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# Standing Committee on Citizenship and Immigration

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Chair: Mrs. Salma Zahid





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• (1640)

[English]

**The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)):** I call the meeting to order.

Welcome, everyone, to meeting number 17 of the House of Commons Standing Committee on Citizenship and Immigration.

Given the ongoing pandemic situation, and in light of the recommendations from the health authorities as well as the directive from the Board of Internal Economy on January 28, 2021, in order to remain healthy and safe, all those attending the meeting in person, please maintain a physical distance of at least two metres from others. Wear a non-medical mask when moving about in the meeting room, and preferably wear a mask at all times, including when seated. Maintain proper hand hygiene by using the hand sanitizers provided at the room entrance, and wash your hands well with soap regularly. As the chair, I will be enforcing these measures for the duration of the meeting, and I thank all members in advance for their co-operation.

Pursuant to Standing Order 108(2), the committee is resuming its study of immigration and refugee measures for the people of Hong Kong.

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. The proceedings will be made available via the House of Commons website. So that you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

I would like to take this opportunity to again remind all participants in this meeting that screenshots or taking photos of your screen are not permitted.

For members wishing to participate in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Please make sure that before speaking, you wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer.

As a reminder, all comments by members and witnesses should be addressed through the chair. When you are not speaking, your microphone should be on mute. With regard to the speakers list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

With this, I would like to welcome our witnesses for today.

We have Paul Evans, professor from the school of public policy and global affairs, University of British Columbia, appearing as an individual. We have Henry Chan, co-director, Saskatchewan Stands with Hong Kong. We are also joined by two representatives from the Immigration and Refugee Board: Roula Eatrides, deputy chairperson, refugee protection division; and Heather Primeau, director general, strategic directions and corporate affairs branch.

Thanks to all the witnesses for appearing before the committee. All of the witnesses will be provided five minutes for their opening remarks.

We will start with Paul Evans.

You have five minutes for your opening remarks. You may please proceed.

Mr. Clerk, do we have Paul Evans?

• (1645)

**The Clerk of the Committee (Mr. Leif-Erik Aune):** Yes, he is just joining now.

**The Chair:** I think we will proceed to Mr. Chan, and then you can do the sound check for Paul Evans.

We will start with Henry Chan, co-director for Saskatchewan Stands with Hong Kong.

You can please begin. You have five minutes for your opening remarks.

**Mr. Henry Chan (Co-director, Saskatchewan Stands with Hong Kong):** Thank you, Madam Chair.

It is of course a great pleasure to appear before this committee to recognize our thoughts and recommendations for the humanitarian crisis that's happening in Hong Kong and to protect the people of Hong Kong and the Canadians there in the city.

In previous meetings, members of the Hong Kong diaspora groups, such as Alliance Canada Hong Kong, Canada-Hong Kong Link and VSSDM, appeared before you and gave you many recommendations to help more people most in need, with which I totally concur.

One of the major critiques of the new immigration measures by the Government of Canada is that they are merely an economic measure to attract the best and the brightest immigrants. To truly help the Hong Kong people on the basis of humanitarian relief, shared universal values and the historic relations between the two places, we should focus on trying to help those being persecuted and harassed on a daily basis who do not qualify for the British scheme, and provide them with safe passage to Canada to seek asylum, work or study in an expedited manner. Unfortunately, the current scheme is an utter failure to do so.

Successfully achieving this purpose requires a change of mindset of policy-makers and the frontline staff implementing the policies. Canada must provide a flexible scheme to help the people, such as the 10,000 arrested for doing nothing more than trying to hold the government accountable to the 1984 joint declaration that ensures a free and autonomous Hong Kong for 50 years unchanged.

This allows me to turn to two particular points that I think previous witnesses rarely mentioned. The first is the careful consideration of the number of resources that must accompany any new policy. The second is the matter of the integration of those who will soon arrive to a great country.

Therefore, it is necessary to enhance the capability of our immigration department in accommodating and expediting the application process for political asylum, study permits and work permits to Canada. With regard to this, I have the following recommendations for this committee. Resources must be allocated to the Department of Citizenship and Immigration and to the consulate general office in Hong Kong for providing a provision of official information to the target audience in Hong Kong, and to those exiled elsewhere, on the application of this new scheme—political asylum, open work permits and open study permits to seek refuge in Canada.

In addition, the stationing of a special commissioner at the consulate general office in Hong Kong to be responsible for the processing, verifying and approving of urgent applications for political asylum would be a great advance for this policy.

