

**GOVERNMENT RESPONSE TO THE 19TH REPORT OF THE STANDING COMMITTEE ON
CITIZENSHIP AND IMMIGRATION ENTITLED *Processing Times for Permanent Residence
Pathways for Hong Kong Residents***

Recommendation

That the Committee acknowledge it has received correspondence from the President of Canada-Hong Kong Link, Andy Wong; that it express its deep concern at the unreasonable delays being imposed on Hong Kong Pathways applicants of up to 21 months; that over 8,000 applications are still waiting to be processed; that Hong Kongers in Canada are freedom-loving people and keeping them in limbo is wrong; that the committee call on Immigration, Refugees and Citizenship Canada to immediately automatically renew open work permits and study permits for Hong Kongers as they wait for their permanent resident application to be processed; that this matter be reported to the House; and pursuant to Standing Order 109, that the government provide a comprehensive response.

The Government agrees in principle with this recommendation.

In recognition of the uncertainty that lengthy wait times cause, the Government of Canada introduced a new open work permit measure on May 27, 2024, to ensure applicants to the permanent residence pathways and their families are able to maintain their status in Canada while their permanent residence application is processed. Eligible individuals will receive an open work permit of up to three years and IRCC may also issue open work permits to spouses or common-law partners, and dependent children who are 18 years or older at time of application. These measure will be in place for five years.

Work and study permits for permanent residence pathways applicants cannot be automatically renewed without the permit holder's consent. For workers with employer-specific work permits or students, they would need to meet the regulatory requirements to extend those permits. As a result, a new application is required to issue an open work permit to these individuals.

Minor children can continue to apply for a study permit under existing study permit streams or may study without one at the pre-school, elementary or secondary level if they are already in Canada and at least one of their parents is authorized to work or study.

The Government of Canada stands with the people of Hong Kong and remains concerned regarding the impact Hong Kong's national security legislation, including the Beijing-imposed 2020 National Security Law and the 2024 Safeguarding National Security Ordinance (commonly known as Article 23), could have on human rights in Hong Kong. Canada recognizes Hong Kong's right to enact legislation to address legitimate national security considerations. However, Hong Kong's national security laws fail to safeguard the human rights and freedoms enshrined in the Basic Law and in international instruments to which Hong Kong is a party.

While people from Hong Kong are eligible to come to or stay in Canada under many of Immigration, Refugees and Citizenship Canada's (IRCC's) regular temporary and permanent immigration pathways, the Government of Canada introduced a series of special measures in 2021 to provide additional opportunities for Hong Kong residents to forge stable and prosperous futures in Canada for themselves and their families. Notably, this included special measures allowing Hong Kong residents to apply for an open work permit of up to three years, and the creation of two pathways to permanent residence for Hong Kong residents already in Canada.

As the national security situation in Hong Kong continues to evolve, demand on these pathways has grown. For the permanent residence pathways, high-demand has led to an increase in processing times, such that as of June 30, 2024, the wait time was 11 months.

Admissions under the permanent residence pathways are included in the Humanitarian and Compassionate (H&C) and Other category of the Immigration Levels Plan, for which a total of 13,750 admissions are projected in 2024. The admissions targets under the H&C and Other

category have seen a steady increase from 4,250 in 2019 to 5,000 in 2021, and to 8,250 in 2022. While there is no specific target within the H&C and Other category for the Hong Kong permanent residence pathways, admissions in this category are distributed amongst this and a number of other special immigration measures and humanitarian commitments. Permanent resident admission targets are set each year, taking into account a range of commitments, priorities, and operational capacity.

Beyond dedicated pathways, IRCC is committed to being facilitative in cases where Hong Kong residents may face barriers in the immigration process. Notably, in cases where an individual is unable to provide a police certificate to support their security screening, IRCC officers may use their discretion to facilitate the processing of the application without one.

The Government of Canada strongly prioritizes upholding human rights and the rule of law, both domestically and internationally and continues to closely monitor the situation in Hong Kong.