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• (1105)

[English]

The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)): I call the meeting to order.

Welcome to meeting number 113 of the House of Commons Standing Committee on Citizenship and Immigration. We are meeting in public.

Pursuant to Standing Order 108(2) and the motions adopted by the committee on February 12, May 1 and June 12, 2024, the committee is resuming its study of pension transferability and access to the mandatory provident fund, and delays in permanent residence and visas for Hong Kongers.

I would like to remind participants of the following points. Please wait until I recognize you by name before speaking. All comments should be addressed through the chair. Whether participating in person or by Zoom, please raise your hand if you wish to speak. The clerk and I will manage the speaking order as best we can.

Today's meeting is taking place in a hybrid format. In accordance with the committee's routine motion concerning connection tests for witnesses, I am informing the committee that all witnesses have completed the required connection tests in advance of the meeting.

I have to get a couple of things done before I welcome the guests. There is a budget issue and some administrative matters before we begin. We have prepared a supplementary draft budget regarding the study of pension transferability and access to the mandatory provident fund and delays in permanent residence and visas for Hong Kongers, in the amount of \$1,000, in order to cover the two extra meetings.

Is there a motion to adopt this budget, Mr. Redekopp or Mr. El-Khoury?

An hon. member: I so move.

The Chair: Is everyone in favour?

(Motion agreed to)

The Chair: Before I welcome the witnesses, I would like to welcome Mr. Chandra Arya, MP.

Mr. Arya, welcome to the committee.

On behalf of committee members, I would now like to welcome our witnesses for today's meeting.

From Sun Life Financial Services of Canada, we have Ms. Laura Hewitt, senior vice-president and head of global government affairs and public policy. She is with us by video conference. From Manufacturers Life Insurance Company, we have Ms. Maryscott Greenwood, global head of government relations. She is also with us by video conference.

Up to five minutes will be given for opening remarks, after which we will proceed with the rounds of questions.

Now, I'm going to welcome Laura and Maryscott.

Who would like to go first?

Ms. Laura Hewitt (Senior Vice-President and Head, Global Government Affairs and Public Policy, Sun Life Financial Services of Canada Inc.): I'm happy to go. Thank you, Mr. Chair.

The Chair: Okay. Go ahead for five minutes, please.

Ms. Laura Hewitt: I am pleased to be back before the committee to answer any additional questions that members may have about Sun Life's role as an MPF trustee in the early MPF withdrawal application process.

As a reminder, the Hong Kong mandatory provident fund system is a retirement savings program intended to support those over the age of 65 with financial security in their later years. This system is similar to various mandatory retirement programs around the world. This means that money is released to the participants at retirement age, or, in rare circumstances, when someone meets the criteria for early unlocking. Those criteria are set by the relevant regulator and can include permanent departure or terminal illness.

I want to begin by again reassuring the committee that Sun Life does not decline applications for early withdrawal of MPF funds from Canadian permanent residents or Canadian citizens who have permanently left Hong Kong. This is true regardless of what passport they used to enter Canada before receiving their permanent residency or Canadian citizenship status.

As I will outline in my remarks, Sun Life has accepted 97.5% of all applications we received for early MPF withdrawal due to permanent departure between January 2021 and March 2024.

I would like to clearly outline the data points that I provided both during my previous testimony and also in writing to the committee in June 2024.

Between January 2021 and March 2024, Sun Life received a total of 14,590 applications from clients wishing to withdraw their MPF funds due to permanent departure from Hong Kong. Of these applications, a total of 14,238 were approved by both Sun Life and the Hong Kong regulator, the MPFA. The remaining 352 applications were declined either by Sun Life due to errors on applications or the applicant not meeting the criteria, or by the Hong Kong regulator due to the applicant having previously received a payout under the early departure process, making them ineligible to access funds through this stream again.

Allow me to break this down further. Of the 352 declined applications, 180 were declined by Sun Life due to errors on forms or clients not meeting the withdrawal criteria. This type of review process is part of normal due diligence procedures in all markets in which we operate to ensure program integrity. The remaining 172 applications were approved by Sun Life but declined by the regulator.

I would also like to stress that Sun Life must abide by the rules and regulations of every jurisdiction in which we operate. With regard to the criteria for early withdrawal due to permanent departure, those rules are set by the Hong Kong regulator, the MPFA. With respect to the steps required to obtain permanent residency in Canada and how long processing that permanent residency status takes, that is the purview of Immigration, Refugees and Citizenship Canada.

