

**GOVERNMENT RESPONSE TO THE FIRST REPORT OF THE STANDING COMMITTEE ON
CITIZENSHIP AND IMMIGRATION: “SAFE HAVEN IN CANADA: SPECIAL IMMIGRATION AND
REFUGEE MEASURES ARE URGENTLY NEEDED FOR THE PEOPLE OF HONG KONG”**

Recommendation 1

That Immigration, Refugees and Citizenship Canada issue study permits to Hong Kong applicants who have been accepted in a study program at an institution with a COVID-19 readiness plan, regardless of their age.

The Government agrees with this recommendation.

The Department is processing Hong Kong study permit applications on a priority basis, the regulations and guidance regarding the study permit requirements are the same for all applicants. There are no requirements specific to age of applicants in the regulations. Every application for a study permit needs to be reviewed by an IRCC officer to determine eligibility and admissibility.

IRCC will continue to process Hong Kong study permits on a priority basis and ensure that all eligible and admissible students who are approved and are authorized to travel to Canada do receive their study permits. Despite the challenges posed by the COVID-19 pandemic, IRCC met its commitments made in spring 2021 by processing over 99% of complete study permit applications received before May 15 in time for the fall 2021 semester, in order to facilitate enrollment.

In addition, the Department continues to work in collaboration with Global Affairs Canada to inform Hong Kong youth about study opportunities in Canada. IRCC has been increasing promotion and recruitment efforts to attract Hong Kong youth to study in Canada and to other program areas, including temporary and permanent residence pathways and International Experience Canada.

To be able to enter Canada as a student, an applicant must meet three requirements:

1. Qualify as a fully vaccinated traveller unless under the age of 18 years;
2. Have either a valid electronic travel authorization (eTA) or a visitor visa (temporary resident visa); and
3. Have a valid study permit, or a written approval (letter of introduction) for a study permit, to attend a designated learning institution (DLI).

Under current COVID-19 border measures, international students 18 years of age and older must be fully vaccinated to enter Canada and are able to attend any Designated Learning Institution (DLI) whether or not it has a COVID-19 readiness plan. International students under

18 may enter Canada unvaccinated, provided they are entering to attend a DLI with an approved COVID-19 readiness plan.

Recommendation 2

That Immigration, Refugees and Citizenship Canada undertake to extend the young professionals Working Holiday work permit for Hong Kong residents to two years and to include persons up to 35 years of age.

The Government takes note of this recommendation.

The Canada – Hong Kong Youth Mobility Arrangement supports youth in gaining valuable work and cultural experience in both destinations, supporting the deep ties between our people. However, as with all of Canada’s Youth Mobility Arrangements, terms and conditions are mutually agreed upon and changes to arrangements cannot be made unilaterally. Presently, the Hong Kong Youth Mobility Arrangement stipulates that youth participating in the International Experience Canada program must be 18-30 years old (inclusive) and that the open work permit is limited to a maximum of 12 months. Eligible Hong Kong residents already in Canada on a work permit as part of the International Experience Canada program may also be able to extend their stay by applying for the new initiative specific to Hong Kong youth which provides open work permits of up to three year. This program is available to those who have recently completed certain post-secondary studies in Canada or abroad.

When country conditions and the bilateral relationship with Hong Kong will allow, Canada would be open to discussing opportunities to expand the current Youth Mobility Arrangement with Hong Kong officials.

Recommendation 3

That Immigration, Refugees and Citizenship Canada extend the criteria for eligibility for the three-year open work permit to include all persons with a minimum of 60 credits or its equivalent of post-secondary education regardless of when this education was completed.

The Government disagrees with this recommendation.

Canada offers an extensive array of pathways that Hong Kong residents can use to come to Canada temporarily to work.

In addition to existing work options, a new initiative specific to Hong Kong youth – announced on November 12, 2020, and launched February 8, 2021 – provides open work permits of up to three years to those who have recently completed certain post-secondary studies in Canada or abroad.

