



House of Commons

Standing Committee on Citizenship and Immigration

Special Immigration and Refugee Measures for the People of Hong Kong

Testimony of Joey Siu, Hong Kong Watch

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Madame Salma Zahid, Madame Raquel Dancho, Madame Christine Normandin and members of the committee, thank you for arranging this hearing and for inviting me to testify on the topic “Immigration and Refugee Measures for the People of Hong Kong.

Hong Kong’s grand pro-democracy movement kicked off in June 2019 and the world has witnessed the Chinese Communist regime’s continuous cruel crackdown on the city’s long-cherished freedoms and rights.

In November 2019, I came to Ottawa after the tragic sieges of universities and the unprecedented landslide victory in the District Council Election for a cross-party discussion to give a briefing on the situation in Hong Kong. The remarkable District Council election results gave the people of Hong Kong a glimpse of hope but unfortunately, the situation deteriorated rapidly after that.

The imposition of the draconian National Security Law, cancellation of Legislative Council election, disqualifications of democratic lawmakers, oppressions on free expressions and attacks on judiciary independence all mounts to the picture of Beijing’s flagrant dismantling of Hong Kong’s core values in grave breach of promises made in the *Sino-British Joint Declaration*.

Imposed in July 2020, the national security legislation criminalizes even the most trivial forms of protest and any kinds of disobedience to the Chinese Communist regime. It is not only me or the other Hong Kong activists that will very likely become a subject of the National Security Law but also any Canadian citizens in Hong Kong or here in Canada who have ever expressed support to the pro-democracy struggle in Hong Kong.

Since the implementation of the barbaric National Security Law, more than 100 Hongkongers have been arrested under it. Most recently, 55 prominent political figures including activists, former legislators, legal professionals and academics from all political spectrums have been arrested under the vague charges of “subversion of the state” simply because they participated in the democratic primaries which aimed at securing more seats in the legislature. All the arrestees under the National Security Law are not only facing between ten years and life in prison but also the possibility of extradition to mainland China to stand trials.

The silencing of dissents happens not only in the streets or in the legislative chamber but also in courts. As stated in Chapter IV of the legislation, the Chief Executive of Hong Kong is empowered to designate judges to handle cases concerning offences “endangering national security” and as mentioned in Chapter V, the Hong Kong Government or the National Security Department of Hong Kong itself could request for the Central People’s Government to exercise jurisdiction over cases that are considered “complex”, “serious” or a “major threat” to national security. As Hong Kong’s judges rightfully dismiss the most ridiculous charges against protesters, the government will more frequently exercise these options to avoid them.

As the Chinese Communist Party continues to tighten its grip over Hong Kong, more and more Hong Kong protesters are in desperate need to escape from the ruthless totalitarian regime. Among them are the 12 Hong Kong youths who were captured by Chinese authorities while trying to escape to Taiwan by a speedboat. 10 out of the 12 were sentenced 7 months to 3 years in prison for fleeing a tyranny and are still behind bars in China right now.

Hong Kong Watch has been working with close partners across the globe including from the U.K., U.S., E.U., Canada and Australia to call for a “global lifeboat scheme” for Hongkongers.

Since our founding in 2017, we have championed the rights of British National Overseas. In July 2020, the U.K. announced its new policy to provide a pathway to citizenship for British National Overseas passport holders which came into effect yesterday and up to 750,000 BN(O) holders from Hong Kong are expected to take up the scheme.

Working closely with the Australian Government, early on we called for assistance to Hong Kong students in Australia. The government responded and declared in the same month to offer new and extended visa options to students and skilled workers from Hong Kong, allowing them to remain in Australia and eventually down the pathway to permanent residency.

We applaud the Canadian Government’s decision of joining the two countries in November last year to provide a safe haven with “Young Talents”, “Asylum” and “Family Reunification” policies, offering vulnerable Hongkongers the opportunities of relocation. The targeted nature of the scheme addresses part of the inadequacy of the U.K.’s policy to cover protesters who were born after 1997 and do not own a BN(O) passport.

Given the complicated situation Canada is in with two citizens being held hostage by Beijing, we recognize and praise the courage it took for Canada to live up to its historical relationship to the city and announce a targeted scheme for young Hongkongers.

