

Mobility: immigration alert

February 2021

Canada

New special measures supporting Hong Kong residents to come to Canada

Executive summary

On 5 February 2021, Immigration, Refugees and Citizenship Canada (IRCC) Minister Marco Mendicino announced several new measures to support certain Hong Kong residents to settle and remain in Canada, as well as to expedite the safe return of Canadians currently residing in Hong Kong. The new public policy creates a new temporary residence avenue for foreign nationals from Hong Kong, while also speeding up the processing of immigration applications made by Hong Kong residents.

These new regulations will impact foreign nationals holding a passport issued by the Hong Kong Special Administrative Region (HKSAR) of Mainland China or by the United Kingdom to a British National Overseas (BNO) as a person born, naturalized or registered in Hong Kong. New expedited processing initiatives will also benefit Canadian citizens, Permanent Residents and their family members who are residing in Hong Kong.

Background and impact

Beginning 8 February 2021, certain foreign nationals holding HKSAR or BNO passports can apply for a two-year open work permit. To qualify, the applicant must have completed a post-secondary degree or diploma of at least two years in duration within the past five years. Applicants who completed their academic program at an institution outside Canada will need an Educational Credential

Assessment (ECA) to confirm the Canadian equivalency. Eligible foreign nationals can apply for the open work permit while abroad or from inside Canada and includes those who are in Canada on visitor status.

Spouses and common-law partners of eligible applicants will qualify to apply for an open work permit, as will their dependent children 18 years of age or older. Dependent children under the age of 18 will be able to apply for study permits or visitor status to accompany their parents in Canada.

Fee waiver for HKSAR foreign nationals extending their temporary status in Canada

Temporary residents in Canada holding HKSAR or BNO passports may have their processing fees waived when applying to extend their status.

Expedited application processing

In addition to the new work permit category for Hong Kong nationals who meet the above criteria, IRCC has also committed to processing the following application types on a priority basis:

- ▶ Temporary residence applications made by immediate and extended family members of Canadian citizens who are currently residing in or have departed Hong Kong. This expedited processing will apply to new and pending applications for work permits, study permit and visitor visas, as well as

letters allowing HKSAR passport holders to travel to Canada during the COVID-19 pandemic.

- ▶ Permanent residence applications submitted under the Family Class made by legal residents of Hong Kong
- ▶ Canadian passport applications by Canadian citizens residing in Hong Kong
- ▶ Permanent Resident Travel Document applications made by Canadian permanent residents residing in Hong Kong

New permanent residence options coming for Hong Kong residents

Also announced by the government are two new Canadian Permanent Residence paths for certain Hong Kong residents. These categories are not yet open, and further guidance is expected later in 2021. Specifically, these paths will be available to Hong Kong residents who come to Canada to study or work.

The first will target former Hong Kong residents who have gained a minimum of 1 year of authorized work experience in Canada and meet other criteria such as minimum language and education levels.

The second pathway will be for those who have graduated from a post-secondary institution in Canada. These individuals can then apply directly for permanent residence.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.

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