This initiative recognizes the talent and skills that many Hong Kong graduates can bring to Canada's economy and labour market, and is intended to encourage this cohort to choose Canada as a place to work and eventually settle.

The requirement for completed post-secondary studies is to ensure that Hong Kong residents are ready to enter Canada's workforce, establish themselves economically and gain eligible work experience to transition to permanent residence if they so choose.

The requirement for this education to be completed within the last 5 years is aligned with the Government of Canada's intention to target Hong Kong youth as a priority population.

Recommendations 4 and 5

That Immigration, Refugees and Citizenship Canada adopt an inclusive approach and develop a pathway to permanent residence for former Hong Kong residents based on a broad range of work experience, and requiring minimal language and education levels.

That Immigration, Refugees and Citizenship Canada quickly develop and implement a pathway to permanent residence for Hong Kong residents who complete their post-secondary studies in Canada, ensuring that this pathway remains available to all Hong Kong residents studying at designated learning institutions.

The Government partially agrees with these recommendations.

On June 8, 2021, the Department launched two new pathways to permanent residence for Hong Kong residents already in Canada.

The first pathway allows those who have graduated from a post-secondary institution in Canada to apply directly for permanent residence.

The second is for Hong Kong residents who have gained a minimum of one year of authorized work experience in Canada in any skill level. Under both pathways, applicants must meet other criteria such as minimum language and education levels. Minimum language requirements in either official language are at level 5 of the [Canadian Language Benchmarks \(CLB\)](#), which is considered to be initial intermediate language proficiency. This language requirement generally aligns with existing economic immigration programs for which high-skilled work experience is not required.

Additionally, Hong Kong residents already in Canada would have been eligible to apply to a broader temporary pathway to permanent residence that was in effect from May 6 to November 5, 2021. This temporary pathway recognized the contributions of temporary residents who have recently graduated from a Canadian post-secondary institution, or who have acquired Canadian work experience in an essential occupation, by offering expedited access to permanent residence, or by providing a new opportunity to transition to permanent

residence where there would not otherwise have been a pathway, such as for certain temporary workers in select moderate to lower-skilled occupations. As such, language requirements were minimal and there were no education requirements for the essential worker streams.

Taken together, these measures represented a significant expansion of the opportunities for Hong Kong residents to become permanent residents in Canada.

Recommendations 6 and 7

That Immigration, Refugees and Citizenship Canada create a temporary public policy to grant refugee status to pro-democracy activists within Hong Kong and within third countries, which will enable their resettlement to Canada.

That Immigration, Refugees and Citizenship Canada implement a temporary public policy to bring Hong Kong residents at risk to Canada on temporary resident visas regardless of their age.

The Government partially agrees with these recommendations.

Under Canada's immigration laws, Hong Kong Special Administrative Region passport holders do not require a temporary resident visa (TRV) to visit Canada, but instead require an electronic travel authorization (eTA) a simple online process that can be approved within minutes, to travel or transit through Canada by air. Since Hong Kong residents do not require a TRV for travel to Canada and can simply enter on an eTA, there would be no benefit to putting in place a public policy to facilitate TRV issuance.

Canada's Refugee Resettlement Program is available to Hong Kong refugees who are outside of their country of nationality or habitual residence, are at risk of persecution, and have no durable solution. In keeping with the 1951 Refugee Convention, persons must be outside of their country of nationality or place of habitual residence in order to be eligible. These individuals may be referred to Canada for resettlement by a designated referral partner, such as the United Nations High Commission for Refugees (UNHCR), or by private sponsors through the Private Sponsorship of Refugees (PSR) program. Through the latter, Canadian citizens and permanent residents with knowledge of a case may submit an application to sponsor an individual. Canada must still be satisfied that the individual meets the definition of a refugee under the IRPR.

The Government of Canada also operates an Urgent Protection Program (UPP) under the Refugee Resettlement Program, which is designed to offer rapid protection to refugees (located outside of their country of nationality or habitual residence) facing an immediate threat to their life, safety or freedom. Refugees from Hong Kong who face such threats may be referred to Canada by the UNHCR for expedited resettlement under this program.

