



Immigration and Refugee Measures for the
People of Hong Kong

Policy Brief

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Introduction

The Government of Canada released a series of immigration measures to support Hong Kong residents and Canadians in Hong Kong, but the measures are largely limited to students, recent graduates, and immediate family members of Canadian citizens or permanent residents. The Hong Kong government has implemented various suppressive policies under the guise of COVID-19, including authoritarian lockdowns and compulsory biometric collection through COVID-19 tests, eliminating dual citizenship, and derecognizing British National (Overseas) passports to further suppress Hong Kongers' freedom of movement.

With Hong Kong's political opposition decimated and the network of activists severely compromised, we anticipate the Chinese and Hong Kong governments will shift their attention towards every citizen who has participated in protests, voted in the democratic primaries, or posted on social media. In the coming weeks and months, the situation will worsen for all who reside in Hong Kong, regardless of their citizenship status.

Hong Kong cannot wait any longer. The time to act is now.

Hong Kong's National Security Law

The passage of Hong Kong's new national security legislation (NSL) marked the start of draconian political suppression and persecution. NSL's widespread application is used to persecute dissidents, while dismantling grassroots networks through social, political, civil, legal, and judicial controls.

Under the guise of protecting national security, authorities have repeatedly boasted about how the NSL will be used as a tool to eradicate political opposition. The NSL has vested enormous power into the newly-established national security bureau, with little oversight over its investigative, enforcement, and judicial power. The NSL directly dismantles Hong Kong's autonomy, electoral freedoms, and judiciary by creating means to persecute and suppress basic freedoms that were once guaranteed by the Hong Kong Basic Law.

The NSL has also manifested itself indirectly through government policies at various sectors: loyalty oaths at the civil service and district councils, banning TV shows and textbooks, blocking

websites, firing teachers, freezing bank accounts, and mandatory biometrics for professional registration.

An Unconventional Humanitarian Crisis

This is not a conventional humanitarian crisis, so conventional solutions are not effective for those who most need our help. Activists have had their passports taken away or have been banned from exiting Hong Kong. Others are being monitored, followed, and are frightened for their lives, and many more are arrested before they can leave. This is a time sensitive crisis, which not one minute shall be wasted.

The national security bureau has been systemically carrying out surveillance and clandestine operations. Some have observed and recorded plain clothes officers who are stationed at the airport, loitering inside the terminal and around boarding gates. Authorities are even looking at legislation to impose exit bans and further suppress freedom of movement.

Canadian policy advisors had previously recommended that Hong Kongers seeking refuge in Canada apply through programs like express entry or student visas. These programs primarily cater to the well-educated, financially-established upper-middle class. Our team analyzed and assessed profiles of well-known activists under the express-entry program, and none would qualify for an Invitation to Apply (ITA) under recent Express Entry draws based on their socio-economic status, age, or professional history (see Appendix). And in regards to student visas, individuals will first need to be accepted into a post-secondary education institution, as well as pay an exorbitant amount of tuition fees, rendering this option inaccessible for many who are fleeing persecution

Most programs also demand applicants to submit police checks and biometric data. Since the start of the democratic movement in June 2019, the Hong Kong Police Force has arbitrarily and indiscriminately arrested legislators, activists, protestors, and innocent passersby. It is dangerous to request a police check when such a request can alert the authorities of your intention to flee the city and invite additional surveillance and persecution.

Recommendations

Hong Kong is facing an uncertain and dreadful future, and many Hong Kongers are seeking to resettle in Canada. ACHK has five recommendations for the Government of Canada. These are not standalone recommendations, but mean to work together to create a comprehensive strategy that addresses the diverse needs and provides maximum accessibility for Hong Kongers to resettle in Canada. All of these recommendations should be inclusive of individuals from Hong Kong who may not hold a BNO HKSAR passport.

Recommendation #1: Launch a dedicated asylum pathway for Hong Kongers fleeing persecution, including the ability to apply for travel documents directly from overseas with the ability to waive COVID-19 border restrictions

Under Canada's COVID-19 border restrictions, most Hong Kongers are unable to reach Canada to claim asylum through a travel or study visa. Many who are at risk of persecution have received an exit ban or have had their travel documents confiscated. Canada should provide a dedicated asylum pathway that enables Hong Kongers to apply as a refugee, thus allowing them to obtain travel documents from embassies and consulates (within Hong Kong and in other countries like Taiwan and the UK). Previous programs including the [Source Country Class](#) and [Rainbow Railroad](#) provide templates for protecting persons in refugee-like situations. While US embassies do not provide protection, US embassies can provide temporary refugee, a referral to the US Refugee Admissions Program, or request parole to US Homeland Security. ACHK urges the Canadian government to exempt COVID-related border restrictions for all asylum seekers, while respecting the new measures for mandatory quarantine and COVID testing.

Recommendation #2: Modify private sponsorship and family reunification measures to enable activists and Canadians' extended family members to resettle in Canada

Modify the private sponsorship program and family reunification to reflect Hong Kong's deteriorating situation and humanitarian needs. Waive border restrictions to allow travel to Canada with adherence to mandatory quarantine and testing procedures.