At Sun Life, our purpose is to help our clients achieve lifetime financial security and live healthier lives. In any jurisdiction where we operate, whether in Canada, in the United States or in Hong Kong, Sun Life has focused on meeting the needs of our clients. Each market and each client has distinct needs, and we tailor our approach to best support them. We also ensure that we are compliant with the specific laws and regulations of each of those markets, which enables us to serve our clients to the best of our ability. These principles are true for Hong Kong and for early MPF withdrawal requests by clients who have permanently left Hong Kong.

Maintaining the trust that our clients have in us in overseeing some of their most important financial savings is of vital importance to us. We continue to be committed to working with our clients during the application process, ensuring that any errors on applications are quickly addressed and providing guidance to them in reapplying when appropriate. We have resources available to all of our clients wishing to withdraw their MPF funds due to early departure publicly available on our website, including a direct line to contact our dedicated Sun Life MPF experts.

Thank you again for inviting me here today. I look forward to answering your questions.

- (1110)

The Chair: Thank you, Ms. Hewitt. That was perfect timing: four minutes and 22 seconds.

Now we will go to Ms. Greenwood for five minutes.

Please, go ahead.

Ms. Maryscott Greenwood (Global Head, Government Relations, The Manufacturers Life Insurance Company): Good morning.

It is good to see you again and an honour, as always, to appear before this parliamentary committee. I appreciate having another opportunity to discuss Manulife's pension business, and I'll be happy to try to answer any questions you may have.

Manulife has been a proudly Canadian company since its founding 137 years ago. Today we provide financial services to 35 million customers around the world, including seven million Canadians. At Manulife, we are proud of our Canadian heritage. We also support and encourage Canada's ongoing presence in the Indo-Pacific, an important region with the largest population in the world, one where Manulife has had a presence for 125 years.

The international success of Canada's financial services sector injects billions of dollars into the Canadian economy and powers tens of thousands of high-quality Canadian jobs. Financial services are among the country's most important exports, growing at an average of 7.4% a year over the last five years, according to the Conference Board of Canada.

Manulife has been providing financial services in Hong Kong since 1898. We currently have more than 2.5 million customers and approximately 2,500 employees there.

Almost all pension systems, including those in Canada and the United States, put restrictions in place to prevent individuals from accessing their pension savings before reaching retirement age. In Canada and elsewhere, these restrictions exist to ensure that the funds saved for retirement are available during retirement. The pension system in Hong Kong is known as the mandatory provident fund, or MPF. Currently, there are 12 MPF trustees, including Manulife, who offer MPF plans to about 4.7 million members through approximately 360,000 participating employers.

The pension laws in Hong Kong enacted in 1995 allow for pensions to be withdrawn prior to the age of 65 only in specific circumstances, including early retirement after the age of 60, permanent departure from Hong Kong, total incapacity, terminal illness, small balance or death.

These restrictions are very similar to the provincial laws that exist in Canada. In Canada, however, if someone wishes to make an early withdrawal from their pension on departure grounds, they must prove that they have been gone for at least two years, and there is a tax penalty imposed by Canada for doing so. This is not a requirement for those entering Canada from Hong Kong. Those who can provide proof of permanent residence in Canada can access their pension immediately, provided they meet the remaining eligibility criteria.

It is also important to remember that when somebody is deemed ineligible for early withdrawal, their pension funds remain in place and available upon retirement.

We have updated our available data since the last time we met with this committee. From January 2021 to the end of September 2024, Manulife received 5,720 requests from customers requesting that their pension funds be unlocked for reasons of permanent departure from Hong Kong to Canada. Manulife was able to process applications on the grounds of permanent departure for 4,533 applicants who moved to Canada. We were unable to process applications from 1,087 customers for a variety of reasons, including lack of sufficient documentation, forms that were filled out incorrectly or information indicating that the applicant had already unlocked an MPF pension before.

In offering life insurance and pension products, Manulife makes a long-term commitment to our customers for their financial security. We abide by our contracts in accordance with relevant laws. Our commitments span decades, and our responsibility to honour our obligations to our customers has been at the core of our business for 137 years. We are proud that 35 million customers around the world have chosen Manulife to help them save for retirement and to protect their families with life and health insurance.

Thank you very much. I would be happy to try to answer your questions.

• (1115)

The Chair: Thank you, Ms. Greenwood. I don't know. You and Ms. Hewitt must have worked together: That was four minutes and 21 seconds, so it's perfect timing.