Madam Chair, it is, of course, easy to say that I will go and live in another country, but this is often more easily said than done. After we attract those new, skilled immigrants to Canada, we must have an approach to assist them in integrating into the Canadian way of life. With regard to this, Canada must have a provision of integration programs, enabling Hong Kong people who arrived in Canada to subscribe to Canadian values and to participate in all aspects of the Canadian community. Such programs and projects can be done by the Canadian government in collaboration with NGOs and well-established Canadian community organizations with a long history and track record of serving the Hong Kong-Canadian community. These programs could henceforth help those who arrive in Canada to achieve employment, seek options for help during their settlement period and, in the long term, become contributing residents to the diverse Canadian fabric.

Madam Chair, Hong Kong is a clear example of China's aggression and the challenges and threats it poses to democracy and freedom. Providing an immigration route to Canada is a benevolent gesture from the Canadian government, but we must clearly define those most in need and help them accordingly. In places where we

cannot intervene, we must speak out and speak the truth when a wrong is being committed. It is in standing firm on our principles that the free world will not further embolden an aggressor.

Thank you very much, Madam Chair.

• (1650)

**The Chair:** Thank you.

We will now go back to Mr. Evans.

Mr. Evans, you can please start. You have five minutes for your opening remarks.

**Professor Paul Evans (Professor, School of Public Policy and Global Affairs, University of British Columbia, As an Individual):** Thank you.

I thank the committee for the opportunity to appear today. My connection with Hong Kong over the past 35 years has been principally as a professor of international relations and trans-Pacific affairs. My perch has been Canadian universities, frequent visits and occasionally teaching courses in political science at the University of Hong Kong.

I appear before the committee as an individual, not as a representative of my own university, the University of British Columbia or the university system.

The unfolding situation in the Hong Kong Special Administrative Region has major implications for Hong Kong, Canada and Canada-China relations. Previous witnesses, including Mr. Chan, have offered, with urgency and precision, informed recommendations for measures to address gaps in our efforts to assist those immigrants and refugees eager and, in many cases, desperate to leave for Canada.

I won't add here to the list of recommendations but instead address three additional matters that need to be part of our approach.

First is understand the setting. The national security law; increased surveillance, arrests and prosecutions; introduction of national education in schools and universities; censorship and self-censorship are all changing Hong Kong's political and social life in substantial ways. The one country, two systems model has shifted significantly toward one country. Hong Kong is being more closely integrated economically, culturally and politically into the mainland. This is unlikely to stop or be reversed. Many of my university friends are already adjusting to this mainlandization as the new normal.

It is very difficult to get a sense of how many Hong Kong residents want to leave, when and for what reasons. Some motives for leaving include fear of arrest and prosecution for involvement in protests, as we have heard; disillusionment about Hong Kong's future; and livelihood calculations about future economic opportunities. The best guess is that unless civil order breaks down completely, unless there is large-scale violence or the economy collapses, the level of immigration to Canada, the U.K. and elsewhere will not be unmanageable. Prospects of a mass exodus are small.

The second matter I want to address is the expanded role of our universities. As the previous witness indicated, many people will be coming to Canada. Ottawa's new program puts a premium on educational connections for attracting and assisting Hong Kong immigrants.

Our institutions, however, don't yet seem to be registering a sharp uptick of applications in universities and educational institutions. We need to be gearing up in several areas on our campuses, enhancing student recruitment efforts and scholarship support, preparing incoming students from Hong Kong as well as mainland China for adhering to principles of respectful academic atmosphere. We need to be maintaining joint programs with Hong Kong academic partners, but with greater awareness that they may be under restrictions similar to those in our exchanges with mainland Chinese institutions.

One area highlighted in earlier testimony that needs to be underscored is the need for increased vigilance and response in situations of harassment, intimidation and improper surveillance of any student here in Canada.

● (1655)

The third point is the longer game. Hong Kong will remain a point of friction in Canada-China relations for the long term. Issues related to dual nationality, the extraterritorial implications of the national security law and a potential exit ban are going to top the governmental agendas in the short term. Active individuals and communities in Canada will continue to push for democratic reforms and call out violations of the Basic Law and other human rights in a way that—

**The Chair:** I'm sorry for interrupting, Mr. Evans. Your time is up. You will get an opportunity to talk further in the round of questioning.

We will now move on to our third witness for today's panel, which is the Immigration and Refugee Board.

You will have five minutes for your opening remarks.

Ms. Eatrudes will start and will be sharing her time with Ms. Primeau.

**Ms. Roula Eatrudes (Deputy Chairperson, Refugee Protection Division, Immigration and Refugee Board):** Thank you, Madam Chair.