The Government of Canada has also introduced a new refugee stream specifically for human rights defenders under the Refugee Resettlement Program. This stream sets aside 250 resettlement spaces annually for human rights defenders at risk and their family members, over and above previous resettlement levels. The Government of Canada is working with leading international human rights defender protection organizations to identify human rights defenders most in need of protection. Human rights defender refugees from Hong Kong who have fled and sought protection in another country may be referred for resettlement to Canada under this new stream. Human rights defenders will be resettled as government-assisted refugees.

Recommendation 8

That Immigration, Refugees and Citizenship Canada partner with designated non-governmental organizations to identify Hong Kong pro-democracy activists in need of safe haven in Canada on a temporary resident visa, to certify Hong Kong refugees, and to facilitate both classes of Hong Kong residents at risk to travel from Hong Kong to third countries and to Canada, and redevelop a refugee stream similar to the former source country program.

The Government takes note of this recommendation.

Under Canada's immigration laws, Hong Kong SAR passport holders do not require a TRV to visit Canada, but instead require an electronic travel authorization (eTA) to travel or transit through Canada by air. Given both documents are issued to individuals who seek to stay in Canada only temporarily, the use of TRVs or eTAs does not apply as a solution to bring Hong Kong residents at risk to Canada on a permanent basis. As mentioned in the previous recommendation, the Government of Canada recently introduced a new refugee stream specifically for human rights defenders under the Refugee Resettlement Program. This stream sets aside 250 resettlement spaces annually for human rights defenders at risk and their family members, over and above previous resettlement levels. The Government of Canada is partnering with two leading international human rights defender protection organizations: ProtectDefenders.eu and Front Line Defenders. These organizations have worldwide civil society networks and closely monitor the situation of human rights defenders globally, including in Hong Kong. Under the new stream, ProtectDefenders.eu and Front Line Defenders will work to identify human rights defender refugees located outside of their country of nationality or place of habitual residence who are most in need of Canada's protection, including potentially those who have fled Hong Kong, for referral to the United Nations High Commission for Refugees (UNHCR).

More broadly, under the Government-Assisted Refugees Program, Canada largely relies on the pre-eminent expertise of the UNHCR to identify and refer refugees for resettlement under this program. Under the Private Sponsorship of Refugees Program, refugees sponsored by Groups of Five or Community Sponsors must hold a document issued by the UNHCR or the foreign state in which they reside certifying their status as a refugee. However, cases submitted by sponsors who have entered into a sponsorship agreement with the Minister can submit cases without such a document. These organizations, known as Sponsorship Agreement Holders, may submit

applications to IRCC for the resettlement of people who have not yet been determined to be a refugee by the UNHCR or the foreign state in which they reside.

Activists who have fled persecution and reached a third country, as mentioned in the Recommendation, may approach the UNHCR for possible referral to Canada, or may be privately sponsored.

Under the 1951 Refugee Convention, a person must be located outside of their country of nationality or habitual residence in order to qualify as a refugee. The definition of a refugee under the IRPA and the IRPR follow the 1951 Refugee Convention in this regard. Applicants under Canada's Refugee Resettlement Program, including the Private Sponsorship of Refugees Program, must meet this eligibility criterion. Every case is reviewed by a Canadian migration officer, who is responsible for making a decision.

Recommendation 9

That Immigration, Refugees and Citizenship Canada acknowledge the urgency of the situation and that, given the exit ban will take effect on 1 August 2021, the Minister immediately respond with an expansion of humanitarian measures to the current immigration and refugee measures to support the people of Hong Kong.

The Government partially agrees with this recommendation.

The Government of Canada will continue to strengthen and deepen the ties between Canada and the people of Hong Kong. Support for human rights and the rule of law, both at home and abroad, remains a priority and Canada continues to closely monitor the situation in Hong Kong.