Before I give witnesses an opportunity to answer questions, if you think the witnesses are going too long with their answer, instead of just going back and forth, please raise your hand, and I will stop the clock. Also, before you start questioning, if you can mention who the question is going to, that will also be appreciated.

With that in mind, we can start with Mr. McLean for six minutes.

Please go ahead.

Mr. Greg McLean (Calgary Centre, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for the depth of information you have provided us here today and for the meetings you've had with us to try to sort this out.

I know there's a lot of data that goes into this. Please recognize that we're trying to do our best to serve Hong Kongers who have come to Canada, some of whom are telling us directly that they cannot access their funds that are part of their pension funds that they put into the mandatory provident fund. The survey many of them participated in indicated that, sometimes, 80% were having trouble, because they were being blocked from getting that pension. I really appreciate the significant data you put on the table here about how many you actually process and the ones that are held up.

As some of my colleagues would say... Sun Life and Ms. Hewitt, thank you for the detail you gave us as well, but even if four are left behind, we'd still like those four sorted out at the end of the day.

In that respect, Ms. Greenwood, you have in your letter 861 who were not processed due to ineligibility or insufficient documenta-

tion, which is significantly higher than the numbers provided to us by your competitor Sun Life. Can you tell us about the ineligibility we're talking about? Is that as a result of the BNO passport, or is it something you're going to be able to overcome for 861 applicants?

Ms. Maryscott Greenwood: Thank you for the question. I'll try to give you some detailed numbers to see if they help answer the question that was asked.

From 2021 through to the end of September 2024, we received 5,720 requests for early withdrawal, as I mentioned, and we were able to process 4,533. Let me break that down for you.

Approximately 80% of the early withdrawal applications were processed. Five per cent of applicants did not provide sufficient evidence of the right to permanently reside in Canada. That's 291 people. Overall, of the ones we were not able to process, 942 provided incomplete claim documents, 214 applied with a study visa, 77 tried to use the BNO designation to establish Canadian residency—the Government of Canada, as you know, doesn't automatically give residency based on the BNO designation—30 applicants had missing or unmatched signatures and 136 were not processed for other reasons, including previous early withdrawal, which kicks you out of the system, if you will.

• (1120)

Mr. Greg McLean: Thank you very much for that detail.

If you could, please provide in writing to us that detail about why those were rejected.

Ms. Maryscott Greenwood: Sure.

Mr. Greg McLean: We'd really appreciate that for the committee's report here, Ms. Greenwood.

I'm going to turn over the rest of my time to my colleague Mr. Kmiec.

Thank you very much.

Mr. Tom Kmiec (Calgary Shepard, CPC): I don't have a specific person to ask this of, so either one of you can jump in.

There are, by my count—and other groups have said this—60,000 Hong Kongers who have come to Canada under our different pathway schemes. About 10,000 of them have been approved for permanent residency, which leaves about 50,000 in between who are going to be seeking residence in Canada on a more permanent basis. Adding up your numbers, this still leaves tens of thousands of people who could be applying to your companies and other companies that are also MPF providers to get their funds out.

I'm going to ask you this. There were two IRCC officials who came to this committee and blamed other departments for some of the problems associated with figuring out how to get the BNO passport entry off the PR cards. One IRCC official told us it was Transport Canada. Another one told us it was ICAO. Both of those organizations have responded to us. ICAO said it's up to the countries. It has nothing to do with ICAO. Canada is a sovereign state. It can decide how it assigns the codes and it's entirely up to Canada. That was in an email from the legal affairs and external relations bureau. Transport Canada said it's entirely within IRCC's remit. It decides what appears on the PR cards, the residency cards, and the codes under IRCC's internal guidelines.

Do you have any concern, as companies, that there seems to be either chaos or confusion in these government departments about who's responsible for what?

Ms. Maryscott Greenwood: I'm happy to try to answer.

The Chair: Sure. Please go ahead, Ms. Greenwood.

Ms. Maryscott Greenwood: Thank you.

If it helps and if this gives clarity, the BNO designation, GBN or any of that is not a reason that we would decline to have an early unlock for someone's pension. The reason we unlock a pension is if they can establish permanent residency. If there's a Canadian PR card that has a BNO, that wouldn't be a reason that we declined.

I'm not sure if that's helpful.

Mr. Tom Kmiec: It's not, actually, because in the case of Manulife.... All of your companies, of course, will say yes and they can pass it on to the Hong Kong administration, which can say no based on what appears in the application.

