

Home Affairs Committee

Oral evidence: The UK's offer of visa and settlement routes for residents of Hong Kong, HC 1123

Wednesday 6 January 2021

Ordered by the House of Commons to be published on 28 April 2021.

Watch the meeting

Members present: Yvette Cooper (Chair); Diane Abbott; Dehenna Davison; Laura Farris; Adam Holloway; Tim Loughton; Stuart C. McDonald.

Questions 1-45

Witnesses

I: Witness A; Witness B, Hongkongers in Britain; Witness C, Hongkongers in Britain; and Witness D.

II: Witness C, Hongkongers in Britain; Witness E, Solicitor; and Witness F.

Note on evidence: This evidence was taken in private on 6 January 2021. This evidence has been redacted by the Committee. [***] represents redacted text.



Examination of witnesses

Witnesses: Witness A, Witness B, Witness C, Witness D.

Q1 **Chair:** We are having this private evidence session on the British Nationals (Overseas) visa arrangements for Hong Kong. I want to begin by saying that we are very sorry to hear about the events in Hong Kong this morning—they are very troubling—and to give any of you who wants to do so the opportunity to give us a response to what is happening in Hong Kong, but also to tell us about the context as to why the BN (O) visa is important and what the significance is. I don't know who would like to start. Witness B, do you want to begin?

Witness B: Sure. Thank you very much for having us this morning. First, in response to what has happened, yes, this is a very, very worrying development and it really adds to what has been happening in Hong Kong over the past few months, which has pushed a lot of people to want to move over. From our side, at Hongkongers in Britain, we conducted a piece of research over September and October, trying to find out the velocity of the people who would be likely to apply for the BN (O) visa. We got quite a significant response from our respondents, saying that yes, they are indeed very keen on applying as soon as this scheme starts, and the majority of them—around 80%—say that they would do so in the first two years after the BN (O) scheme began.

What has happened today especially, and in recent times, will definitely push this to happen much quicker. From our statistics, in terms of the percentage of people who would be applying, we found out that the figure would be potentially much higher than what the Home Office impact assessment suggests. Feel free to read our report on that; we give you the exact numbers.

Q2 **Chair:** Thank you. We are very keen to explore those issues shortly. Witness A, can you tell us why—in the context, obviously, of recent events—the BN (O) visa is important?

Witness A: The events that came today only add to and confirm the belief of Hong Kongers when the national security law was passed. Many fear that it is a law that will affect many Hong Kongers and stifle any kind of opposition in Hong Kong. The scale of the arrests and the number of police officers deployed to make today's arrests only confirm the belief of many Hong Kongers. Every one of the arrested pro-democratic activists and politicians was arrested for participating in or organising the primaries. If my memory serves me right, 600,000 Hong Kongers voted, and I cannot imagine how disappointed they will be now. I believed that the BN (O) visa scheme that the British Government offered would offer many of those Hong Kongers a chance to seek a better life in the UK. Now I believe that these events will be a huge motivating factor for many of those who are eligible under the scheme to move to the UK.

Q3 **Chair:** Thank you. Witness D, what is your response to the events and the



British Government's proposal?

Witness D: In general, I think the British Government's proposal is incredibly generous. In Hong Kong, we have been lobbying for BN (O) rights for a substantial amount of time, but it is fair to say that in the initial period we were not prepared for seeing a Government that is willing to take up to 5 million people. We do not think that 5 million people will come to the UK, but that is the offer from the Government. In a sense, that is the best option, given the severe political deterioration in Hong Kong. Obviously, there are limits to what Britain can do about what is going on in Hong Kong, even though China has violated the Joint Declaration. Providing a vital lifeline to Hong Kongers is very important because a lot of people—ordinary citizens—will be in fear for their own safety. Being able to leave Hong Kong is so important, because sometimes that is people's only option. It is not because they want to leave Hong Kong or because they want to give up what they have in Hong Kong. Rather, it is because the political situation in Hong Kong is so severe that they can no longer stay. This is a promising move, but of course the policy has a lot of drawbacks and a lot of areas that we wish the Government would cover, which it has not covered.

Q4 **Chair:** That is the issue I want to ask you about next in terms of any drawbacks with the current Government proposal. I know there are concerns about younger people in particular, and groups that are not covered and so on. Can you give us your response to that? We will start with Witness D.

Witness D: The Government's proposal is BN (O) and their dependants. At face value, it has covered, according to the Home Office estimation, up to 5 million people, which is quite a lot. The problem is that young people born after 1997 would not benefit from the scheme unless they applied with their family—that is, unless they applied from the same household.

The reality is that most protestors—the people involved, regardless of how forward or how frontline they are—are mostly within the 18 to 23 age bracket, so they were born after 1997. This group of people was born after Hong Kong was handed to China, so they are pretty much Chinese citizens. If their parents have no plan to move to the UK, they can't benefit from the scheme. What we have seen in the past few months is that we know for sure there is a substantial number of people, young activists—we are talking about more than 100, possibly 200; we simply do not know the numbers—who are now in the UK because of fear of prosecution and political pressure. These young people can't benefit from the scheme because lots of families will not consent to move with them. Lots of the families probably do not share their political beliefs, so they are estranged from their families. So, these young people, who are the most vulnerable, are the prime targets of the Beijing regime—to target, to crush. They are the most vulnerable and they are left out of the scheme.

Q5 **Chair:** Do you have an estimate of how many people we are talking about?



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Witness D: On the actual number, from the Hong Kong census it is estimated—within that bracket, the 18 to 23 cohort—that the figure is 277,000. That is the number within the entire population. Of course, we don't believe that all those 200,000 people will be in danger, but I think it is fair to suggest that a significant number of them are in need of coming to the UK. In terms of what number are now in the UK, that we don't know. The Home Office should have the figures, because I think it is fair to suggest that anyone entering the UK—let's say from March onward or, more substantially, from July onward, when the national security law was being implemented in Hong Kong—and within that bracket, 18 to 23 years old, is most likely in the UK not because of tourism reasons, but because of political pressure. But of course, we don't have the exact numbers.

Organisations that we know of and that we have been working with have been supporting young activists who just fled to the UK. Some of those are applying for asylum, but according to Home Office figures, up to this year there are only 34 Hong Kongese asylum seekers. That is a very small number, and we don't believe that number is a reflection of the reality. What we know is lots of young activists who are now in the UK are puzzled, because in a way they don't feel that they can apply for asylum, or maybe they feel that they don't fit in any of the categories.