In addition to an extensive array of existing pathways that Hong Kong residents can use to come to Canada, either temporarily or permanently, including a generous family reunification program, the Government introduced a suite of special immigration measures in November 2020.

A new temporary residence initiative was specifically announced on November 12, 2020, which facilitates access to open work permits of up to three years for those who have completed a post-secondary degree or diploma for completion of a program of a certain length from a designated Canadian post-secondary institution in the last five years, or the equivalent credential from a learning institution abroad. Since the launch of the initiative in February 2021, and as of January 31, 2022, the Department has processed over 9,800 open work permit applications under this measure.

In June 2021, the Department also launched two new pathways to permanent residence for Hong Kong residents in Canada who are workers or recent graduates. The first pathway allows those who have graduated from a post-secondary institution in Canada to apply directly for permanent residence. The second is for former Hong Kong residents who have gained a

minimum of one year of authorized work experience in Canada. Under both pathways, applicants must meet other criteria such as minimum language and education levels. As of January 31, 2022, the Department has processed more than 800 applications for permanent residence under the pathways.

Canada already has a robust system for responding to refugee protection needs. We are a world leader in resettlement and we have a strong in-Canada asylum system. Canada will continue to offer safe haven to Hong Kong residents fleeing persecution, including through Canada's Refugee Resettlement Program, which is designed to offer protection to the world's most vulnerable, and remains in operation despite challenges and limitations associated with COVID-19. The Government has significantly expanded this program in recent years, which has increased the protection spaces available to people fleeing crises and persecution.

Hong Kong residents who have fled persecution and have no durable solution may be referred to Canada for resettlement by the United Nations High Commission for Refugees (UNHCR) or Canadian private sponsors. Under the Private Sponsorship of Refugees Program, Canadian citizens and permanent residents with knowledge of such a case may submit an application to sponsor a refugee.

Canada equally has a robust asylum system and foreign nationals in Canada, including eligible Hong Kong residents, can initiate a claim for protection. Eligible claims are referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB) for determination. During a refugee hearing, the RPD decides whether an individual claimant has a well-founded fear of persecution based on race, religion, political opinion, nationality, or membership in a particular social group. Additionally, the RPD assesses whether or not an individual claimant would face a danger of torture, a risk to life, or a risk of cruel and unusual treatment or punishment should that claimant be returned to their country or nationality or country of former habitual residence. Each individual claimant has their case decided based on its own merits.

Currently, all refugee claims from Hong Kong before the IRB are actively being examined by the RPD. The IRB has identified claims from Hong Kong as potentially suitable to be decided without a hearing or with a short hearing. These claims are reviewed through a streamlined case management process. This process allows for certain claims to be granted a positive decision without a holding or hearing; or to proceed with a short hearing if there are only one or two key determinative issues to be resolved. No claims are denied without a hearing.

Recommendation 10

That Immigration, Refugees and Citizenship Canada issue travel documents to residents of Hong Kong at risk of persecution and exempt them from non-essential pandemic travel restrictions, following all public health guidelines.

The Government partially agrees with this recommendation.

The Government of Canada is taking a responsible, precautionary approach at the border, and continues to enforce public health measures and monitor available data and scientific evidence to protect the health and safety of Canadians. Canada began allowing entry to all fully vaccinated foreign nationals for discretionary travel on September 7, 2021.

Recommendation 11

That Immigration, Refugees and Citizenship Canada implement a temporary public policy to create an expedited pathway to permanent residence for Hong Kong residents in Canada or abroad before the exit ban comes into effect on 1 August 2021.

The Government agrees with this recommendation.

On June 1, 2021, the Department launched two new pathways to permanent residence for those already in Canada.

The first pathway allows those who have graduated from a post-secondary institution in Canada to apply directly for permanent residence.

The second is for former Hong Kong residents who have gained a minimum of one year of authorized work experience in Canada. Under both pathways, applicants must meet other criteria such as minimum language and education levels.