However, aren't you in any way worried that among two government departments and one international organization, there's confusion within the departments on what should appear on the PR card, which is the underlying issue for why the Hong Kong administration can pick and choose if it wants to deny a Hong Konger in Canada whom they recognize as having come in on a BNO passport?

Do you have any concerns about this confusion?

The Chair: The time is up.

Ms. Greenwood, please give a brief answer.

Ms. Maryscott Greenwood: My understanding is that the only up or down vote, if you will, that the Hong Kong authority has on whether to approve an early unlock is whether or not the applicant has applied previously, because you can only unlock it once in your life.

Other than that, the criteria for establishing whether or not you can unlock it have to do with establishing permanent residency. The BNO card, in and of itself, doesn't establish permanent residency in Canada as of today.

The Chair: Thank you.

That was six minutes and 41 seconds.

We will go to the next person. It will be MP Kayabaga for six minutes.

Please, go ahead.

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Chair.

I would like to thank our witnesses for being here today.

I do apologize that I'm speaking a little low today. My headphones are not very comfortable right now, so I'll do my best to get through this.

I'm going to start with my first question.

You talked about the data on the approval and rejection rates for application of Hong Kongers who are holding BNO passports. Could you give us a number of how many have Canadian PR or citizenship?

• (1125)

Ms. Maryscott Greenwood: I need to check the numbers. We were able to process 4,533 applicants of the 5,720 who applied. We were able to process that number. They would have met the criteria.

That's from the period of 2021 through last month.

Ms. Arielle Kayabaga: How does this data align with the claim that 97.5% of applications have been approved?

Ms. Maryscott Greenwood: I think that's a Sun Life number. Our number is about 80%.

It's not a disapproval. It's whether or not we can process it. I want to let the committee know that if we're not able to process their claim because, let's say, they didn't have a particular document, they can reapply and then we can process the claim.

Ms. Arielle Kayabaga: Sun Life, do you mind sharing the approval and rejection rates for applications that were Canadian PRs or citizens? How does that data align with the 97.5%?

Ms. Laura Hewitt: Yes, absolutely. Thank you for the question.

The 97.5% is our total applications processed in the timeline I shared, since the start of 2021. We received 14,590, and we approved 14,238. That's the 97.5% that I referred to in my remarks.

In terms of Canadian citizens and Canadian permanent residents, we've declined a total of two. You'll see in the chart that we shared with the committee that there are six listed. Four of those we assisted in reapplying, and they were subsequently approved.

At the end of the day, there are two Canadian citizens and Canadian permanent residents who have been declined who have not yet reapplied and received their early withdrawal.

Ms. Arielle Kayabaga: That was over what time frame?

Ms. Laura Hewitt: That was from January 2021 until the end of March 2024.

Ms. Arielle Kayabaga: How was the figure determined?

Ms. Laura Hewitt: That's based on our real application data. The team pulled the applications and reviewed them.

Ms. Arielle Kayabaga: Regarding your internal policy on applications from individuals who have BNO passports, is there a difference in the way that you process these applications?

Ms. Laura Hewitt: Let me split it into two groups.

If someone has Canadian permanent residency or Canadian citizenship, regardless of whether they entered the country on a BNO passport or anything related to the BNO, they meet the criteria. We are approving those applications, and that's reflected in our numbers.

If they are applying solely based on the BNO and they haven't yet obtained Canadian permanent residency, that means they haven't yet met the criteria for early withdrawal, so we're unable to process those applications at that time. As soon as they receive their Canadian permanent residency, they are of course welcome to reapply, and we'll process the applications then.

Ms. Arielle Kayabaga: Ms. Greenwood, is it a similar process that you have in your internal policy?

Ms. Maryscott Greenwood: Yes, it is. The process is set forth pretty specifically, and I can walk you through it if you wish.

The customers who apply for an early withdrawal submit a form, and they make a statutory declaration that they have departed or will depart from Hong Kong to reside elsewhere with no intention of returning to Hong Kong for employment or resettlement. The form is prescribed by the regulator. It includes fields like personal information, contact information and reason for departure. They're also required to provide documentary proof that they are permitted to permanently reside in a place outside Hong Kong, which could be a foreign passport, evidence of foreign citizenship, or permanent residency.

I can continue to go through the process, if you wish, but the short answer to your question is that it's basically the same process. It's prescribed in regulation that all of the MPF trustees follow, including ourselves and Sun Life.