I am sure that members of the Committee know how harsh the asylum system is in this country, and some of those people might fear that if they are applying for asylum they might get trapped in the system for a substantial period without any economic support. Several organisations are, in a very limited capacity, assisting them people, but the reality is that those people are in the UK as "tourists". Currently, there is no alternative for these young activists, or young people who fled Hong Kong—there is no scheme for them to stay in the UK, apart from applying for asylum, or they could get a tier 5 youth mobility scheme visa, which only awards them two years in the country.

Q6 **Chair:** Do you have a sense of how many young people we are talking about who are in the UK, currently? Is there an estimate for that?

Witness D: I will be completely honest with you: it is extremely hard for us to get the figure. These are all estimations. We are telling you what we know, but we feel that we can't be too sure, because there are just simply too many of them, and despite the fact that we have been using our contacts across the four nations in the country, that is the best result that comes back. We think probably, following different channels that we have, maybe around 200 to 300, more or less. Within that number, I think we are probably talking about people who don't have BN (O), because anyone older than 23 who has BN (O) status will be able to benefit from the scheme. We know there are activists who just fled to the UK because they have BN (O), and now they can take advantage of the scheme.

Q7 **Chair:** Thank you. Witness B, what are your thoughts on the issue of 18 to 23-year-olds, and on any other concerns that you have about the proposals as they stand?



Witness B: I very much agree with what Witness D has said. Adding to their points, obviously, yes, the 18 to 23-year-olds would be the most concerning group; it would be very difficult for them if they did not receive further assistance when they came to apply for asylum, or indeed for the BN (O) visa, if their family members did not want to apply for that. In that sense, given the context of what has happened in Hong Kong in the past months especially, the Home Office should really offer some discretion as to applicants who might have any form of criminal record that looks to be associated with the pro-democracy protests since last year, because at the moment we understand that the criteria are very strict.

In particular, I would like to point out that the Home Office has a country policy and information note, the previous version of which was done in February 2020, which is very much incompatible with the latest domestic situation in Hong Kong and with the UK's domestic and foreign policies towards Hong Kong and China. The CPIN is very unfavourable to those, saying, "the objective country evidence does not suggest that the Hong Kong authorities are actively targeting those who may have been involved in the protests or subjecting them to treatment which is sufficiently serious by its nature". It also says that there is no "victimisation in the application of the law by the authorities." We know that things have moved on very rapidly since then, so we think this should be updated quite urgently in order for there to be a more generous view on approving asylum seekers. Frontline immigration officers will be dealing with those in larger numbers very soon—they have already been doing so—and they should be looking towards approving, rather than rejecting or denying, applications.

One of the main things raised by respondents to our survey is that they think not enough is being done to detect or prevent threats relating to national security. For example, because up to 5.4 million people are eligible to apply for the BN (O) visa, it is quite difficult to screen out those who have been saying, or actually doing, things that are either pro-Beijing or anti-democratic in Hong Kong. Those people, or their families and dependants, might be able to apply for a BN (O) visa. We think there should be more stringent personal conduct and background checks, because there is a lot of legitimate worry about some sort of malign infiltration, or even surveillance, by the Chinese Communist party and its informants, agents and supporters in the UK, especially towards Hong Kongers whose interests and safety could be harmed while here. We have to consider the wider context and hope that those who come over will not pose a threat to the UK's national security or the safety of Hong Kongers.

Chair: Witness A.

Witness A: I very much agree and would like to add to those comments. As to an overall picture of the young protestors and the youth in Hong Kong, according to statistics from the security bureau of the Hong Kong Government, up to 23 January 2020, more than 7,000 in the movement had been arrested, and most of those arrested were between 19 and 30



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years old. It is roughly estimated that four in every 1,000 Hong Kong youths have been arrested in the protest movement from 2019.

On the Hong Kong youth who are not eligible for BN (O) and have fled to the UK, I have been in contact with various organisations in the UK. We were trying to get a survey done prior to this meeting, but we could not get it done before. I think it is possible for us to conduct a survey of how many of those who are not eligible for BN (O) came to the UK to seek a safer place. I will keep the Committee updated once that is done.

[***] I am sure many Committee members and fellow panellists will agree that there is a huge risk of arbitrary prosecution associated with the national security law, as displayed just today. [***]

[***] I think that the asylum system in the UK is a rather burdensome process. I am currently exploring other options to remain in the UK. I have applied to universities, both in the UK and in other countries. However, it is January and there remains a time gap between now and the start of the school year. Even if I successfully apply to a university in the UK or another country, I would only be eligible for a two-year post-study visa in the UK, which does not provide a pathway to citizenship unless I am able to switch on to the skilled work visa afterwards.

While it is impossible for a policy to cover every single person in Hong Kong, the Hong Kong youth are quite fiercely targeted by the Hong Kong Government, both in the domestic protests and on the international plain, so I think they need some protection from the Government of the UK.

Q8 **Chair:** Can you say a bit more about why you don't think the asylum system provides the answer in your situation and that of others like you?

Q9 **Stuart C. McDonald:** Just to follow up with Witness A on the point about asylum, it is alarming to hear that so few have sought asylum, and that they are slightly worried about going into the asylum test. Of the small numbers who have actually made a claim for asylum do you have any information at all about what the result has been of those applications?

Witness A: No, I do not. I am very sorry. I do not have any information on that. I hope that the other panellists might have some insights.

Q10 **Stuart C. McDonald:** Witness B or Witness D, do you have any information about whether there have been successful claims for asylum by young people who have fled to Britain and claimed asylum?

Witness D: I have personally been speaking to a couple of asylum seekers right now, but they are still in the process. Out of all the numbers that we know have been applying, we do not know the process yet, but I am sure that Witness E on the next panel will be able to provide you with more insights, because they are an expert in this area.

Q11 **Stuart C. McDonald:** Thank you very much. Witness B, do you have anything to add?



Witness B: Sorry, I don't, but I hope that Witness C will be able to join soon, because they have been dealing with that [***].

Q12 **Stuart C. McDonald:** Okay, thank you. Witness B, can I turn to some of the nuts and bolts and practicalities around the visa? First, on the cost, I think the £250 charge is significantly less than lots of other visas, which is welcome. The immigration health surcharge is just being applied in the same way as usual. What are your views on the fees that are involved here?

Witness B: From a study that we did, we found that around 88% say that they are able to afford both the visa fee and the immigration health surcharge; their concern is more how, and whether, they can support themselves in the first six months after they have arrived. The practical concerns—the top few that we have collated—are related to finding accommodation, finding jobs and also, at the later stage, social integration.