The new permanent residence pathways complement the temporary residence initiative launched on February 8, 2021, which provides eligible Hong Kong residents in Canada or abroad with an open work permit, which may be valid up to three years, if they have completed a degree or diploma from a designated Canadian post-secondary institution in the last five years, or the equivalent credential from a learning institution abroad.

When combined, these two new initiatives create the opportunity for Hong Kong residents both in Canada and abroad to have an expedited pathway to permanent residence.

Canada offers an extensive array of pathways that Hong Kong residents can use to come to Canada, either temporarily or permanently, including to work, study, immigrate permanently or reunite with family. IRCC has also allocated resources to expedite processing of permanent residence applications, including family sponsorship, and for these two new pathways.

Taken together, these measures, in addition to further promoting our existing migration and protection programs, represent a significant expansion of the opportunities for Hong Kong residents to come to Canada.

Recommendation 12

That Immigration, Refugees and Citizenship Canada promote its family reunification stream to family members of Hong Kong residents looking to come to Canada and create a

temporary public policy to also include extended family members of Canadian citizens and of pro-democracy activists living in Canada.

The Government partially agrees with this recommendation.

Canada is committed to ensuring that family reunification opportunities are available equally, regardless of nationality or passport.

Family Reunification is an important component of Canada's immigration system, reflecting an objective of the IRPA, "to see that families are reunited in Canada." Canada has a generous family reunification program which accounts for approximately 27% of all permanent residents and is targeting to bring 105,000 individuals from all over the globe in 2022. Under the IRPR, the program allows for the sponsorship of spouses, common-law partners, conjugal partners, dependent children including adopted children, parents, grandparents, or orphaned relatives under the age of 18.

Pursuant to the IRPA, Canada must balance multiple objectives outlined therein, which include family reunification, but which also include the objectives to offer safe haven to refugees, to pursue the maximum economic benefits of immigration and to support the development of a strong and prosperous Canadian economy.

The number of immigrants admitted as new permanent residents to Canada each year is determined on an annual basis in Canada's immigration levels plan. Within this context, the Government must balance demand and priorities in the areas of family, economic, and humanitarian objectives alongside overseas processing capacity and settlement services. As a result, the addition of any new stream in the family class could come at the expense of other admission categories.

As part of measures announced in November 2020 for Hong Kong residents, IRCC is expediting the processing of permanent residence applications, including family sponsorship. It should be noted that to further help facilitate reunification with family members abroad, Canada also offers opportunities for temporary residence, including the ability of parents and grandparents of Canadian citizens and permanent residents to apply for the Parents and Grandparents Super Visa, which is valid for up to 10 years and allows extended stays of up to two years at a time.

For Hong Kong residents in refugee situations outside Canada, there is also the opportunity for them to be sponsored through the Private Sponsorship of Refugees program, which is used by many communities to sponsor extended family members in need of protection. Additionally, Hong Kong refugees who have been resettled to Canada may make use of the One-Year Window of Opportunity provision, which allows non-accompanying family members to be processed as dependents of the permanent resident who arrived in Canada as a refugee within one-year after arrival in Canada.

IRCC has presented the various temporary and permanent residence pathways—including family reunification—for Hong Kong residents in monthly webinars since February 2021.

Recommendation 13

That Immigration, Refugees and Citizenship Canada develop a temporary public policy to allow former Canadian citizens to return to Canada as permanent residents.

The Government takes note of this recommendation.

Canada already offers an extensive array of pathways that Hong Kong residents can use to come to Canada, either temporarily or permanently, to work, study or immigrate permanently, including under one of the economic immigration programs or by applying to reunite with a family member through family sponsorship. IRCC has also implemented a number of measures to promote, facilitate and prioritize processing of applications under existing programs for Hong Kong residents.

For individuals who were previously a Canadian citizen, a specific pathway is available under the *Citizenship Act* for those who wish to apply to resume their Canadian citizenship once they become Permanent Residents.