Private & Blended Sponsorship

There have been various grassroots community organizations informally caring for asylum seekers from Hong Kong. Amendments to the existing program may enable formal and further collaboration in resettling Hong Kongers with the support of the active diaspora community in Canada.

Family Reunification Measures

ACHK urges the Canadian government to expand the criteria for family reunification to include extended family members like grandparents, uncles/aunts, cousins, grandchildren, etc. With the new citizenship regulations and a potential exit ban, the Canadian government must consider revoking border restrictions to enable extended family members of Canadians to resettle in Canada as soon as possible.

Recommendation #3: Modernize and expedite the Canadian immigration and asylum system to address the backlog of new and pending claims

In our previous submission to CIMM (to the studies of COVID-19's impact on the immigration and asylum systems), we urged the Canadian government to address the backlog of cases. We must modernize and expedite the IRCC asylum process by investing in the existing system. Applicants from Hong Kong and China should be reviewed under the "[less complex claims](#)" stream in order to expedite asylum application processes for Hong Kongers, Tibetans, Uyghurs, and other communities that are threatened by the Chinese Communist Party.

We urge the Canadian government to address the backlog in the IRCC referral process, and to expand the number of full-time equivalent staff (FTEs) at the Immigration and Refugee Board (IRB) and IRCC to prevent future backlogs. The IRB and IRCC should maintain a complement of staff even during low periods, enabling them to respond in a timelier fashion to rising claims or emerging humanitarian situations. Staff may be reallocated to refugee resettlement program administration during periods when the backlog is low. We urge the government to consolidate access to work permits and social security under the Refugee Protection Claimant Document.

Recommendation #4: Create a clear and strategic communication plan to combat misinformation and promote the existing pathways

In this time of crisis, we have observed widespread misinformation about Canadian immigration pathways. We urge the Government of Canada and IRCC to create a strategic community-focused communications strategy to promote its immigration pathways for Hong Kongers. Multilingual websites, information, and application portals would drastically increase accessibility for Hong Kongers.

Recommendation #5: Release a plan to support Canadians and their families in Hong Kong, restore Canadian statuses, and expedite PR applications for extended family members

Though we are unsure of the impact of Hong Kong's newest citizenship policies and the potential exit ban legislation, Canada must take proactive measures to support Canadians in Hong Kong. We urge the Canadian government to restore status to Canadians who were either forced to renounce their citizenship or failed to renew their documentation. The government should additionally ensure that extended family members of Canadian citizens are able to travel to Canada and apply for permanent residency through an expedited process.

Appendix

Express Entry CRS Criterias

The latest Express Entry draw took place on January 21, 2021, which was the 174th Express Entry Draw. The draw offered 4,626 ITA to those with a cut-off score of **454**.

Below are several profiles based on well-known groups of Hong Kong pro-democracy activists and their Express Entry Comprehensive Ranking System Scores.

<p>The Highschooler</p> <p>Age: 14-17 Education level: Less than secondary school (high school) English/French level: Good/Conversational English, no French proficiency Relevant info:</p> <ul style="list-style-type: none">• No family living in Canada• No arranged employment, no Canadian work experience, no foreign work experience <p>Score: 94</p> <p><i>Other notes: ineligible, not yet an adult and at least one year skilled work experience required. Alternative pathways: international education + work experience (\$120K plus, not including cost of living)</i></p>	<p>The University Activist</p> <p>Age: 18- 24 Education level: Secondary school diploma (not completed post-secondary) English/French level: Good/ Conversational English, no French proficiency Relevant info:</p> <ul style="list-style-type: none">• No family living in Canada• No arranged employment <p>Score: 299 ~ 323</p>
<p>The Young Working Professional</p> <p>Age: 25 - 35 Education degree: Post-Secondary Degree English/French level: Intermediate English proficiency, no French proficiency Relevant info:</p> <ul style="list-style-type: none">• No family living in Canada• No arranged employment, no Canadian work experience <p>Score: 342 ~ 392</p>	<p>The Postgraduate Advocate</p> <p>Age: 24 - 30 Education degree: Doctoral degree English/French level: Intermediate English proficiency, no French proficiency Relevant info:</p> <ul style="list-style-type: none">• No family living in Canada• No arranged employment <p>Score: 375 ~ 390</p>

<p>The Silver-Haired Activist</p> <p>Age: 55 - 80</p> <p>Education degree: Less than secondary school (high school)</p> <p>English/French level: Less than conversational English, no French proficiency</p> <p>Relevant info:</p> <ul style="list-style-type: none"> • No family living in Canada • No arranged employment, no Canadian work experience, no foreign work experience <p>Score: 68</p>	<p>The Pro-Democracy (Yellow) Business Owner</p> <p>Age: 30 - 50</p> <p>Education degree: Secondary school diploma</p> <p>English/French level: Less than conversational English, no French proficiency</p> <p>Relevant info:</p> <ul style="list-style-type: none"> • No family living in Canada • No arranged employment <p>Score: 228 ~ 333</p>
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References

- [Comprehensive Ranking System \(CRS\) Criteria - Express Entry](#)
- [Calculator](#)