Ms. Arielle Kayabaga: In a case where individuals are denied despite holding PR or citizenship, are they provided clear explanation, documentation, why their application was unsuccessful?

• (1130)

Ms. Maryscott Greenwood: The answer is yes. They would receive a letter, or they could talk to a customer service person who would say, for example, in the case of 214 people coming to Canada, that they applied with a study visa, and unfortunately that wouldn't be sufficient proof of permanent residency. They would be given that counselling, and they would be able to reapply if they have additional documentation that meets the criteria.

Ms. Arielle Kayabaga: Ms. Hewitt, is it a similar process for you guys? Do you provide a clear explanation to the clients, whether or not they hold PR or citizenship, when they are not successful, explaining why they were not successful?

The Chair: We need a brief answer, please, Ms. Hewitt.

Ms. Laura Hewitt: We send them a letter as well, which outlines the reason why they have not been approved, and it proactively gives them the contact information for our pension services hotline. As I said in my comments earlier, there's that example of the four Canadian permanent residents who didn't complete their forms correctly, who were able to get in contact with us, filled out the forms again, and subsequently reapplied and were approved. We have people on standby to help our clients work through the process.

The Chair: That was six minutes and 21 seconds.

Now we will go to Mr. Brunelle-Duceppe. Please go ahead for six minutes.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Mr. Chair.

Ms. Hewitt and Ms. Greenwood, welcome back to the committee. We're delighted to have you with us today.

Do your insurance companies process applications for early withdrawal of pension funds in cases where a simple acknowledgement of receipt of the application for permanent residency from IRCC is presented as proof of residency?

My question is for Ms. Greenwood or Ms. Hewitt.

[*English*]

Ms. Maryscott Greenwood: If I understand the question, you are asking whether, if someone has permanent residency in Canada, we process the application. The answer is yes, assuming that the other criteria I mentioned are also met—the signatures match and that sort of thing.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I'd like to be clear.

Ms. Greenwood, do you consider that a simple acknowledgement from IRCC that the department is processing an application for permanent residency is sufficient proof to allow someone to withdraw the money paid into their pension fund?

[English]

Ms. Maryscott Greenwood: Pardon me. I didn't understand.

They have to have a permanent residency card. It can't be an application.

The Chair: If you want to repeat the question, I'll stop the watch.

[Translation]

Mr. Alexis Brunelle-Duceppe: Will you give me back some time, Mr. Chair? There may have been some confusion following the interpretation.

[English]

The Chair: Yes.

[Translation]

Mr. Alexis Brunelle-Duceppe: I'll give an example, Ms. Greenwood.

A person wishes to withdraw his pension fund. She sends you, as proof that she will no longer be returning to Hong Kong, an acknowledgement of receipt from IRCC that the department is processing her application for permanent residency. She has not yet received the Confirmation of Permanent Residence, but we know that IRCC is reviewing the file.

Do you consider this sufficient proof to allow you to transfer funds to this person?

[English]

Ms. Maryscott Greenwood: I now understand, and I apologize.

I don't think it's sufficient to acknowledge receipt of an application. You actually have to have the permanent residency designation. I would be happy to double-check that. My understanding is that you have to actually have the residency document.

[Translation]

Mr. Alexis Brunelle-Duceppe: As I understand it, the request will be automatically rejected, if such evidence is presented. Normally, your company would understand that the person is in the process of obtaining permanent residency.

Does the company then offer support to people whose application for permanent residency is being processed at IRCC?

If not, might there not be an opportunity here for you to change your approach and offer support during the processing of this type of application, in these circumstances?

[English]

Ms. Maryscott Greenwood: If by support you mean information about the process, the answer is yes. If you mean unlocking their pension early when they haven't yet met the criteria, unfortunately that is not something we're able to do, according to the laws and statutes by which we have to abide.

• (1135)

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you for your answer, which was very honest.

Normally, anyone leaving Hong Kong permanently has the right to withdraw money from the Mandatory Provident Fund.

However, in response to the opening of the British National Overseas visa program, or BNO visa, in January 2021, the Hong Kong government unilaterally declared that it no longer recognized the BNO identity, and blocked access to this visa for hundreds of thousands of Hongkongers.

In addition, companies like yours, which are based in North America and Europe, agree to apply the Hong Kong government's directives.

I'll ask the question again.

In your opinion, isn't this a striking example of transnational repression organized by a government using companies that, themselves, are not headquartered in that country?

