

January 27, 2021

Subject: Community response to the Minister's announcement on November 12, 2020, to introduce a new program commonly referred to as the **Life Boat Scheme, that exclusively benefits the Hong Kong residents**

PART 1 - Coming to Canada - Open Work Permit

A. Youth

*Concern 1: Both a) **youths** and b) **recent graduates** can apply for an initial Open Work Permit that lasts for up to 3 years.*

Analysis 1: Until the subject program is rolled out in early 2021, currently the Hong Kong youths may obtain a self-directed 1-year open work permit under the International Experience Canada (IEC), as long as they are within 18 and 30 of age. (Page 5 of the Exhibit)

In terms of employment, they could seek pre-arrival arrangement through one of the Recognized Organizations (RO) as designated by the IRCC. Interestingly, the great majority of those RO's support youths between 18 and 35 year old, under the same IEC program. (Page 8-11 of the Exhibit)

RECOMMENDATION 1: Since the Life Boat initiative is not meant to replace the IEC-Working Holiday, it could have its age limit of 35 as well, to go along with other IEC work permit incentives. In so doing, it may accommodate more applicants from Hong Kong to better serve the program's real intent.

Concern 2: For the youths, other than being younger, there is no mention of education level achieved and work experience.

Analysis 2: Some youths may not have completed post-secondary education. Some may only have non-skilled work experience, classified as type D under the National Occupational Classification (NOC).

RECOMMENDATION 2: Other than the age range, do not set up additional barriers such as minimum education level and work experience achieved. It is consistent with the IEC-Working Holiday's eligibility acquirement; wherein age is the key eligibility requirement.

B. Recent graduates

Concern 3: There is no mention of the AGE limit on who may be issued an Open Work Permit for recent graduates.

Analysis 3: Some completed a Bachelor's degree, worked for a few years, then went back to school for an academic upgrade such as a Master's degree. Recent graduates of this type may be over 40 years of age.

RECOMMENDATION 3: There should be no age limit as to recent graduates, as long as they completed the post-secondary education within the past 5 years.

C. Those who are left out from the above perimeters

Concern 4: Some older people failed to meet the eligibility requirements under both channels to be issued an Open Work Permit to travel to Canada under the Life Boat Scheme.

Analysis 4: Many middle-class residents are ready and willing to start a new life in Canada for multiple reasons, including better future for their children. They do not mind going back to school in Canada to improve the CRS point under Express Entry by gaining Canadian education and work experience.

However, many times the visa officers in Hong Kong would arbitrarily refuse a Study Permit application citing Section 216 of the Regulations, which reads:

Study permits

216 (1) Subject to subsections (2) and (3), an officer shall issue a study permit to a foreign national if, following an examination, it is established that the foreign national

- (a) applied for it in accordance with this Part;
- (b) will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9;
- (c) meets the requirements of this Part;
- (d) meets the requirements of subsections 30(2) and (3), if they must submit to a medical examination under paragraph 16(2)(b) of the Act; and
- (e) has been accepted to undertake a program of study at a designated learning institution.

Meanwhile, Section 22 of the Act says:

PART 1, DIVISION 3 - Entering and Remaining in Canada

Temporary resident

22 (1) A foreign national becomes a temporary resident if an officer is satisfied that the foreign national has applied for that status, has met the obligations set out in paragraph 20(1)(b), is not inadmissible and is not the subject of a declaration made under subsection 22.1(1).

Dual intent

(2) An intention by a foreign national to become a permanent resident **does not preclude them from becoming a temporary resident** if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay.

A22(2) is meant to balance R216(1)(b) by offering benefits of the doubt to a Study Permit applicant. Unfortunately, too often the Hong Kong visa officers rather play the role of a gate-keeper and refuse an application by an older applicant, notably over 40 years of age.

RECOMMENDATION 4: The Hong Kong visa officer should be more accommodating dealing with Study Permit applications by middle-age middle-class applications from Hong Kong.

This can easily be accomplished by an internal direction from Ottawa to the Program Manager at the Canadian Consulate General in Hong Kong, instead of making it a Public Policy.

After all, people fall under this group are all entitled to the U.K. program for citizenship for being a BNO passport holder; therefore, they have no incentive to overstay in Canada should the immigration prospect is unfavourable to them.

PART 2 - Immigration to remain in Canada - 2 new pathways

A: Canadian work experience driven pathway

*Concern 5: One of the two new immigration pathways is driven by **Canadian work experience**, specifically minimum 1-year work. In addition, an applicant must meet other minimum requirements, such as education and language.*

Analysis 5: Recent graduates would have no problem meeting the additional requirements, given they already had completed post-secondary education. However, some youths may only have completed secondary school education. If they are required to have a post-secondary education level they may only obtain it in Canada while working. International students are subject to pay a differential fee, which is about C\$15,000+ for a 1-year (8-month) study.

RECOMMENDATION 5: For the *Canadian work experience-driven immigration pathway*, the minimum education requirement could be a high school certificate, else 1-year certificate program in a DLI Canadian college. It is more affordable since many of them have limited financial supports from the family in Hong Kong.

B: Canadian post-secondary education driven pathway

*Concern 6: Another new pathway for immigration is driven by completing **post-secondary education in Canada**. However, the November 12, 2020 announcement did not mention minimum program duration.*

Analysis 6: Conventionally, in pursue of post-secondary education upon completion of high school, a Canadian kid may

take a 2-year diploma program in a Community College, else a 3- or 4-year degree program in a university.

RECOMMENDATION 6a: For those Hong Kong youths that do not have a post-secondary level of education, they may meet the requirement by completing a 2-year diploma program.

RECOMMENDATION 6b: For those recent graduates, they may meet the requirement by completing a 1-year (8-month) Certificate program.

C. Eligibility vis-a-vis Competitiveness

Concern 7: The two new pathways for immigration are exclusively for the Hongkongers' benefit. There is some mention of program eligibility but nothing on competitiveness.

Analysis 7: Currently all international graduates who qualify for immigration under the CEC have to go through a selection tool, namely Express Entry, wherein they are subject to severe competition with other registrants. The higher the point score, the better chance it is to receive an Invitation To Apply.

RECOMMENDATION 7: The two new immigration pathways should be *stand alone*, not subject to competition. In other words, once the eligibility requirement is met, one may apply for immigration directly without going through a selection process.