In terms of the costs of living, that is indeed one of the things that we receive quite a lot of suggestions on, in terms of the Government hopefully providing some sort of temporary housing or even subsidised housing for those who may not be able to find something immediately. After all, although the vast majority of those who are coming should be relatively financially independent and able to support themselves, there will be quite a number, especially the younger ones, who are unable to do so. That is where we hope that the Home Office does something relating to that.

Q13 **Stuart C. McDonald:** The visa would have a no recourse to public funds condition on it as well. Is that correct?

Witness B: That is correct, but since BN (O) visa holders' children can access public education, and given the fact that they are going to pay the health surcharge so that they can also access the health service, we think that more should be done, especially at a local council level. They should be preparing for the need and demand when it comes to housing, education and social services, or even mental health support. Those are the few things for which we hope there should be sufficient resources and preparedness for large arrivals, especially in the bigger cities where it is quite popular for Hong Kongers to settle.

Q14 **Stuart C. McDonald:** Witness D, what are your views on the fees that would apply? At the end of the five-year process if people are applying for settlement or citizenship fees, I think the normal fees would apply at that stage. Do you accept that that is fair enough, or would you like to see something done in that regard as well?

Witness D: I think currently the fee for indefinite leave to remain—I do not have the number on me—is about £1,000. Of course, that is not exactly cheap. If you consider a one-child family—a three-member household—that will be quite a lot of money. It is a similar situation with the immigration health surcharge. The visa fee is not expensive in itself, but the immigration health surcharge is quite pricey, so it will be £3,120 for five years in total, if people are applying for a five-year visa.



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It would be beneficial if there were a fee waiver programme. We understand that the essence of the policy, of course, is that immigrants coming to the UK should be able to support themselves. They should not be an extra burden for taxpayers in this country, but I think, considered there will be a group of people who are low income and perhaps vulnerable, it will be beneficial if there are policies in place for those people to get help, in terms of lowering the fees. We know that the admin costs for the Home Office to process an indefinite leave to remain application are not that expensive. That is an expensive visa. It is for people ultimately applying for settlement and there are rumours that these could go down.

Stuart C. McDonald: Thank you.

Chair: Dehenna Davison.

Q15 **Dehenna Davison:** Thank you, Chair, and thank you to the three of you for being with us today.

We have already touched on this, but can I start with you, Witness B? You mentioned that you believe the Home Office's estimated figures for take-up of the visa scheme are a little bit low. Can you expand on that? I think their figures estimate that between 4.8% and 6% of the eligible population will apply. What are your figures telling you?

Witness B: Firstly, we are basing our figures on the 300, which we understand is not a very significant sample size, but we are more interested in understanding when they will apply, rather than how many will apply. Among these 300 people, 81% say that within two years of the start of the application they will apply, whereas the Home Office, even based on their assumption of the 733,000 BN(O) holders, are saying only 55% will apply by the end of 2020.

We say 81%; they say 55%. By 2023, our figures show 88% and the Home Office is saying 65%. We understand that the internal version of what the Home Office estimates—not the impact assessment, but the internal one—is actually quite matching of our number.

Q16 **Dehenna Davison:** Brilliant, thank you. Witness D and Witness A, are you seeing similar things? Are the Government's estimations lower than you would anticipate?

Witness D: In terms of the number, from the information that we can get hold of, the central estimation is that they think there will be 122,000 people applying. Within the 122,000, some 68,000 are main applicants together with 54,000 dependants. They are saying that each year the number will decrease and on the fifth year that number will be down to 23,000.

I think the Government's estimation for the first year, which is basically this year, of 120,000 is probably quite accurate. I think that will likely be the trend. However, I hesitate about whether the number will decrease as time goes by. I do not see that there is any sign that the political situation



in Hong Kong will improve. It will only get worse, so I think in the next five years, as long as the scheme is still live, people will apply to leave.

I think a lot of people are planning. They are not leaving this year or applying in 2021, but they are probably planning for 2023 or 2024, because they need to move their assets first. There is a huge pressure in Hong Kong right now, so they fear that there will be control in the financial market preventing people moving their money abroad.

The Government is estimating about 200,000; that is the central estimation. The highest estimation is about 800,000. I think it will probably not be as much as that. I do not think that eventually there will be 800,000 people from Hong Kong moving to the UK. If I am wrong, I am happy to be proven wrong, but I really do not think that is the number.

However, I think it is fair to say that it will be around 200,000 to 300,000. That number is significant, because if we are talking about projections over five years, I do not think that any local authority or devolved Administration is prepared for that amount of people.

Most importantly, we all talk about Hong Kongers being hard working, and of course we have a deep connection with the UK, so there are certain similarities between the way we do things in this country—as in, between Hong Kong and the UK—but do not forget that BN (O) is a cross-section of Hong Kong society. It is not just the typical middle-class or financial background Hong Kongers. We will have people moving to this country who do not speak good English or people who are lower income or people who simply do not know anything about the UK and have never been to the UK. They will face a lot of issues in their daily life.

First, I do not think the Government's estimation is too accurate. The number will go up not down. The number will not be a lot this year, but it will go up eventually. It is different from the Government's estimation. Secondly, because they think that they can, I do not think the Government are prepared to receive people coming to the UK. Of course, we in the UK have a good history and experience of welcoming immigrants, but we are talking about an influx of majority Chinese-speaking immigrants from Hong Kong who are not necessarily accustomed to the British way of life. That will create a lot of troubles and issues for them.

Q17 Dehenna Davison: What sort of preparation work do you think should be going on, particularly by local authorities?

Witness D: First and foremost, [***] one of our major policy suggestions is that we think the Government should introduce a collective resettlement board. When the Ugandan Asians were expelled from Uganda, the Government set up the Ugandan Asian resettlement board. That is a collective agency working with local authorities and different Departments in Government to support the arrival of Ugandan Asians.

The problem is that the Government have informed us, in our conversations with the Government—the Home Office and Foreign Office—



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that they are prepared, and I know that many Members in the House have asked questions and Ministers have also said that they are preparing, but we need to see more concrete actions and evidence to prove that the Government are actually prepared for the arrivals of BN (O) passport holders and asylum seekers from Hong Kong. At the moment, I am not saying that the Government have not done anything—I think they are doing a lot behind the scenes—but local authorities are not prepared.

