees, Petitioner acquired Chinese citizenship.

18
19 Dated: December 3, 2025

Respectfully submitted,

20 TODD BLANCHE
Deputy Attorney General
21 BILAL A. ESSAYLI
First Assistant United States Attorney
22 DAVID M. HARRIS
Assistant United States Attorney
23 Chief, Civil Division
DANIEL A. BECK
24 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

25 /s/ Daniel A. Beck

26 DANIEL A. BECK
Assistant United States Attorney

27 Attorneys for Federal Respondents
28