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Jenny Kwan

Member of Parliament for Vancouver East
Députée de Vancouver East

6th July 2020

The Honourable Marco Mendicino
Minister of Immigration, Refugees and Citizenship
House of Commons
Ottawa, Ontario K1A 0A6

Minister Mendicino,

I would like to begin by recognizing the swift action from Minister Champagne in suspending the extradition treaty with Hong Kong as a result of the alarming provisions under China's new National Security Law which passed on June 30 and went into effect on July 1. As you are aware, the provisions in the National Security Law is in direct contravention with China's obligations under the 1984 treaty between China and the United Kingdom which secured the most basic of human rights, such as the right to the freedom of assembly and freedom of speech for the people of Hong Kong prior to the handover. This formed the basis of the promise of "One Country, Two Systems" under the Sino-British Joint Declaration when Hong Kong was handed over to China in 1997. This commitment was made to the people of Hong Kong, U.K. and indeed to the international community. It was celebrated and acknowledged as a historic document.

Now, 23 years later, with the passage of the National Security Law, not only does it violate the Sino-British Joint Declaration, it also contravenes Hong Kong's Basic Law. The scope of this new act is as far reaching as it is devastating to the "One Country, Two Systems" principle. It consists of 6 parts with 66 articles, covering four areas of criminal activity, including secession, subversion, terrorism, and collusion with foreign or external forces. Those convicted of crimes under this law can face maximum

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sentences of life imprisonment. The law gives Chinese authorities the power to investigate cases that are “complex,” “serious,” or “difficult.” Trials can be held in secret (Article 41) and without a jury (Article 46). Judges can be handpicked (Article 44) by Hong Kong’s chief executive, who is answerable directly to Beijing. The law also reserves the right for trials to be held in China where crimes against national security are punishable by the death penalty (Article 55). Shockingly, there is even an article (Article 38) affecting non-Hong Kong residents for actions taken outside of Hong Kong.

This means Canadians who exercise their constitutional rights such as the right to free speech and assembly may be arbitrarily detained and face prosecution under China’s National Security Law. This law has already had an impact in Canada where individuals have refrained from participating in a July 1 rally in opposition to China’s National Security Law. This fear of potential reprisal from China is particularly acute for those who still have loved ones in Hong Kong. Of course, this law also impacts the 300,000 Canadians that are located in Hong Kong right now.

International legal experts and human rights organizations have decried the National Security Law for its harsh penalties, vaguely defined crimes, and the broad powers it grants to the Hong Kong and Chinese government. Parliamentarians from across the globe have condemned the National Security Law. The U.S. Speaker of the House, Nancy Pelosi, stated: “The purpose of this brutal, sweeping law is to frighten, intimidate and suppress Hong Kongers who are peacefully demanding the freedoms that were promised.”

In the face of this, Canada’s allied countries are working expeditiously to bring in special immigration measures to support the people of Hong Kong. The U.K. has announced that they are changing their immigration laws to extend residency/citizenship rights to 2.9 million Hong Kongers with a British National Overseas Passport. The U.S. Congress introduced legislation to make it easier for residents of Hong Kong to be recognized as refugees. Australia is also considering offering safe haven to Hong Kong residents.

Given the gravity of the situation, Canada must also act urgently to provide a life boat to the people of Hong Kong. I am calling on the government to follow the lead of allied countries to show leadership by bringing in special immigration measures through our immigration, family reunification and refugee streams to the people of Hong Kong. Minister, I know that the government recognizes the severity of implications of China's new National Security Law. The announcement of the suspension of the extradition agreement with Hong Kong, not permitting the export of sensitive military items to the region and updating Canada's travel advisory for Hong Kong are all positive steps – but more needs to be done. As the NDP Critic for Immigration, Refugee and Citizenship, I urge you to undertake special immigration measures to support the people of Hong Kong without delay. Coupled with this, I must also reiterate the call for your government to lift the travel restrictions for asylum seekers.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Kwan".

Jenny Kwan
MP for Vancouver East
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