To qualify, in addition to being a Permanent Resident, they must meet the requirements such as having been a Canadian citizen, having been physically present in Canada as a permanent resident for at least 365 days during the two (2) years immediately before they apply (compared to a regular grant of citizenship requiring physical presence in Canada for at least 1,095 days within the five (5) years immediately before applying for citizenship) and not be under a removal order or subject to any prohibitions under the *Citizenship Act*.

Recommendation 14

That Immigration, Refugees and Citizenship Canada, in partnership with Public Services and Procurement Canada, and, as needed, other departments and agencies, investigate Canada's Visa Application Centres in China, especially in regard to personal data leaks due to employee coercion, and that it tables its findings with the Committee.

The Government disagrees with this recommendation.

Visa application centres (VACs) were created to address problems of client access to application services due to high local volumes or geographic accessibility issues. They provide administrative support and biometric collection services in the applicants' local language.

All VAC employees, who have or could have access to personal information, are required to complete a security screening process that is the Canadian equivalency of a Reliability Screening level.

All immigration data is encrypted and securely sent electronically directly to IRCC systems and purged from the VAC in accordance with Canada's privacy requirements. To mitigate the risk of individuals with malicious intent seeking to access IRCC systems, many controls have been applied.

Canadian officials conduct audits and site reviews at VACs to check that VACs collect, store and purge personal information according to contract guidelines. IRCC has increased its number of site visits for fiscal year 2021–2022.

Clients are not required to submit paper applications at VACs. All temporary residence applications can be submitted online. At this time, VACs in China are not accepting paper applications. This greatly reduces the volume of personal information transmitted through VACs.

As IRCC moves toward offering clients more opportunities through direct digital application channels, clients become more empowered to manage the security of their personal information.

Recommendation 15

That Immigration, Refugees and Citizenship Canada terminate its contract with VFS Global in China and bring the services back in-house at Canadian diplomatic missions in China.

The Government disagrees with this recommendation.

Visa application centres (VACs) serve a significant role in client service and are the main collection point for mandatory biometrics collection. Biometrics are the foundation of identity management and sound border management practices. For IRCC, biometric collection supports individualized screening by identifying low- and high-risk applicants.

Cancelling the current contract with VFS Global may result in a large service gap for clients in China, as IRCC offices in China do not have the capacity or ability to provide VAC services. VFS Global continues to meet the terms and conditions of their VAC contract and the Government has no cause to terminate its contract with them in China at this time.

IRCC expects demand from clients in China to remain high for both temporary and permanent migration to Canada. There are 11 VACs in mainland China and one in Hong Kong and the continued use of VACs is critical to providing accessible, timely services for IRCC clients throughout China.

VACs offer administrative services that the IRCC office does not offer (coordinating passport returns, payment processing and other services). VACs also offer information in clients' local language to help them understand IRCC's application process and requirements, which is a vital service that would be extremely challenging to try to offer at IRCC offices.

Without the VAC network, IRCC would trail other countries in terms of points of service offered in a competitive market. For clients who live hundreds or thousands of kilometers away from an IRCC office, the cost and the time requirement for travel to give their biometrics would be a significant barrier for their application. This would also have an impact on Canada's efforts to facilitate family reunification and a significant economic impact on tourism and business travel to Canada at a time when efforts are focused on economic recovery.

China is also Canada's second-highest source country for international students. EduCanada, Canada's provinces and territories, and designated learning institutions across the country could see VAC closures in China as a negative development. VAC closures would send a strong signal that Chinese students should consider other international study options.

Safeguards governing the protection of personal information, such as encryption, are built into the systems used at VACs. For security reasons measures cannot be disclosed. The Contractor is required to secure the network on which all transactions are transmitted according to Government of Canada standards identified in the contract. Canada also requires that all VAC employees, including subcontractor employees, who have access to Personal Information obtain a security screening equivalent to Canadian Reliability Screening level. Canadian officials closely monitor the activities of VACs around the world to ensure that privacy standards are met as per Canadian laws.

Global Affairs Canada (GAC) manages Canadian embassy, consulate and high commission properties abroad. Any property expansion would be managed by GAC, and in China, would require the Chinese government's permission.