[English]

Ms. Maryscott Greenwood: The way I would answer that is to say that we have been able to process the vast majority of the applications. One statistic that I haven't provided you yet, but I'll provide it to you now, is that from 2020 to 2024, the early withdrawals that we were able to process and release globally—accounting for some exchange rate differences—were worth \$1.639 billion.

The vast majority of applicants have received their funds early. I would also hasten to add that for the people who haven't been able to receive their funds, either because they haven't applied or because they didn't have the documentation, their funds are protected for them. We are trustees of their funds.

[Translation]

Mr. Alexis Brunelle-Duceppe: I'm sorry to interrupt. Unfortunately, I don't have much speaking time.

The question is very simple. Do you realize that your company is being used, albeit unwittingly on your part, for transnational repression, because the Hong Kong government has decided not to recognize the BNO identity?

It may not be your fault, but unfortunately, Ms. Greenwood and Ms. Hewitt, we're forced to recognize today that Hong Kong's decision not to recognize the BNO identity forces you, as a company, not to help these people. We know full well that they won't return to Hong Kong, but they can't access their funds, because you have to follow Hong Kong rules.

So what you have to understand is that your companies are participating, albeit unwittingly, in a transnational crackdown.

Am I wrong?

[English]

Ms. Maryscott Greenwood: I'm happy to start, and Ms. Hewitt can join in.

We are seeking to do what is best for our customers around the world, and we will always do that. The Indo-Pacific region has over four billion people and accounts for \$47 trillion in economic activity. Canadian companies, including ours, have been operating in this region for over 100 years—

[Translation]

Mr. Alexis Brunelle-Duceppe: I'm very sorry to interrupt the witness. I don't mean to be rude.

Mr. Chair, I'd like to know if the witness can give me a yes or no answer.

Is she unwittingly participating in transnational repression?

[English]

The Chair: Mr. Brunelle-Duceppe, please follow my guidelines if you can. I will not take your time away, but this creates problems for the interpreters, and even for me.

I have stopped the clock, and now I will give you the time.

Please go ahead.

[Translation]

Mr. Alexis Brunelle-Duceppe: Ms. Greenwood, the question is simple. I don't blame you. You have the right to denounce things on your own. What is happening is that your company is being used through legislation established by an authoritarian regime. Your company is being used to repress opponents of the Hong Kong regime, who have left Hong Kong and ended up in Canada or Britain.

I'm not saying it's your fault. I'm not blaming you. What I'm saying is that you have to be aware, given the situation, that your company is being used by the Hong Kong government to carry out transnational repression because that country no longer recognizes the BNO identity.

That's simply what I want to say to you. I'm not blaming you, but I'm asking you to realize what's going on.

• (1140)

[English]

The Chair: That was six minutes and 24 seconds.

We will now go to MP Kwan for six minutes.

Please go ahead.

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

Thank you to the two witnesses for coming back to the committee.

Ms. Greenwood, you mentioned that one of the eligibility requirements is that the applicant would have to fill out a declaration, and in that declaration they would have to indicate that they have no intention of returning to Hong Kong or that they have every intention of leaving Hong Kong permanently.

Can you advise whether...? Who sets the requirement that this declaration, in and of itself, is insufficient to be utilized as proof

that they do not intend to return to Hong Kong—that is to say, that they intend to leave Hong Kong permanently?

Ms. Maryscott Greenwood: The criteria in every jurisdiction in the world are set forth by the local jurisdiction. The criteria that are required in Hong Kong are not only the declaration that you intend to leave and not return, but also the proof that you have permission, if you will, to reside in another jurisdiction. It's two criteria that you have to meet.

Ms. Jenny Kwan: You say that it's the Hong Kong government that requires proof of permanent residency or citizenship in a different country in conjunction with the declaration in order for you to then process the application. Is that correct?

Ms. Maryscott Greenwood: It is the regulator of the mandatory provident fund, which is in Hong Kong.

Ms. Jenny Kwan: It's the regulator in Hong Kong. Who sets the rules for the regulator? Is it the Hong Kong government?

Ms. Maryscott Greenwood: Yes.

Ms. Jenny Kwan: Okay, and that's the same for Sun Life. Is that correct?

Ms. Laura Hewitt: Yes, we follow the rules from the Mandatory Provident Fund Schemes Authority, the MPFA. That's the regulator.

Ms. Jenny Kwan: All right. Thank you.