We know that, given the interim period, there are already people arriving from Hong Kong. Some of them have registered their children in local schools. But some of the local authorities simply do not know what BN (O) is, so they do not really know how to react to it. They would be like, “Oh, are you British or are you not British?” There is a lot of confusion going around in local authorities.

Of course, on integration programmes, there is no cohesive or co-ordinated effort with charities or NGOs to help BN (O) citizens to assimilate and integrate into UK society. We actually have not seen any policy in that regard. Once they have arrived, they are pretty much on their own. Of course, Hong Kongers who are already in the UK are doing what they can to support them, but there is no formal network, Government funding or co-ordination between civil society and the Government to support the arrivals of BN (O). I am extremely worried about that prospect.

Q18 Dehenna Davison: Thanks, Witness D. Witness A, I could see you nodding along there. Is there anything that you would like to add?

Witness A: Yes, I very much agree with Witness D on the estimation by the Government. I think that it is a largely accurate estimation, in terms of the first year, of people who will move over to the UK. I do believe that, even if it is not too accurate, it will not be too much of an underestimation. I also agree with them that the Government estimation that the number of people moving over will decrease every year might not be too accurate, because of the current pandemic that we are facing, and because people will take some time to sell their assets in Hong Kong and move to the UK.

But that is in contention with a lot of fears amongst Hong Kongers that the Hong Kong authorities will impose immigration control to not allow Hong Kongers to leave their country. I would say that the numbers will definitely not be increasing at the rate that the Government suggests currently.

Q19 Dehenna Davison: One final question, which is about awareness of the BN (O) scheme. How do you feel about the public awareness in Hong Kong? Do you think a lot of people are aware of the scheme and know how to access it? Witness B, that is open to you first.

Witness B: In Hong Kong, I think there has generally been quite an awareness of it, because it has been widely covered by the media. There are lots of different groups sharing tips and advice on how to apply for it and on the stages and steps relating to that. I am actually a little bit more concerned about the preparedness in the UK—public-wise, but also in



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terms of businesses and Government. For us Hong Kongers in Britain, we have received quite a number of inquiries, or even concerns, about employers who are not even familiar with the LOTR arrangements. There have been real difficulties for people finding work, because employers have no idea how this would work. Quite a lot of effort is needed from the Government to prepare authorities and businesses—both public and private sectors—for this, in order for there to be a smooth transition.

Just to add to what Witness D was saying about what local authorities should be doing, one thing that really came out of our study was that younger people are quite concerned about university fees, because they will be counted as overseas students. It seems that, at the moment, they cannot access any student finance loans—at least we cannot see that in the policy yet. It would be widely hoped that there will be some action taken.

Dehenna Davison: Brilliant. Thank you, all.

Chair: Tim Loughton.

Q20 **Tim Loughton:** I want to follow on from some of Dehenna Davison's points about the practical implications of coming to the UK, but I will first pick up on some comments made about the targeting of young people in Hong Kong. Witness D, I think it was you who said that prime targets are 18 to 23-year-olds—those who are post-1997 births, who do not automatically have the potential escape route of the BN (O) passport. How is that manifesting itself? Are the Chinese authorities being that smart, as it were, and really going for those people by identifying them in demonstrations or whatever and arresting them? Or are they just arresting everybody of a certain age? Is this a really targeted campaign that we are seeing?

Witness D: The short answer is yes: the regime is targeting young people. The available information shows that up until January last year, around 7,000 people have been arrested. Within this bracket of people, the majority are between 19 and 30—that is, 64%. If we expand on that number, and as Witness A was saying before, for every 1,000 people, roughly four young people will be arrested. The reason why we are saying that they are targeting young people is because most young people are part of some sort of activist group or are involved in activism. If they are at university, they will be connected to the university student union. If they are frontline protestors, they have their own organisations. Whenever the Government arrest someone, they will confiscate all their electronic devices. They will try to underpin their entire network, and they will try to catch people through that network. The Hong Kong police have been making mass arrests. When protests were still allowed at the beginning of 2020, one of the tactics they used was to circle around a large area and catch everyone within the area. Most of those people were likely to be young. What happened after they had been arrested? Their phones would be confiscated. Whichever phone does not have the best security settings will leak information to Government. That is how they pinpoint people who



are involved in the movement. I probably should let Witness A expand more.

Q21 Tim Loughton: I guess what I am getting at is, what do you think is the game plan here? How is this going to play out over coming years? Are the Chinese authorities actually going to ethnically cleanse—for want of a better phrase—and get rid of those dissident Hong Kongers who are not going to be part of their regime? Therefore, they know that those people who are over 23 have got an escape route. Are they going to try not to antagonise them, so they may stay?

Do they want them to go, and will they suppress and subject them to an increasingly oppressive regime, as we have seen in other parts of mainland China and what they are doing with the Uyghurs, Tibetans and indigenous Mongolians? Do they want a large chunk of the young population to leave or do they want them to stay and just obey the new regime, which is what they would like all Chinese in Hong Kong now to adhere to?

Witness D: I think the short answer is that they don't really mind young people leaving. What they mind is people leaving with their assets and money. In terms of young activists, in a way they aren't too worried about a young activist leaving Hong Kong, because they know that once the activists are in exile there is little they can do.

We have seen the Dalai Lama in exile for many years and the impact the Dalai Lama has in Tibet is limited. Of course, the Dalai Lama is influential globally, but the direct impact of the people who follow the Dalai Lama who left Tibet, their impact and influence in Tibet is diminishing. That is another tactic the Chinese are applying. They are applying very similar tactics to what they were doing in Tibet back in the 1950s.

Q22 Tim Loughton: Could I ask the others? We could have a whole debate about the influence of the Dalai Lama in Tibet. Having been to Dharamshala and met the Dalai Lama many times, and the Sikyong and everybody else, I would take issue with that.

What the Chinese risk losing here—I take the point about wealth, if they can get it out of the country—is also a wealth of talent. What we are talking about here, compared with other people who have been driven out of their countries, who may seek refuge in the UK and other western countries, is probably a disproportionately highly skilled, educated and entrepreneurial group of people, who would be a great asset to the UK or whichever other country they end up coming to.

Hong Kong is unique. Hong Kong has been a hotbed of entrepreneurialism and enterprise, which is what has made it such a success. That is down to the people there as well as the economic climate in the past. They are risking losing a whole generation of entrepreneurs, who have made Hong Kong what Hong Kong now is, coming to the UK.

