

HK Refugee Policy Submission 21 02 03

By the Very Rev. Richard S. Soo, S.J.

Proposal: a Temporary Procedure for a Remote Refugee Application:

It is proposed that Canada should establish:

On a temporary basis:

The possibility/policy whereby Hong Kong Dissidents would be allowed to apply for refugee status even though they are not presently on Canadian soil.

Why?

Canada's Immigration/Refugee Policy as it presently stands
While helpful for many Hong Kongers
is Not Responding to the Most Vulnerable Hong Kongers.

Who are the most Vulnerable HongKongers?

3 Categories:

A: HongKongers in Prison & suffering Mistreatment in Hong Kong or the People's Republic of China (PRC)

B: HongKongers who, due to their participation in Pro-Democracy/Human-Rights activity, have been

 Bi: Arrested and are out on some kind of bail, or

 Bii: "Carded" (not yet arrested but entered into the Police Computer system)

C: HongKongers who, are Exiled/Escaped to another country because they are targeted by the Hong Kong Government due to their participation in Pro-Democracy/Human Rights activity, and who have no refugee status where they are presently located (e.g. Taiwan).

Policy Proposal: Canada Can Respond to the Most Vulnerable HongKongers:

While Canada may not be able to do much for those in Category A

Canada is able to stand up for and assist those in Categories B and C.

Given the exceptional and acutely critical risks that the most vulnerable HongKongers are facing,

It is proposed that Canada should establish:

On a temporary basis:

The possibility/policy whereby Hong Kong Dissidents would be allowed to apply for refugee status even though they are not presently on Canadian soil.

(That is to extend the present "inland claim" procedures to those HongKongers who are at risk even though they are in Hong Kong or Taiwan etc.

Given that:

- Presently the entirety of the Canadian refugee programme (both application and determination, including submission of documents and evidence) is **already done online for Inland Refugee Claims** for those Hong Kong Dissidents who have already managed to make their way to Canada.

- At this moment in HongKongers' history there is an *acute crisis* with the imposition and implementation of the National Security Law (and its predecessor, the indiscriminate arresting of pro-democracy protesters on the charge of Rioting)
- Both those in categories Bi (those Arrested) and Bii (those Carded) are in very real danger of *persecution* (including imprisonment and mistreatment) in the future (cf. the PRC's and now Hong Kong's record in dealing with Dissidents, neither forgiving nor forgetting about them, e.g. the Survivors of Tiananmen are still being persecuted more than 30 years later)

Threshold Test:

If a threshold test is thought to be required in order to be eligible to remotely (outside of Canada) apply for refuge in Canada, it can be evidence that the applicant has been arrested or carded due to their participation in a pro-democracy/human-rights activity.

Administration of In-take Process:

If a threshold test is required, then the administration of same could be done:

- online by the IRCC (as presently obtains for inland applications) or
- locally (where the applicant is located [e.g. in Hong Kong or Taiwan]) by a designated agency designated as such by the IRCC (e.g. Amnesty, a local Human Rights Group, a Church Office that deals with Social Justice and Refugees, a competent and trustworthy NGOs)

Financial and Travel Aspects:

Those granted asylum by the IRB may

- make their way to Canada on their own, or
- be eligible for Private Sponsorship according to Canada's Private Sponsorship Programme
- would not require Visas (and be issued any Travel Documents necessary) in order to make their way to Canada

Reasons:

- There is a real need and real danger of persecution of persons arrested/carded by the Hong Kong Government (cf. the cases of Joshua Wong, Jimmy Lai, Agnes Chow, Edward Leung, etc.), especially given the record of the PRC with Dissidents, Uyghurs, Human Rights Activists, religious groups, etc.)
- Canada has repeatedly expressed solidarity and concern over such persons who are at serious risk.
- The proposal would not require any change in procedure, given that the refugee determination process is presently already entirely done online.
- No new legislation or procedural changes are required, except a temporary extension of the right to apply for refugee to one specific vulnerable group presently under acute threat.
- It is a temporary measure to respond to an acute and critical situation
- It is a simple and elegant solution that targets those most in need who can receive help.
- It is a very clear, strong, and easy way to demonstrate and stand up for Canadian values
- These are the kind of immigrants Canada wants: They already have proven Canadian Values, esp. re human rights and democracy. They have proven records of civil engagement. They are altruistic. They are willing to put their futures and lives on the line for important values and others

I would be happy to make this presentation as a witness before the Standing Committee and answer any questions the Committee Members might have.

Thank you for your attention.

Respectfully submitted

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