I am joined today by Ms. Heather Primeau, who is the director general of strategic directions and corporate affairs. I would like to start by thanking the committee for the opportunity to speak with you today.

Before jumping into the issues at hand, I would like to provide you with a brief overview of the Immigration and Refugee Board's mandate. For those of you less familiar with the IRB, we are Canada's largest independent administrative tribunal. Our mandate is to make well-reasoned decisions on immigration and refugee matters fairly, efficiently and in accordance with the law. The IRB is made up of four separate tribunals, which are known as divisions. They are the refugee protection division, the refugee appeal division, the immigration division and the immigration appeal division.

It is the refugee protection division, or RPD, that is responsible for hearing and deciding claims made in Canada for refugee protection. In keeping with our international legal obligations, as implemented through the Immigration and Refugee Protection Act, RPD decision-makers decide who is a convention refugee or a person in need of protection. In rendering decisions, RPD decision-makers take into account whether an individual has a well-founded fear of persecution based on race, religion, political opinion, nationality or membership in a particular social group. Decisions are made based on the merits of the specific facts presented in an individual case and in accordance with Canada's immigration laws.

The IRB's role within Canada's refugee determination system then is to make decisions that conform to Canada's law. It is not responsible for developing Canada's policies and priorities as they relate to immigration and refugee matters. This is the responsibility of Canada's Department of Immigration, Refugees and Citizenship.

The IRB recognizes that its decisions are always life-changing and impact the lives and security of individuals who appear before it. To provide fair and efficient adjudicative justice, the IRB regularly monitors conditions in refugee-producing countries. The IRB has a world-class research directorate that produces national documentation packages on all countries from which the IRB receives claims, including Hong Kong. The NDPs comprehensively cover the human rights situations in the country, are updated regularly and are publicly available.

Based on the IRB's monitoring activities, all refugee claims from Hong Kong are currently being actively examined and case management strategies are being utilized to promote their efficient determination. Namely, claims from Hong Kong have been identified for triage as part of the IRB's task force on less complex claims. This means that based on current country conditions, the IRB has identified claims made by Hong Kong nationals as suitable to be determined without a hearing or with a short hearing if there are only one or two key determinative issues to be resolved. If there are more complicated questions of credibility or identity, then such cases will not be able to be addressed as less complex but will be decided with a regular hearing.

This type of case management strategy is in keeping with the IRB's past responses and relies on its knowledge of country conditions and claim types. Such strategies increase the efficiency of the refugee determination system by allocating an amount of preparation and hearing room time that is proportionate to the complexity of each unique claim. From January 1, 2020, to February 19, 2021, the RPD finalized 28 asylum claims from residents of Hong Kong with fewer than 20 claims still pending.

• (1700)

In the context of today's session, it is worth briefly examining what the Immigration Refugee Protection Act says about criminality. A foreign national maybe inadmissible to Canada on the grounds of criminality. However, foreign convictions are examined to see whether they would be considered offences under Canadian law if they had occurred in Canada.

In conclusion, I would like to emphasize the fact that the IRB takes its responsibility to render all decisions fairly, consistently and efficiently very seriously. This extends to ensuring that it continuously monitors country conditions to ensure that each and every person claiming refugee status in Canada has access to meaningful adjudicative justice.

Madam Chair, thank you for the opportunity to appear before you today.

**The Chair:** Thank you.

Thank you to all the witnesses for providing opening remarks.

We will now proceed with our rounds of questioning, starting with Mr. Chiu.

Mr. Chiu, you have six minutes for your round of questioning. Please start.

**Mr. Kenny Chiu (Steveston—Richmond East, CPC):** Thank you, Madam Chair.

Mr. Chan, you mentioned that Canada needs to expedite the consideration of resources and receiving refugees who come from Hong Kong. I would like to ask you to share your thoughts on the potential infiltration of pro or hard-core Chinese immigrants coming from Hong Kong. Imaginably, our system being a fair one, there could be ones who are pro-Chinese and who are being persecuted by the other side and would like to claim asylum in Canada.

**Mr. Henry Chan:** I think in previous hearings, many witnesses have advocated, and I think it's very important, that for immigrants or political asylum seekers who come into Canada, we need to have a robust vetting system. That means perhaps our RCMP and our CSIS can do checkups on those people before they enter Canada. I think it's very important because of the recent news of Operation Fox Hunt all over Canada and of infiltration by the Chinese Communist Party over different places, not just Canada.

**Mr. Kenny Chiu:** The other point you suggested was to expose newcomers to Canadian core values, to what is important to Canadians. Wouldn't you say it's just another form of brainwashing, telling newcomers what we believe, and therefore, if they don't agree, they can take a hike? What's your view on that?