My view is that that will be to the immense benefit of the United Kingdom, so we should be doing everything we can to make people who are escaping Hong Kong as welcome as possible. I would like all of you to



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comment on that and what more you think we should be doing in the UK to make it more welcome for people who do have to escape to be able to settle and thrive here, in terms of accommodation and jobs, which have been flagged up in research as the biggest worries of people considering leaving Hong Kong to come to the UK. Witness B, would you like to take any of those points first?

Witness B: Regarding talents leaving Hong Kong, the Chinese Government in Beijing has factored that in, and they are prepared for that. Obviously, it is not ideal for such talents to leave Hong Kong, but ultimately if these people are knowledgeable and well educated and are supporting, more or less, the democratic movements, then this is what Beijing doesn't want. In the wider scheme of national security, in Beijing's perspective, they are willing to forgo this for the sake of what they see as stability. This has been quite a clear trend, I think, over the past few months and it is going to continue that way.

I just wanted to add to your previous question about whether they have been especially targeting 17 to 23-year-olds. I have a little bit of a personal story regarding that, because when the protests began, I was actually working for [***]. I have been told [***] that, in around July of 2019, I believe, there were around 400 officers in Hong Kong. They had been using personal body cameras to identify each protestor by taking pictures very close up. The point of this was to round them up, find the network, if you like, and prosecute them eventually.

Going back to your latest question of how the UK should welcome these talents, I think there should definitely be schemes that help them in job matching, for example. Obviously, there will be people who aren't talented enough to look for work themselves, and they may not be very familiar with the whole environment and job market as such. On a practical level, I think it would do them a lot of good if such immigrants can settle in as soon as possible, so that they can integrate and contribute towards British society to bring about the economic benefits that we are hoping to see.

Q23 **Tim Loughton:** Chair, I see we have been joined by Witness C. I don't know whether they caught any of the earlier dialogue [***] about jobs and accommodation in the UK being a major concern of people considering coming here. Witness C, do you want to comment now, or should we go to Witness B just to finish up on my questions?

Witness C: Thank you for the invitation. I am very sorry that I am a little bit late for the meeting. There was some emergency that happened—I suppose you know—a few hours ago back in Hong Kong.

I think Witness B already covered the major issues for this topic, so I would just keep following up, and I will take up the questions next time. Thank you.

Tim Loughton: Okay, thank you. I think we are going to try to incorporate you into the next panel, Witness C.

Chair: Witness C, you are very welcome, and we completely understand.



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We recognise that you would have had additional circumstances to deal with this morning, so we welcome you to stay as long as you are able to in the second panel. Tim, back to you.

- Q24 **Tim Loughton:** Witness A, can I finish by asking you to comment on any of those rather long points that I raised earlier?

Witness A: First, I would like to thank you very much for acknowledging the talent of the Hong Kong youth. I believe the Chinese Communist party do not share the same vision. I think they would not mind if the talents of the Hong Kong youth went elsewhere. They would be happy replacing Hong Kong's different bodies of professionals and businesses with some of the mainland Chinese people, basically.

As to whether the youth of Hong Kong are particularly targeted and whether that amounts to ethnic cleansing, I do not think that it is impossible that they are trying to do that, but I would say, to Witness D's point, that it might be too speculative to say that they are particularly targeted.

However, one thing that we are very sure about is that many of the Hong Kong youth who are 18 to 23 are very active on the ground in Hong Kong and on the international plain in protesting and fighting for Hong Kong's autonomy and rights. As to how the UK Government can welcome these talents, I think that although no one policy would fit all countries, for those who are not eligible for the BN (O) visas it might be possible that the UK Government can have a lifelong policy for those who are not eligible for them, and to draw the talents of the Hong Kong youth to the UK. The Canadian Government have announced such a measure, but they have not executed it yet.

I think that the brilliance and resilience of the Hong Kong youth have been displayed throughout 2019 and 2020 and up to now, and I am sure they will be very brilliant too in any moment of time. If they were given the opportunity to enter the UK job market, followed by a pathway to citizenship offered by the UK Government, I am confident that they will have the skills and education to integrate well and contribute to the UK economy, especially in its recovery after covid-19 and Brexit.

- Q25 **Adam Holloway:** Obviously, all people of good will will be behind the democracy movement, but is there a danger in all this that the Chinese will de-emphasise Hong Kong and it will become a territory on the edge of China, and lose business to other parts of China, particularly Shanghai?

Witness B: I think it's been in the making for some time. Prior to the protests of 2019, China had been trying to introduce a scheme—the so-called Greater Bay area, which is this group of cities in the southern Guangdong province—which is intending really, if you like, to suck the talent out of Hong Kong and contribute towards mainland China, for those who want to go there.



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However, the reason that Shanghai or Shenzhen or other cities are unable to compete with Hong Kong, at least until 2019, was because Hong Kong has this rule of law system, whereby it protects private property investments and has a relatively robust legal system to do that. But this has also been a double-edged sword for mainland China, because this is something that is seen as instigating the kind of unrest that China doesn't want to see.

So yes, the longer scheme of things, in the run-up to 2047 at least, is to integrate Hong Kong step by step. Maybe it has been moved forwards, or even faster, than what a lot of people have been anticipating, but the intention is certainly to, let us say, integrate people's hearts and minds, and not just in name.

Q26 **Chair:** Witness A or Witness D, do either of you want to come in on that?

Witness C: May I come in on some points? [***]. We can see that mass development of the integration.

We also see the Greater Bay area. The first time we heard that concept, we thought that China would keep going for it to be internationalised through Hong Kong, but what we see is that they are trying to drag Hong Kong backwards to mainland China. The main difference would be that they were still trying to develop an international financial centre that could replace Hong Kong. In our view, that is the main difference. That is the main theme to them. They will see that we are totally loyal to China, or develop their own Chinese financial system, which then competes with western countries' financial systems.

I feel that, in the future, that will be a little bit confrontational, even though we thought that, at an economic level, things are more and more similar. I thought that they still wanted to maintain that and keep following a similar philosophy to the western countries at the economic level but, despite One Belt, One Road, the Greater Bay area or the AIIB, they still they want to empower that which can be dominant or leans to the Chinese side. I think they want to use a similar tool—the economy—but try to achieve their own national interests and agenda. That would be the main difference when we compare it with the Deng Xiaoping era. They really wanted us to regard Hong Kong as the model and let China be internationalised; now it is vice versa.