Compared to European countries that continue to drag their feet when it comes to defending our shared values, Canada is taking a significant step and we hope for the scheme’s success.

However, people will still fall through gaps in these policies. The “Young talents” schemes, which partly came into effect on February 8th and expires in February 2023 require top qualifications and a level of funding which excludes some of the most politically exposed protesters. The “Sunset” nature of the open work visa permit policy leaves young protesters who are graduating after 2023 behind. Besides, the very time-consuming and complicated “Asylum” procedures is preventing protesters without adequate legal support to apply while “Family

Reunification” arrangements cover only a small number of Hongkongers with Canadian family members.

These aspiring young people of Hong Kong with many virtues, including their integrity, work ethic, and basic human decency are not covered under the current framework, and are in fact at the most risk of being charged under the National Security Law, as they drove the protests over 2019.

As Hong Kong’s situation continues to worsen day by day, it is crucial for Canada to work alongside like-minded partners and take prompt actions to improve the existing schemes to assist these at-risk youths. Below are a few recommendations which we believe could create a roadmap for improving the policy.

First, Canada’s Immigration Minister *Marco Mendicino* has guaranteed that protesters arrested or charged under the National Security Law will not be deprived the opportunity of filing asylum applications. However, among the 10,000 protesters arrested since 2019, most of them were charged under trumped-up protest-related offences under the Public Order Ordinance. Canada should commit to ensuring that convictions for “rioting” or “unlawful assembly” will not be grounds for inadmissibility for Hongkongers to apply for asylum. With the Rainbow Refugee Assistance Pilot as reference, the Canadian government should also consider establishing similar initiatives to support the most politically-exposed stakeholders during Hong Kong’s pro-democracy struggle, for instance, journalists, those who served in a humanitarian or organizing role.

Second, we encourage the Canadian Government to extend the current youth working holiday visa from one year to two years and expand the age group from 18-30 to 18-35. Bringing this into line with Australia’s working holiday scheme, it ensures that Hongkongers without post-secondary education would also be given the opportunity to apply for permanent resident status.

Third, we ask the Canadian Government to review the impact of COVID-19 travel restrictions on the ability of Hongkongers to claim asylum. This should include examining whether it would be possible to allow Hongkongers to start their asylum applications in Canadian embassies and consulates outside of Hong Kong. Parole programs have been provided by the U.S. Government to channel, for example, Cuban medical professionals to the States once they are out of the country and similar practices should be considered by Canada.

We also ask the Canadian government to exercise the legislative authority from the Immigration and Refugee Protection Act of 2002 to issue Ministerial Instructions when necessary to cover the loopholes.

As U.K.'s BN(O) policy officially began on January 31st 2021, China announced its decision of no longer recognizing BN(O) passports as valid identifications or travelling documents and immediately after that, the Hong Kong government made it clear that dual citizenship is not acknowledged in Hong Kong. This signals the further potential curbs on dual citizenship which the 300,000 Canadians in Hong Kong may soon be forced to give up their Canadian nationality to retain the right to abode in Hong Kong. Canada has to be prepared with plans to escort them and extend criterias for family reunification to include Hongkongers who have an aunt, uncle or other non-immediate family members that are Canadian citizens. The Government should also consider re-issuing citizenship status to Hong Kong residents who gave up their Canadian nationality before.

As our patron, the last Governor of Hong Kong *Lord Chris Patten* has said, "It should go without saying, that these young Hongkongers have an enormous amount to offer Canada. Not only are they highly educated, highly proficient in English, and entrepreneurial in nature, but they believe in the shared universal values of Canadian society, including democracy, the rule of law, tolerance, and free expression." Canada should offer Hongkongers a lifeline not only because the addition of Hongkongers will be a great asset to the local community but because it is our responsibility to defend our common values and a rule-based international order.

Two Canadian citizens Michael Kovrig and Michael Spavor have been unlawfully detained by the Chinese Communist Party for over 750 days. They should not be the excuse for Canada's absence in international leadership against Beijing's human rights atrocities but the driving force for a tougher and more comprehensive China policy.

As the Chinese Communist regime gradually takes complete control over Hong Kong and extends its claws to the free world, Canada should no longer ignore the plight of Hong Kong. A clear message has to be conveyed to Beijing, that Canada will stand with its allies and lead a global coalition against China's encroachment on our shared values.

Thank you.