**Mr. Henry Chan:** I think it's quite different. In China if you were brainwashed at school or whatever, you can't really object. I

think in Canada we can give them that opportunity. They don't have to necessarily take it, but it's there when they need it. We have those programs that will be given to those who will come to Canada. If they want, we can help them integrate.

**Mr. Kenny Chiu:** Thank you. That's good.

Professor Evans, can you comment on the clash of civilizations? The Chinese Communist Party is now taking a completely different road. They believe their system would actually work across the world and, therefore, Canadian society and western civilizations are actually the inferior. How do we maintain Canadian societal harmony given the narrative being permeated here in Canada?

**Prof. Paul Evans:** I don't think China wants to export its model to the world. I think what China is trying to do is to make its model safe inside its own country and its immediate periphery. As for seeing Chinese political values as superior or something we'd want to import, I think that's pretty unlikely for almost all Canadians.

• (1705)

**Mr. Kenny Chiu:** Thank you. Some might actually disagree with your first point, but I will leave that alone.

My second question is regarding the potential, or the actual, detected and reported infiltration and influence of foreign actors in Canada. You mentioned that in the university we should try to keep the harmony among newcomer students from not just Hong Kong but also mainland China.

How do we resolve any potential political clashes and also influence by certain actors behind the scenes?

**Prof. Paul Evans:** That's a very important question because there are occasional examples of agents of the People's Republic of China, sometimes representatives from Hong Kong, paying special attention to students on our campuses. Some of those contacts are quite understandable, but they need to be totally transparent. In situations where students are being threatened online or physically, there needs to be an awareness that this is unacceptable and that there will be reporting mechanisms that can be trusted to try to bring in our intelligence and our policing services, if necessary.

It's not a major problem during COVID, when not many people are here on campus, but it will be something that we have to gear up for in new and advanced ways come better circumstances.

**Mr. Kenny Chiu:** I'll leave the last minute to the Immigration and Refugee Board.

I would like you to expand a little on what is equivalent to double criminality, the equivalent of criminal charges to refugee seekers in Canada versus their place of origin, like Hong Kong.

**Ms. Roula Eatrides:** Thank you. That's a great question.

We look at foreign convictions to see whether they would be offences under Canadian laws if they had occurred here. If there's no equivalent offence, the individual would be deemed to be admissible and able to make a refugee claim.

For example, there is no equivalent offence in Canada for participating in a peaceful protest, so a charge or conviction for having partaken in such activities—

**The Chair:** I'm sorry for interrupting, Ms. Eatrises, but time is up. We will have to move on to our next member. You'll get an opportunity in the next round of questioning.

We will now have Ms. Dhillon for six minutes.

**Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.):** Good afternoon. Thank you to all our witnesses for being here today.

Henry Chan, you mentioned in your statement that it would be important for the Government of Canada to enhance resources for the processing of asylum claimants, and work and study permit applications to Canada.

As it stands, our government has introduced new measures to expedite documents for Canadians and Canadian PRs in Hong Kong. Application processing fees have been waived for Hong Kong residents temporarily in Canada to extend their stay. There are also dedicated task forces at the IRB to speed up this process.

Is this the type of prioritization that you agree with?

**Mr. Henry Chan:** Yes, I agree with having new measures to expedite those processes.

One more thing about the resources is also the information. I have received a lot of feedback from the Hong Kong community that there are not enough resources and information on the new scheme. I think we can advance a little on that information, as well.

**Ms. Anju Dhillon:** One of the things our government considered in the development of the immigration programs set for the residents of Hong Kong was to examine the current immigration trends from Hong Kong and seek to strengthen those corridors already in existence and being used.

Do you believe this choice is helpful for Hong Kongers and will be very expedient?

**Mr. Henry Chan:** Yes, I think any new measures for Hong Kong would be helpful.

As I said, even with the best program there are things we can critique. But again, I think more information is important.

• (1710)

**Ms. Anju Dhillon:** Ms. Eatrises, it's important for both our government and the people of Hong Kong that they have the ability to come to Canada, but also, should they choose, either on arrival or throughout their stay, that they be able to apply for asylum.

Can you please give the committee an understanding of what process is in place for applicants from Hong Kong and what processes their claims for protection are subject to once they reach the IRB?

**Ms. Roula Eatrises:** In terms of the process, the IRB only has jurisdiction to adjudicate refugee claims and appeals made within

Canada. We determine those refugee claims that are first determined eligible by either the Canada Border Services Agency or the Department of Immigration, Refugees and Citizenship. Once they're determined to be eligible, once they're within Canada, they are referred to the IRB and we can start the refugee determination process.