Hence, we have this problem. You have the Canadian government, which created this lifeboat scheme for Hong Kongers who are fleeing persecution in Hong Kong as a result of the national security law. The government, in its wisdom or lack thereof, created this lifeboat scheme that only provides for temporary residence by way of a work permit or a study permit. Then these people have to go to the queue to make an application for permanent residence, and we know that there is a huge backlog and delay in processing.

In the beginning, there was swift action, but as time has passed, it's been lengthened by way of the delay, to the point where the former minister even made an announcement to further extend people's work permits and study permits for another three years. That is to say, a person could be here for six years—as long as six years—under this current scheme without getting permanent residence. This is because the minister anticipated that people would not be able to swiftly get their permanent resident status. That is the reality.

As a result of that, people are not able to provide proof of permanent residence, because the application is in process. To make it even worse, the government—the minister—just made an announcement about the levels plan, cutting levels to the tune of 105,000 permanent resident status applications.

You can imagine how long the wait-list is for Hong Kongers as they continue to wait. Now, these Hong Kongers have zero intention of returning to Hong Kong, because they know that they would be persecuted if they did. People know that. I think the Canadian government knows that.

This is my question, then, to you as the manager of their pension, which, because of this rule, they're unable to access: Would your organization be willing to write to the regulator to ask for consideration for these applicants who are in a prolonged period of waiting for permanent resident status, to ask that their declaration indicating that they do not intend to return to Hong Kong be accepted as proof that they intend to leave Hong Kong permanently so that they can access their pensions? Is that something that your organization would consider doing?

• (1145)

Ms. Maryscott Greenwood: I think I understand the question.

The basic premise of your question has to do with the period of time it takes for the Government of Canada to determine and provide permanent residency or citizenship. It seems to me that this is a function of the Government of Canada, as opposed to a regulated entity. That's how I would answer that.

The Chair: Ms. Hewitt, do you want to contribute?

Ms. Laura Hewitt: Yes. I would say that it's not within our authority to change the criteria.

However, our numbers show that once that permanent residency does come through, we're able to process the applications and approve Canadian permanent residents.

Ms. Jenny Kwan: Yes, I understand that it's not within your authority. However, given that you just said yourself—both of you—that you are client-centred, that you're there to support the clients, and knowing that this is the reason that people can't access their funds, even though they have every intention, as declared in their declaration, to leave Hong Kong permanently, then wouldn't it be incumbent upon your organization to express that point of view and ask the regulator to consider allowing these individuals to access their funds?

Now, on the flip side, would you, as an organization, be willing to write to the Canadian government to indicate the number of applicants in your system who have applied and are unable to access their pension funds because they have not been able to prove permanent residency because they only have a study permit or a work permit? Is that something you'd be willing to do? Just give a quick yes or no.

Ms. Maryscott Greenwood: We provide clear answers about what the constraints are and what the opportunities are. Our focus is our customers; you're right about that. We're highly regulated, so we operate under the regulations that are provided to us.

The Chair: Ms. Hewitt.

Ms. Laura Hewitt: Yes, we must comply with the rules and regulations, but we are actively helping our clients. We continue to proactively give them information and are there to support them, ensuring they have access, whether that's when they hit retirement age, at 65—again, it's a retirement scheme, so it's there for them in their later years—or in cases where they are early unlocking.

Ms. Jenny Kwan: I wanted a yes or no.

The Chair: Thank you, MP Kwan. You had seven minutes and 32 seconds.

We will now go to Mr. Kmiec for five minutes.

Please go ahead.

Mr. Tom Kmiec: Thank you, Chair.

I wonder why you are making them sign a statutory declaration that says they're staying permanently in Canada with no intentions of returning, if you say an application for PR is not good enough. Is that your requirement, or is that a requirement of the MPFA?

Ms. Hewitt.

Ms. Laura Hewitt: That is one of three criteria set by the MPFA. The statutory declaration is part one. Part two is the proof of permanent ability to reside outside of Hong Kong. Part three is that they haven't used the permanent departure stream before.

Those are the three criteria set by the regulator.

Mr. Tom Kmiec: Chair, I would submit to the two witnesses that this is the perfect example. Some of the numbers Ms. Kwan just reported back.... The government is going to cut, by more than half, the agency applications it obtains. I said at the beginning that there are tens of thousands of Hong Kongers on one of the two pathways to Canada. They're looking at six, seven or eight years, at current levels, for processing, which means none of them are able to access their MPF funds. There is no knowing whether new MPFA rules would be introduced.