Chair: Thank you. We need to move on to our second panel now. Witness C, we invite you to stay on with us to join our second panel. Witness B, Witness A, Witness D, we thank you hugely for your time. We know the immensely difficult circumstances that you and many of your friends and colleagues will be going through at the moment. Our sympathies are with you for those difficult times.

Is there anything we didn't ask about that you are keen to mention to us today? No. By all means send us any further written evidence if there is anything further that occurs to you. We are grateful for your time this morning. Thank you.



Examination of witnesses

Witnesses: Witness C, Witness E and Witness F.

Q27 **Chair:** We welcome Witness F, and Witness E. Witness C from Hongkongers in Britain remains with us.

I ask the three of you the question I asked at the very beginning of the session. What is your response to the very disturbing events in Hong Kong this morning? What does it mean in terms of the significance of the British Nationals (Overseas) visa?

Witness F: Thank you very much, Chair, for inviting me and for holding this hearing. The events earlier today in Hong Kong are extremely serious. They are yet another blow to freedom and democracy and human rights. We can safely say that freedom and democracy and human rights were already dismantled and destroyed but this is yet another final nail in the coffin.

It makes the Government's BN (O) policy all the more needed, because the situation will cause further despair and the loss of any hope among Hong Kongers that things will improve. As one of the speakers on the first panel said, the trajectory is clearly going to get worse and worse, so I think we will see more people taking up the policy.

I think what it has caused is that it sends a message that essentially no one is safe. One of the people who was arrested was an American lawyer who was the chair of the Asian Human Rights Commission, I believe, so nobody is safe, not even expats in Hong Kong now. It sends the message that it is not just frontline protestors who are now in danger, but democratic politicians, civil society activists, pollsters and so on. It makes the policy all the more needed.

Witness C: The situation is quite serious now. You can see now that they target those candidates who joined the primaries, and that also sends a hidden signal: that anyone, no matter whether they wanted to follow the institutions or the system within a system, just trying to occupy more than half of the seats in the legislature, could now be criminalised, let alone any other similar idea that we wanted to set up a shadow Parliament, et cetera. I think they wanted to send a hidden signal to Hong Kong people that, whether you have been living in Hong Kong or you have any mindset or intention of going back to Hong Kong, if you wanted to engage in what they called illegal elections in the future, you could be in trouble. Because recently we also raised quite a lot of other similar ideas such as, "If we do not have democratic elections back in Hong Kong, how about executing them, regardless of whether they are recognised by officials?", I think this would be kind of a response action to that.

This is definitely a very worrying signal to the world, to see that there is definitely no opposition at all. Even those who have never, ever tried to say publicly that they wanted to be independent from China—those who just wanted to follow the system but were standing in opposition—have been disqualified, and not only disqualified, but are now facing the risk of



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being in jail or arrested. This is definitely 100% authoritarianism, or even totalitarianism, and it would be a critical point that we can see. That is why we had a very urgent meeting this morning, to see what we could do and even whether to publish a public statement, but I personally would feel a little bit worried, because I am not sure whether that would cause more trouble for those who have been arrested.

I could believe that the state security police would not only ask about the details of the democratic primaries years ago, but they would also ask if you had any connection with those groups overseas and those people [***] who advocate the idea of a shadow Parliament in the United States, the UK or around the world. At the end, I would just give out a public statement, because I don't think they need to be drafting this—*[Inaudible.]* So those are the things. I am not sure, but because they will still say that is a version of the power, and that is exactly concrete evidence that anyone—I agree with Witness F—could be in trouble. Those are the things. Thank you.

Q28 **Chair:** Thank you. Witness E?

Witness E: Good morning, Chair. I agree, but first I would like to thank you and the panel for accepting and inviting me [***]. I thank you and the panel for the sensitivities.

I agree with what both Witness F and Witness C said. The arrests are likely to make Hong Kongers think again about whether they are going to leave, and not only that, but how quickly they should be leaving. The worry with the way the national security law is now being enforced is that there is also a sense that we do not know what is next, and that is the worry that is obviously likely to drive any desire to emigrate.

Q29 **Chair:** Thank you. Can I ask you for your quick overview response to the British National (Overseas) visa? What are your thoughts on that?

Witness E: I think it is more wide-ranging than what we had expected of the Home Office and the Government. What you heard in the first panel is right. There are a number of cases and a number of classes of people that are left out. Obviously, more guidance is needed in terms of interpretation. If you would like, I can go into those issues later in the session. But as an overview, I think it is something that is welcomed, although some classes of people are missed out and certain things need further clarification in terms of interpretation and loopholes. On the whole, yes, it was unexpected and great.

It harks back to a moral duty. John Major once said, "If China ever looks like it is breaching the Joint Declaration, we will stand by Hong Kongers." In a way, this is the Government saying, "We made promises in the past, but we will not forget these promises." It is helpful for foreign policy to be able to say that we still hold the moral high ground. That is an overview, but if you would like more details, I am happy to give them later.

Chair: Thank you.



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Witness C: This is a very generous offer to Hong Kongers. At the beginning, Hongkongers in Britain have already expressed their gratitude to the Home Office and Foreign Office for this, because it is quite necessary to Hong Kong. We mentioned those who have no BN (O), but whose parents have BN (O) passports, who are even above 18 years old. I heard from the Home Office that it could give discretionary allowance to those people to come to the UK with their family members. I think that even the Home Office can give exceptional treatment to those Hong Kongers who might not be covered. That would be a very good starting point.

I think that would be quite necessary, because despite [***] lots of civic groups recently helping Hong Kongers to come here to seek asylum, we know that they are now facing huge pressures, especially in the pandemic. We do not really want to squeeze resources and compete with other asylum seekers from other countries. Because there will be a huge and consistent emergency happening in Hong Kong—we expect much more than that—a scheme specifically for Hong Kongers would be a necessary measure.

I agree with Witness E that it will need a bit more than other countries that seek asylum in the UK. The Joint Declaration was enshrined to live up to the promise to give Hong Kongers a sensible degree of autonomy and freedom, and now China has failed to live up to that promise, hence the UK needs to take a basic responsibility for that. I feel that is not only generous but necessary for Hong Kongers. That is my general overview.

Chair: Thank you.

Witness F: As someone who campaigned for increased rights for BN (O) holders [***] I really welcome the Government's policy. It exceeded my best hopes in terms of generosity, provision for dependants and provision for leave outside the rules for those who wanted to come before the scheme was officially opened. I reinforce all the points that Witness E, Witness C and the first panel made. There are, of course, challenges, and I think there is the potential, if it is not well implemented and co-ordinated, particularly across Government Departments in Whitehall and between Whitehall and local government, for things to go wrong. However, if those loopholes and challenges can be addressed, it really is a courageous and generous policy.

