

Updated: Immediate Program Options for Hong Kongers
Seeking Protection

Policy Brief

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Writers:

Alliance Canada Hong Kong

ACHK Government Relations Team

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Table of Contents

Table of Contents	1
The Issue	2
Benefits to Canadian Society	2
High-Value Immigration Candidates	3
Valuable Intelligence and Policy Assets	3
Selection Criteria	3
Key Considerations	4
Recommendations	4
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	4
Recommendation #2: Modify private sponsorship and family reunification measures to enable activists and Canadians’ extended family members to resettle in Canada	5
Recommendation #3: Modernize and expedite the Canadian immigration and asylum system to address the backlog of new and pending claims	5
Recommendation #4: Create a clear and strategic communication plan to combat misinformation and promote the existing pathways	6
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	6
Stakeholders	6

The Issue

We urge Canada to consider adopting a swift response to Hong Kong's new immigration law¹ that enables arbitrary exit bans for anyone inside the Hong Kong Special Administrative Region (HKSAR) jurisdiction. After August 1st, it is no longer clear whether emigration can be an option for Hong Konger pro-democracy activists that are known to the authorities.

Due to the imminent threat, most Hong Kongers cannot wait out the long complicated bureaucratic processes required by traditional immigration pathways. This is especially true as the ratio of permanent residency applications submitted-to-finalized has grown since 2015². Furthermore, under Canada's COVID-19 border restrictions, most Hong Kongers are unable to reach Canada to claim asylum through a travel visa.

Previously, Alliance Canada Hong Kong has submitted Program Options for Hong Kongers Seeking protection³ in June 2020, and to address the new circumstances we have submitted Written Submissions to the Standing Committee of Citizenship and Immigration⁴ in February 2021. These documents detail the extensive systematic suppression and state-sanctioned violence that is happening at the hand of Hong Kong and Chinese State officials.

The Government of Canada released a series of immigration measures to support Hong Kong residents and Canadians in Hong Kong during 2020, but the measures are largely limited to students, recent graduates, and immediate family members of Canadian citizens or permanent residents.

Canada had once provided refuge to all Chinese nationals who were residing in Canada after Beijing's 1989 Tiananmen Square massacre. Canada should open its doors to Hong Kongers today.

Benefits to Canadian Society

From a humanitarian perspective, granting asylum to Hong Kongers is not a difficult choice; granting residence to Hong Kongers would provide Canada a foreign policy win, a national security advantage, an economic lifeline, and an enhanced cultural mosaic.

¹ [Hong Kong passes immigration bill, raising alarm over 'exit bans'](#) (28 April 2021). Reuters.

² Source: IRCC, 2021; calculations by Robert Falconer, ACHK external advisor.

³ [Policy Brief: Programs Options for Hong Kongers Seeking Protection](#) (June 2020). Alliance Canada Hong Kong.

⁴ [Immigration and Refugee Measures for the People of Hong Kong. Written Submission to CIMM](#) (June 2020). Alliance Canada Hong Kong.

High-Value Immigration Candidates

The Canadian government historically used immigration policies to strategically poach high-value candidates from other countries. Correspondingly, immigrants and refugee claimants from Hong Kong are likely to be skilled, entrepreneurial or well-educated, and English-speaking global citizens whose values align with Canada.

The Hong Kong diaspora would not only serve as a soft landing for newly arrived Hong Kongers into Canadian society, but currently serves a “proof of concept.”: a vibrant community of entrepreneurs, professionals, and artists spread across every province and territory, providing cultural diversity, and economic connections while embodying truly Canadian values of multiculturalism and democracy.

Valuable Intelligence and Policy Assets

The vast majority of Hong Kongers are conversant in Mandarin, in addition to English and Cantonese. There are few populations like Hong Kongers that could simultaneously understand and navigate the corridors of power in Beijing; while embodying the values of a free, democratic, and pluralistic society. Dealing with twenty-first century challenges such as industrial espionage and intellectual-property theft, we can be assisted by recruiting from a population that shares similar cultural and linguistic characteristics with potential competitors. Such a national security advantage is not to be understated.

Selection Criteria

The Canadian government should consider providing temporary protected or permanent residency status to:

- Hong Kong residents, whether they hold residency or citizenship in Hong Kong, who have no other means to emigrate;
- Those who are facing persecution for their participation in pro-democracy protests, for engaging in pro-democracy activism, or holding a political opinion that is critical of the Chinese Communist Party or the government of the Hong Kong Special Administrative Region⁵ and/or;
- Individuals with family/support systems in Canada for reunification⁶.

⁵ Appendix A, B, C, E, & F; [Policy Brief: Programs Options for Hong Kongers Seeking Protection](#) (June 2020). Alliance Canada Hong Kong.

⁶ Appendix D; [Policy Brief: Programs Options for Hong Kongers Seeking Protection](#) (June 2020). Alliance Canada Hong Kong.

Key Considerations

The Canadian government must consider:

- The COVID-19 and visa restrictions that have barred many from entering Canada, whether to seek asylum or to resettle permanently;
- Waiving arrests, charges, and convictions records tied to individuals' participation in the democratic protest movement that are deemed as political persecution, as many charges and convictions stem from political suppression⁷
- Providing temporary travel documents with aliases for pro-democracy activists who are targeted at points-of-entry and unable to leave⁸;
- Allowing immediate family members of refugees to seek safety in Canada;
- Including applicants from East Turkestan (Xinjiang), Tibet, Mongolia, and China, who are facing political persecution from the Chinese Communist Party.
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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 during this turbulent time. 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 refuge, 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.

⁷ Appendix B & C; [Policy Brief: Programs Options for Hong Kongers Seeking Protection](#) (June 2020). Alliance Canada Hong Kong.

⁸ Appendix E; [Policy Brief: Programs Options for Hong Kongers Seeking Protection](#) (June 2020). Alliance Canada Hong Kong.

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. IRCC should be careful when combining language around economic immigration pathways with pathways intended to provide asylum to refugees or people in refugee-like situations. Application of the Tinbergen rule states that for every policy objective there should be an equivalent instrument. Defaulting to economic pathways only for Hong Kongers undermines both the economic and refugee streams, and confuses potential applicants from Hong Kong who are seeking protection.

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 permanent residents who 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.

Stakeholders

There are many strong Hong Kong diaspora communities in Canada, particularly in British Columbia, Ontario, Alberta, and Quebec. Many of these community groups are ready and willing to provide financial, language, and other support programs for incoming asylum seekers, which will ease the strain on government resources⁹.

We recommend the government to create a Hong Kong specific working group, inclusive of experts & representatives from IRCC, IRB, provincial immigration ministries, Hong Kong Canadian community groups, and other stakeholders.

⁹ Appendix D; [Policy Brief: Programs Options for Hong Kongers Seeking Protection](#) (June 2020). Alliance Canada Hong Kong.