Do you have any concern about your clients in Canada, that being the case?

Ms. Maryscott Greenwood: As we discussed a bit earlier, there are 291 Manulife customers in Canada who weren't able to provide evidence of permanent departure. We work with them. When their evidence becomes available, they can reapply and we can process it.

By the way, we're required to—and we do—process it within 30 days. Once you meet the requirement, it's fast.

Otherwise, your money is protected until you reach the age of 65 or retire. That's what it's all about.

• (1150)

Mr. Tom Kmiec: Chair, I want to thank the witnesses for those answers. I'm not satisfied, but they provide more clarity about where some of the problems are coming from.

I have a motion I want to move. It is related to the international student study this committee is going to be undertaking. My motion has been on notice since September 13.

It says:

That, pursuant to Standing Order 108(1)(a), the committee request the Minister of Immigration, Refugees, and Citizenship to provide an unredacted version of the "Memorandum to the Minister: Updating the policy regarding the financial requirement for study permit eligibility for international students", submitted in response to the February 28, 2024, Motion for Production of Papers; and that any redactions applied under section 14 and 21 of the Access to Information Act be removed, while respecting exclusions under section 19, 23, 69, as the current redactions hinder the committee's ability to discharge its duty of proper oversight and scrutiny.

So the public understands, committees of Parliament have an unlimited right of access to documentation.

I've gone through the briefing note. These are the three areas I am okay with being redacted. Section 19 is on personal information. I counted zero in the briefing note. Section 23 is on solicitor-client privilege, which means the lawyers of the Government of Canada. There are three of them. I'm okay with that not being shown to us. There's one reference to section 69 in the briefing note. The other ones, though, are much more substantive. Section 14 is on federal-provincial affairs. There are 11 redactions. For section 21, on the operations of government, there are 40 redactions.

We have a right—especially on the opposition side—to know what is going on. This is an expansive briefing note. We're going to be doing an international student study, and we have a right to know what is behind this, unless they have something to hide. I hope they don't. We'll see how the vote comes out.

That's why I moved this motion. I want the document unredacted, Chair.

The Chair: The motion is on the floor.

Is there any debate?

MP Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I fully support the motion. The production of documents is something that I believe I advanced in a previous meeting. I was astounded when the documents came back with so many blank pages.

Mr. Chair, I fully support the motion that was put on the floor.

The Chair: Is there any other discussion?

An hon. member: Can we suspend for a minute so that we can have a discussion about this?

The Chair: Okay, we're suspended.

• (1150) _____ (Pause) _____

• (1215)

The Chair: I call the meeting back to order.

Go ahead, Mr. Chiang.

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair.

I take it that both of our witnesses have already left. I cannot thank them. Did you thank them?

The Chair: I already thanked them, so you don't need to worry about that.

Let's focus on the motion brought forward by Mr. Kmiec.

Mr. Paul Chiang: Thank you, Mr. Chair.

I want to thank Mr. Kmiec for bringing this motion forward.

About redaction, I want to emphasize why information is redacted and certain criteria for redaction. My background is policing. There's always freedom of information in any public office where government offers this freedom of information request. Most of the information or all of the information that we disclose to the public is redacted. Every report that goes out is redacted, and there's a reason for that. The reason for redaction is protecting privacy and protecting sensitive information on the report itself so that it doesn't get out to the public where it jeopardizes people's safety or jeopardizes other things.

This is in the policing realm. It would be different here in a federal government matter, but in policing we redact information so that it does not jeopardize people's safety and the sensitivity of the investigation itself.

In saying that, I hope that the information Mr. Kmiec is asking for is used in a proper manner instead of using it for a frivolous matter. I'm hoping for that.

The Chair: Thank you.

Go ahead, MP Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I'd like to amend the motion by stipulating that we need to get this information within 30 days. I think that's fairly standard, and 30 days is ample time for the department to produce the documents. Otherwise, I fear that we might never see them at the rate that things are going.

The Chair: Now we have the amendment on the floor by Ms. Kwan that the information be provided by the department within 30 days.

We're speaking on the amendment.

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp (Saskatoon West, CPC): I wonder if it should say "calendar days", just so we are ultimately super clear on this.

The Chair: You want 30 calendar days. Thank you.

Is there any more discussion on the amendment brought forward by MP Kwan?

We'll have a recorded vote.

(Amendment agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

(Motion as amended agreed to on division)

The Chair: Thank you.

The meeting is adjourned.

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