**Ms. Anju Dhillon:** Thank you for that. I also have a follow-up question for you.

With regard to documents for Canadians and Canadian PRs in Hong Kong, and application processing fees being waived for those residents temporarily in Canada, do you find that there has been more expediency with this and facilitating of the process in the way that applications are being put through the system?

Has this been helpful to those seeking to come to Canada?

**Ms. Roula Eatrises:** Thank you, Madam Chair.

That's a good question, but in terms of the IRB, we only deal with refugee claims that are made within Canada, so that would be the responsibility of Immigration, Refugees and Citizenship Canada.

**Ms. Anju Dhillon:** I would like to put this question to everybody else, to all our witnesses on the panel who didn't have a chance to answer. I'm very interested in hearing your comments. Thank you so much.

**Mr. Henry Chan:** On the question of whether it is more helpful or expeditious for the Hong Kong people, I think one thing is that a lot of people who want to claim political asylum are under tremendous harassment in Hong Kong and cannot come to Canada because of travel restrictions.

One of the things I think a previous witness mentioned is to provide essential travel documents for them to travel to Canada to claim asylum, and another thing is—

**The Chair:** I'm sorry for interrupting. The time is up.

We will now move on to Madame Normandin.

Madame Normandin, you have six minutes. Please proceed.

[Translation]

**Ms. Christine Normandin (Saint-Jean, BQ):** Thank you very much.

My first question is for Mr. Evans and Mr. Chan.

A number of witnesses have already spoken about the restrictive aspect of the immigration measures put in place, the fact that they only target students, for example, and not necessarily the average protester who may be an older, uneducated and non-bilingual person. They also talked about travel restrictions. It is known that the borders could at some point be closed to people from Hong Kong who would like to leave their country. Beyond that, there are also people in Hong Kong who may wish to stay and not abandon their families.

Last week, a witness mentioned that what is even more effective than immigration and refugee measures is making sure that there is no persecution in the first place.

I would like to hear from both of you about international relations measures that could be put in place to help people who wish to stay in Hong Kong.

• (1715)

[*English*]

**Prof. Paul Evans:** That's a fundamental question. While we are talking about how we are going to assist people from Hong Kong as they come to our shores, the other question is this: What do we do for the people of Hong Kong?

The idea that Hong Kong is on fire, that its system is collapsing, I think is misleading. It's a place of deep political turbulence, but the city itself is there.

The question then becomes how we are of most value. Our universities, rather than shutting down connections with Hong Kong, are going to have to try to find more ways to connect with them, to do things in Canada that can't be done in Hong Kong. Publication, self-censorship restrictions in Hong Kong...we don't need to perform that way. We can do something a little better.

I think the fundamental issue is about how we try to encourage democracy and human rights in Hong Kong, even recognizing that we have little immediate influence. We need to hope for and nourish the emergence of a moderate democratic middle that can navigate the limited space for political change that still exists in Hong Kong. There are more opportunities in Hong Kong still than in mainland China, and let's not lose those connections through some rash action that will have the PRC close the door even further.

[*Translation*]

**Ms. Christine Normandin:** Would you like to add something, Mr. Chan?

[*English*]

**Mr. Henry Chan:** I think initially we must take action to solve the political atmosphere that is becoming very clouded in Hong Kong, but there are only limited things that we can do. Therefore, opening a route to asylum or to work or to study is for those who are really under tremendous harassment or under hardship, so that they can come to Canada.

It's not an easy question to answer, because the political system in Hong Kong has been shifted. I think after the national security law, the fundamentals of the constitution, the Basic Law—the mini-constitution—have been shifted. Even, I think, the court of final appeal said that law cannot be interpreted by the Hong Kong courts.

So, there's very little that we can do, and I think offering an escape route for those who want to leave is very important.

[*Translation*]

**Ms. Christine Normandin:** Thank you.

I would like to follow up on what you just said. Are there any measures that may be subject to retaliation by China? I'm thinking here of, for example, providing exit routes, recognizing the British passport, having NGOs on the ground to identify those who are more at risk, and recognizing, as we did today in the House, that what the Uighurs are experiencing right now is genocide. If so, what could this retaliation be?

Despite everything, is it worth continuing to take similar steps? Is there a benefit to doing it?

[*English*]

**Prof. Paul Evans:** Parliamentarians have had a busy China day already on genocide and Uighurs. I think we're at a moment when Hong Kong and Xinjiang come up as the examples of where we have deep concerns in Canada about human rights problems.

