

Hong Kong Exit Bans - Gaps and Barriers for Activists to Leave

This brief was written with the consultation of Information gathering teams in Hong Kong and Canadian Hong Konger teams currently assisting fleeing activists

Introduction

A new law will come into effect on August 1st, 2021 in Hong Kong that enables the national security bureau and authorities to bar any individuals from leaving the city. This presents a security and safety risk not only for Hong Kongers, but Canadians in Hong Kong as well. Hong Kongers fleeing persecution are unable to do so. Other than COVID-19 travel restrictions or having travel documents confiscated, here are other gaps and barriers that Hong Kong activists face.

Overall Immigration Application Barriers

- **Stalled in the IRCC processes:** Even a fast-tracked OWP process takes upwards of 2-3 months, which is too late for many. This has also delayed healthcare access for those who have landed in Canada and yet to qualify for provincial coverage.
- **HKPF Police checks requirement:** Activists are afraid to ask HKPF for a certificate or arrest record, which indicates their interest to leave the city and endangers their safety. Activist groups are pleading for workarounds.
- **Biometrics test requirement:** There are concerns over safety and security of their DNA & personal information that would indicate activists' desire to leave the city. In less covert cases, Biometrics are stalled (sometimes on purpose by actors) due to lab scheduling.
- **Misinformation and misrepresentation in the public discourse:** Speculation about the qualifications of the immigration programs, dual citizenship, Canadian's rights around consular access & support are being spread, for example: misinformation about not needing to list arrests or charges relating to the protests.

Gaps in the BNO Scheme and Hong Kongers Who Will Become Stateless

- There are many activists who do not qualify for BNO
 - For dependents and those who were born after 97 who will need their parents to apply on behalf of them:
 - Parents may be against the movement and unsupportive
 - Parents may be unable to emigrate
 - Parents may be unwilling to fill out their paperwork
 - They might not be able to let parents know they need to leave
 - New residents or PRC citizens who left Hong Kong do not qualify
- Many Hong Kongers have fled to Taiwan because they have no other options, but Taiwan doesn't have an asylum system and no clear path to citizenship. Many there will become stateless.

Gaps in the Open Work Permit Program

- Many activists and Hong Kong families do not fit the criteria. [Please see appendix of ACHK's submission to CIMM with prominent activist profiles.](#)
- Not all Hong Kongers have a post-secondary education degree, some have not graduated, and many graduated years before and are therefore ineligible
- *We recommend the expansion or revision of the 5 year graduation qualification to broaden the reach of the program.*

Gaps in Refugee Private Sponsorships and Family Reunification / PR Status

- There are huge delays in Private Sponsorships, which will not get Hong Kongers who urgently need to leave out of the city. Those who needed to flee previously or need to leave because of the August Exit ban will be unable to apply for private sponsorship due to not being in their country of origin.
- There are no sufficient long-term visas for Canadian's family members, and being sent back to Hong Kong poses significant risks
- The PR sponsorship process is lengthy, *we recommend that applicants be able to enter Canada & apply/wait out the process in Canada*
- *We also recommend to include extended family in family-related immigration measures*

Dual Citizenship Concerns

- There's a need to monitor how the HK government will enforce the renouncement of dual citizenships as citizens enter the HKSAR passport renewal process.
- There needs to be more awareness and education about the process and consequences of renouncing Canadian citizenship

Additional Notes

- There is some anecdotal evidence that the IRCC has a policy of never granting exemptions to requirements of obtaining exemptions to the requirement for a Police No Criminal Conviction Certificate.

Here is [ACHK's policy brief](#) with details about the exit ban and our recommendations for reference.