I briefly highlight—I am sure we will come on to them in more detail—three areas of challenge. One is the question of integration. There is among some people a misperception that all Hong Kongers are wealthy, affluent, extremely educated and extremely westernised. [***], and Hong Kongers are without doubt dynamic and entrepreneurial and will bring a huge amount to our society and economy, but as we heard from the first panel, they do not all have means. There are those economic challenges, and challenges of integration.

There are the issues around criminal charges and people serving for, or convicted of, crimes that carry more than a 12-month sentence. You could



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call it the Joshua Wong exemption. Joshua Wong, who you will all be familiar with, was sentenced to just over 13 months. He would not qualify for BN (O) under that criminality clause, so there is a need to look at exemptions for that. There is also, as you heard from the first panel, the issue of those born after 1997. Those are the challenges, but overall, it is a very welcome policy.

Chair: Thank you very much. I call Laura Farris.

Q30 **Laura Farris:** Thank you, Chair, and thank you to all the guests. It has been a fascinating session. When the Foreign Office announced its offer to the BN (O)s last year, do you think the Chinese Government were surprised by the British response, or do you think it was within expectations—or even anticipated at the time the crackdown began?

Witness C: Thank you, Laura. I feel that the Chinese authorities expected different scenarios, one of which would have been granting BN (O) passport holders entry to the UK. However, I believe that they would have been a little bit surprised; even I [***] was surprised that the UK Government gave that kind of generous offer. The feedback from the Chinese authorities is definitely that that decision is not welcome. You can see from all the major media back in Hong Kong, except from the very clearly pro-democracy media, that their tactic was to try to not report the UK's offer of BN (O) passports to those people eligible to come to the UK to settle down. They have been a touch lighter, saying that many people were expelled or were dissatisfied for many reasons and then left Hong Kong, with one destination being the UK. They try never to mention the BN (O) passports and the eligibility to settle down in the UK.

Q31 **Laura Farris:** To clarify, is that information somewhat suppressed in Hong Kong?

Witness C: Yes, exactly. Those are the tactics now. I think that they received a hidden order from Beijing to try not to promote that and cause an exodus from Hong Kong.

The second one is that they will try to review the policy of nationality in Hong Kong. They have no clear guideline on whether to recognise Hong Kong people as having multi or dual nationality. They only recognise the Hong Kong identity card, no matter how many passports someone has. However, they now propose a hidden idea: to only accept one nationality—Chinese—for the Hong Kong people. If you have a BN (O) passport, they will automatically cancel your status as a Hong Kong permanent resident. We are not sure of their scheduling of that; we will see how they do it. You need to take a side—that is their mindset.

Q32 **Laura Farris:** Thank you. For my next question, perhaps I will start with Witness F, then go to Witness E. We have had a lot of discussion in Parliament in the last 12 months about the appropriate measures that the Government should be taking to influence Chinese behaviour and whether they should be applying sanctions. Magnitsky sanctions have been raised in the context of the Uyghur Muslims, and there have been a number of other discussions and debates about this. Do you think the British



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Government's decision to offer this right to BN (O) passport holders is any kind of redress to Beijing, or do you just think it is an irritation that they will bat away?

Witness F: My view is that Beijing are clearly not happy with what the Government announced. You saw that in their rhetoric and threats, even though they have not yet materialised. There are also possible dangers further down the line of trying to prevent people from leaving Hong Kong to take up the scheme. I think it has had an impact on Beijing.

My one concern—I would not say criticism—about announcing this policy in isolation and immediately in response to the national security law, very welcome though it is, is that helping people get out of Hong Kong should be a last resort, not a first response. Sadly, we may well be reaching a point of last resort anyway, and that is why the scheme is so necessary, but I would have liked to have seen other measures, such as sanctions and greater international pressure, earlier so that potentially we would not have had to have reached the point where so many people feel that they have to leave Hong Kong. That would be my one concern about it.

Although I applaud the British Government's response to the national security law and everything they have done since July last year, if Britain had taken a stronger line not just last year but over previous years, when the situation was already deteriorating, that might have had more effect.

Q33 **Laura Farris:** Thank you. Witness E, the question really is about how effective you think the British Government response is.

Witness E: Thank you, Ms Farris. In terms of effectiveness, as Witness F said, on its own it might not be as effective as one would hope, purely because when it was first announced the Foreign Secretary made a public statement in the press to journalists basically saying, "If China stops Hong Kongers leaving, there is nothing we can really do."

I don't know how far this power is going to go or whether it will pass Legislative Council, but I know that there is an amendment Bill going through the Hong Kong Legislative Council that could effectively give the Government the power to decide who can and cannot leave Hong Kong without having recourse to the courts. As I said, I do not know how far the power will be used or how wide reaching it will be, but the fact that this thing is going through the Legislative Council is worrying in the light of the rhetoric we have heard from Beijing.

The rhetoric has always been that Beijing would rather have the territory of Hong Kong—it is all about national unity—and that they are happy to forego the people. As one of the other panellists said, is it really the people or the wealth they are worried about, bearing in mind the amount of foreign capital that goes through Hong Kong, and so on? There is almost a hardman rhetoric, but behind it they are worried. It may be that that is why there is this power that they are going to grant themselves, so the Government can say, "Right. We can ban you from travelling on a plane." The reality is that I don't know how far that power will be used or



how wide reaching it will be, but the worry is that they are legislating that through the Legislative Council.

- Q34 **Laura Farris:** Perhaps you could give a very general steer. Is it your expectation that there will be some form of restriction on people exercising their right to leave for the UK?

Witness E: I think it would be speculative to say whether it would be done overtly or covertly. The fact is that Hong Kong was one of the first territories to place a travel ban on the UK as soon as our Government and the scientists announced a mutant strain of covid. In effect, all they did was ban flights from the UK, but the practical effect was that that would also cause the cancellation of flights from Hong Kong to the UK. Now, putting that in the context of how they had always refused to close their borders, why, suddenly, are we doing this? Why is there suddenly a legislative bill going through that says, "We can give ourselves the power to name certain people or ban people from travelling"? Like I said, it is speculation whether the powers will be used, but the fact that they are there means it is a possibility. We know what the Chinese Government are capable of—exit bans and confiscating passports in the mainland—so it is not beyond their modus operandi.