The two situations are somewhat different, and I think that as hard as the situation is in Hong Kong now, there is still room for visibility, for transparency around actions, and for us to work with Hong Kongers to try to strengthen human rights and elements of democracy. In Xinjiang that's an even more difficult case. Most people are going to stay in Hong Kong, and our future is with them in Hong Kong as much as it's going to be helping them when they're here in Canada.

• (1720)

[*Translation*]

**Ms. Christine Normandin:** Go ahead, Mr. Chan.

[*English*]

**Mr. Henry Chan:** On this it's very important that we notice that in Hong Kong, although there is a tremendous crackdown on rights and freedoms, it's still not as bad a situation as the—

**The Chair:** I'm sorry for interrupting, Mr. Chan, but your time is up.

We will now move to Ms. Kwan.

Ms. Kwan, you have six minutes. Please go ahead.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Madam Chair.

Thank you to the witnesses.

My first question is for Ms. Eatrises.

The IRB, between January 1, 2020, and February 19, 2021, finalized 28 asylum claims from residents of Hong Kong and has fewer than 20 claims still pending. Could you advise how many were rejected or refused?



**Ms. Roula Eatrises:** That's a good question. I would first caution, though, that some of those claims were from 2018 and 2019 as well. Every claim is unique and determined on its own merits.

We have been averaging around 85% in terms of positive determinations of our claims to date, but I would say we look at every single claim based on claim types. Not all claims from Hong Kong are around political opinion or democracy, but we are trending at over 80% positive.

**Ms. Jenny Kwan:** I'm sorry, but could you give me a specific number as to how many for residents of Hong Kong were rejected for this period?

**Ms. Roula Eatrises:** Approximately 15% were negative out of the 28 claims.

**Ms. Jenny Kwan:** I see. I'm sorry. I wasn't sure what percentage referred to what number. Thank you.

In terms of the IRB decisions, has the IRB received any instructions from the government with respect to humanitarian or compassionate considerations for the people of Hong Kong?

**Ms. Roula Eatrises:** The IRB is an independent decision-maker. When we look at our mandate, we have a research group that monitors, on a daily basis, developments with respect to country conditions. We are live to contextual issues, but we do operate independently from the department and the minister.

**Ms. Jenny Kwan:** No directives have come from the government. Is that correct?

**Ms. Roula Eatrises:** We're independent of the government. Our decision-makers are independent, and we have institutional independence. We have—

**Ms. Jenny Kwan:** Okay. Thank you.

I'd like to bring up the situation of Tiananmen Square back in 1989. The government of the day issued a directive whereby it instructed that this information be taken into consideration, which was as follows:

...all persons who have in some way individually embarrassed their government—

That's referring to China.

—and in so doing having exposed themselves to severe sanctions should they return. ...In view of this, all requests for permanent residence are to be evaluated sympathetically and on an urgent basis.

That was the directive from the government of the day then. How would the IRB deal with such an instruction if it were given today to the IRB?

**Ms. Roula Eatrises:** I wouldn't comment on that. We haven't received any official communication, and I really don't want to comment or speculate on what that would look like.

**Ms. Jenny Kwan:** I guess the important point, of course, is that no instructions have been given, and there are similarities with Tiananmen Square and what went on in Tiananmen Square, versus what is going on right now in Hong Kong in terms of the urgency and the political implications for the people who face political persecution.

I would like to turn to the point around criminality. You raised this point, and it's been reiterated over and over, and that is to say that on criminality, if the issue surfaces where it is involved—

• (1725)

**The Chair:** I'm sorry for interrupting. Please adjust your mike.

**Ms. Jenny Kwan:** I actually don't think it's me, Madam Chair. I think it's someone else who is breathing very hard into a mike.

**The Chair:** Can I request everyone else to please mute yourself if you're not speaking?

Please proceed, Ms. Kwan.

**Ms. Jenny Kwan:** Thank you, Madam Chair. I hope I don't lose my time.

**The Chair:** No. I stopped the clock.

**Ms. Jenny Kwan:** Thank you.

On the question around criminality. I want to raise this issue. For example, a violation such as rioting, before the national security law, would be deemed to be consistent with a law in Canada as well, if you were charged with rioting. Many of the protesters in Hong Kong before the national security law are faced with concerns around allegations of rioting.

How would the IRB deal with those situations and that kind of criminality?

**Ms. Roula Eatrises:** We look at decisions on a case-by-case basis with the most up-to-date evidence available.

Under our Immigration and Refugee Protection Act, we only exclude under section 98 serious non-political crimes, war crimes and crimes against humanity. We would look at the current context and we would look at it on a case-by-case basis.

**Ms. Jenny Kwan:** I see.

On pre-removal risk assessment between January and November of 2020, 94.5% of PRRA decisions were negative. Eighty were positive, 1,365 were negative and 685 applications withdrew. For that period, do you know how many Hong Kong pre-removal risk assessments were received and how many received a favourable decision?

**Ms. Roula Eatrises:** I wouldn't have the answer to that question. I only have data with respect to asylum claims that have come before the IRB—

**The Chair:** I'm sorry for interrupting, Ms. Eatrises. The time is up.

We will now move on to our second round of questioning. Before we start, I just want to let everyone know we will have four minutes each for Mr. Chiu and Mr. Dhaliwal, and two minutes each for Madame Normandin and Ms. Kwan.

We will now start our second round of questioning with Mr. Chiu.

You will have four minutes.

**Mr. Kenny Chiu:** Thank you, Madam Chair.

My first question goes back to Professor Evans.

Professor Evans, you mentioned the word and that, in Hong Kong, the process of mainlandization has actually accelerated. I would like to hear your view regarding the 300,000 Canadians estimated to be living in Hong Kong right now. Though it doesn't fall into the refugee category, I would like to hear your opinion in that regard. Some of them may have family who are not yet Canadians, permanent residents or immigrants.

**Prof. Paul Evans:** My sense is that there is a comparatively small number of people, of those 300,000, who at this stage are making the calculation to return to Canada in the near future. As things develop, if the economy collapses, if the political situation deteriorates, if there is anything even approximating a Tiananmen Square-style kind of violence, they'll want to leave.

Many of those people are calculating their economic prospects, and the economic situation in Hong Kong is beginning to turn. One of the parts of mainlandization is the growing integration into a Chinese economy that is responding faster, in a post-COVID world, than ours is here. Not all of those 300,000 are going to be seeking refuge. They'll be calculating.

• (1730)

**Mr. Kenny Chiu:** Just like the hundreds of thousands, or just over a million, people estimated to have foreign passports, for these 300,000 Canadian passport holders, the point is to have political insurance should something occur. The latest interpretation regarding the nationality of the Chinese subjects has actually shattered their dreams.

Would that actually cause more of these Canadians' relatives, say brothers or sisters, to actually seek refugee status in Canada? Can you comment on that?

**Prof. Paul Evans:** We don't know exactly how many are in that category, but the dual nationality side is going to be a crucial issue, going forward, as people are going to have to start making choices. It first refers to politicians and others in Hong Kong, but it is coming.

The Chinese can tighten this one down in ways that will cause fear in the hearts of some. We may get some trying to come. We're also going to get a large number of people who will choose to be Chinese, not Canadian, if they are forced to do it, because of their business and because of their connections and their languages.

Yes, we have to be aware of this, but it's not likely to be a flood.

**Mr. Kenny Chiu:** My next question is for—

**The Chair:** You have 30 seconds left.

**Mr. Kenny Chiu:** In that case, then, I will surrender the remaining time. Perhaps later on I'll ask my 30 seconds in a question.

**The Chair:** You can ask now. We will not be going back.

**Mr. Kenny Chiu:** It will take at least 20 seconds for me to read the question, so don't worry about it. I'll just give it up.

**The Chair:** Mr. Dhaliwal, you have four minutes for your round of questioning.

**Mr. Sukh Dhaliwal (Surrey—Newton, Lib.):** Thank you, Madam Chair, and thank you to all the presenters who have come forward.

Officials have told this committee that Hong Kong residents could come to Canada with an electronic travel authorization, an eTA, which normally takes very little time to obtain online. However, under certain circumstances, these eTAs are refused and the person is required to undergo an interview at the visa office.

Will a protester who was arrested have difficulties in obtaining an eTA? How difficult is it to get out of Hong Kong without an eTA?

**The Chair:** Your question is directed to whom?

**Mr. Sukh Dhaliwal:** It is for anyone.

**Mr. Henry Chan:** I'll try to answer that.

If you're asking how difficult it is to get out of Hong Kong without proper travel documents, it is very hard. We have been noticing and hearing that there has been increased surveillance at the borders and it has been very restrictive after COVID.

Also, those who have been arrested have had their travel documents confiscated, so they can't get out.

**Mr. Sukh Dhaliwal:** We have brought in many streams now when it comes to permanent immigration. Particularly, my concern is with the students. We can bring in as many students as we want because there is a lot more demand right now.

Is there a way the government can help these students? One of the fellows who came to my office said that it's very hard for the students to afford it. What can the government do in those particular circumstances where a person wants to go for higher education and be a productive citizen in Canada afterwards?

**Prof. Paul Evans:** Perhaps I can try to answer that.

A number of countries—not just Canada—have a special interest in attracting high-quality Hong Kong students to their institutions. We can redouble our efforts on recruitment and maybe offer some scholarships.

I think something else we're going to need to be doing, particularly in Canada for those who want to leave Hong Kong for political reasons, is to help them in our community colleges and other parts of our educational system, where we can give new facilities for English language training.

High-end Hong Kong students can go anywhere in the world admission-wise, but there's a category on the technical side and others where we could make a special effort—maybe we could offer some scholarships—particularly when people are going to need the extra time to study English language. Not everyone who comes from Hong Kong can operate in English. That might be one niche where some government encouragement and university and college initiatives could open a door a little bit wider to a class of Hong Kongers who are not going to be caught up in the normal high-end educational stream.

• (1735)

**Mr. Sukh Dhaliwal:** I totally understand—

**The Chair:** Mr. Dhaliwal, your time is up. We will now move on to Madame Normandin.

Madame Normandin, you have two minutes for your questions.

[*Translation*]

**Ms. Christine Normandin:** Thank you very much, Madam Chair.

I have only one question, which I will address to Ms. Eatrises.

Ms. Eatrises, you mentioned that some refugee applications submitted from Hong Kong in 2018 were only processed this year. We know that processing times can be lengthy, including at the Refugee Protection Division, or RPD. I've had access to the statistics. It took two and a half months for the first paper files to be processed after the crisis began, and in-person hearings did not resume until the end of July. Figures show that, until about mid-September, the number of in-person cases was still about half of RPD's previous capacity.

Even if we don't expect a massive influx of asylum applications from Hong Kong, are we ready to receive them? Has the RPD reached its cruising speed?

[*English*]

**Ms. Roula Eatrises:** Thank you, Madam Chair. That's a very good question.

Hong Kong claims have an average processing time of about 11 months. That was slowed down because of the pandemic, but we are operating now at our annualized capacity of 50,000 claimants. We have received a cash injection from the government and we've built up extra capacity. We've done over 7,000 virtual hearings. We've had over 4,000 paper decisions since April 1, which is the beginning of our fiscal year.

I'm confident that we are operating now at our funded capacity and that we have a process in place with our less complex claims force to be able to case manage efficiently. We also have additional operational measures in case there's a larger influx.

[*Translation*]

**Ms. Christine Normandin:** Thank you very much.

[*English*]

**Ms. Roula Eatrises:** Thank you.

**The Chair:** Thank you.

Now we will end our rounds of questioning with Ms. Kwan.

Ms. Kwan, you have two minutes for your round of questioning. Please go ahead.

**Ms. Jenny Kwan:** My question is for Mr. Henry Chan.

We actually were advised by Ted Hui on a previous panel that the Hong Kong government is about to bring in legislation that will prevent people from boarding a plane or a boat without any reason at all, so time is of the essence for people to get to safety.

I wonder if you can comment on that, given the projection of the government's announcement right now. Even the immigration measures they've announced for students would actually not kick in until likely toward the end of the year. What are your thoughts on that?

**Mr. Henry Chan:** I agree with you that time is of the essence. A lot of people are being persecuted and more people are being arrested every single day. Once you're arrested, your passport or your travel documents are held so you can't leave, so it's very important that we do these things in a timely manner, as I said in the speech earlier.

**Ms. Jenny Kwan:** With respect to travel restrictions, even if people are able to successfully put in an application, travel restrictions because of COVID right now will not allow them to get into the country. Do you think that the government should lift the travel restrictions for Hong Kongers?

**Mr. Henry Chan:** Yes.

**Ms. Jenny Kwan:** Related to the issue of travel is the fact that refugee claims are not allowed to be made in Hong Kong. Should we have a special provision that would allow for refugee claims to be made by people from Hong Kong who are abroad?

• (1740)

**Mr. Henry Chan:** Yes. I think a lot of those people, as a previous witness mentioned, have a refugee-like status, so we also need more help for those people who are exiled elsewhere.

**Ms. Jenny Kwan:** Should the Canadian embassy be utilized to facilitate this process?

**Mr. Henry Chan:** Yes. As I said, a special commissioner to take a look at those—

**The Chair:** I'm sorry for interrupting, Mr. Chan, but the time is up.

With this, I want to thank all of the witnesses for giving us the time and providing important testimonies for this study.

Thank you, members, for adjusting your calendars on what I know was very short notice, and for coming in to do a one-hour panel this morning.

With that, today's meeting is adjourned.





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