Laura Farris: Thank you very much.

- Q35 **Stuart C. McDonald:** Thank you to our witnesses. First, I will follow up the evidence we heard from the first panel about the apparent reluctance of people who will not qualify for the BN (O) visa to claim asylum. Are the issues there with being able to make a case that they are a refugee, or it is more simply that the process to get there is too painful?

Witness F: I think in most cases it is concern about the process and an element of human dignity: people want to come here to be able to work or study, neither of which they can do if they are in the asylum system. I think it is primarily that. There may be some cases of those who engaged in the frontline protests, perhaps in what might be termed acts of violence, and therefore concerns about whether that would be held against them in asylum claims—Witness E will be able to expand on this with more expertise—but that is at a very individual level. I think in general terms it is much more concerns about the system as a whole.

Stuart C. McDonald: Witness E?

Witness E: I think, as Witness F said, there is a worry about the system as a whole. Unfortunately, it is well known that there are defects in our asylum system—for example, the length of time it takes to make a decision—so there is that worry, but it should be remembered that a lot of people did not necessarily know whether the national security law would go as far as it would. I have heard of cases where people thought, "I will take a holiday, wait until it passes and see what happens after that."

The problem is that the UK was one of the few places that had its borders open. For example, Taiwan was talking about a resettlement scheme for Hong Kongers who had been involved in the protests as well as now



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America, Canada and Australia, but I think one of the major issues we had at the beginning was that it was difficult for people to travel. A lot of people may have thought, "I want to wait and see what the national security law says before I make a decision, but I don't want to risk being there when it passes." Some people had got out initially, but certainly there is the timing in terms of other immigration options, like whether they want to be able to study, and so on and so forth, and the length of time of the asylum process. As Witness F said, some people worry whether they are going to be eligible for asylum because they may have committed an act of criminality. They may have kicked a policeman, which has been caught on film. They may have smashed up a shop during the protest.

There are those worries. A lot of it is also about information. They think that—

Q36 Stuart C. McDonald: Sorry to interrupt, but that shouldn't, in theory, be enough to stop somebody qualifying as a refugee, though, should it?

Witness E: No, I agree with you; there are plenty of people who are qualified for asylum who have done what we would say are potentially acts of criminality, but in the greater context of the protests in other countries that has always been accepted. To a certain extent there will always be criminality because of the nature of political persecution. You may have the Government of the time enacting a law that requires you to be a criminal before you can claim asylum, in a way.

I agree with you that that sort of criminality alone should not be a barrier, but as I was trying to say I think that a lot of it is also perceptions and information. [***] people [***] initially said, "I think they're going to refuse me because I have done x, y or z, which is considered criminal."

Q37 Stuart C. McDonald: Witness C, feel free to comment on that, but could I also ask you about your views on visa fees for BN (O) nationals? Obviously, the fee itself appears to be quite low but there are issues over the immigration health surcharge and the fact that it all has to be paid upfront.

Witness C: When I talk with some OISC experts in the Home Office, they have a huge culture of suspicion when they deal with some asylum-seeking cases. They are much more sceptical when you apply for the BN (O) visa. Definitely when you fit in certain criteria you will be granted that visa, but if you want to seek asylum, they are a little suspect about whether you are credible to claim it. It is a little hard when we talk to the Home Office about a tailor-made process or a simplified process just for Hong Kongers, because they need to be consistent, with the same criteria to deal with other nationalities as well.

I think it is also a bit of a good sign that the first Hong Kongers also with a BN (O) passport have been granted asylum, and they acted to change the objective country reports regarding Hong Kong. We still remember that when, early last year, the Home Office issued reports we could see that they were trying to frame Hong Kong protesters as ineligible to claim



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asylum in the UK, until the national security law had been implemented. Then they changed their attitude. [***]

One of the things that they are improving is the education of the staff. They are much more familiar with the Hong Kong situation, and are trying not to be as sceptical when a Hong Kong protester comes to claim asylum, but still it is much more turbulent for those people who are just coming here and are ineligible to apply for a BN (O) visa. I heard some cases, [***] where sometimes they wait for about half a year but cannot receive even the ARC card—the basic identification proof for those asylum seekers.

It fluctuates. It is unnecessary to trigger the suspicion that the UK Government have treated high-profile, well-known people exceptionally, to get asylum status faster. [***] There were a few that had exceptional treatment. I think it needs to be consistent regarding asylum-seeking cases.

I also feel that, comparatively, Canada, for example, would be much more popular, because if they sought asylum in Canada, they could get a temporary work permit and there would be much more daily financial support for those people. In the UK, they would need to wait for a while.

Q38 Stuart C. McDonald: Very final question. Both Witness F and Witness E have spoken about issues around the interpretation of certain rules and criminal convictions. As I understand it, the Immigration Minister has said that if a serious criminal conviction is regarded as political, it would be disregarded. Is that enough? How would the Home Office go about undertaking that exercise?

After that, to Witness E, you spoke about the need for more clarity about guidance and interpretation. What were you referring to there? Does that include the compelling and compassionate circumstances that we have heard should apply in some circumstances as well? I will go to Witness F first.

Witness F: From my perspective, the Minister's statement is certainly very welcome, but it needs to be disseminated very widely within the Home Office among those who are looking at asylum claims and as widely as possible among the asylum seekers. As to exactly how that is done, I defer to Witness E's expertise on that. The statement is welcome but needs to be heard widely.

Stuart C. McDonald: Witness E?

Witness E: May I, before I answer your follow-up questions, follow up on what Witness C said? They mentioned the culture of suspicion. To a certain extent, that is true. I can give you an illustration. [***]

It is that culture, whether it is the traditional, "Tick the boxes and make sure we get everything done," or a case of, "Well, we still need to interview to see if you are lying to us about anything else." That



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perception of the culture is also a massive problem, plus obviously, by saying, "Wait for an interview," we just do not know how long it will take.

In relation to your follow-up, in terms of interpretation and criminality, as Witness F said, the Minister's statement is welcome. If we look at the actual guidance on criminality at the moment, however, all it says is that crimes that are not considered crimes in the UK should not be considered. There is no distinguishing, at least from the policy's perspective, as to how those crimes or charges have arrived. For example, if they charge someone with money laundering, that is also a crime in the UK. Technically, that person could be banned, not only from the BN (O) visa, although this session talks about the BN (O) visa, but from any visa under part 9 of the immigration rules.

There needs to be some kind of common-sense approach, or even an approach where a dedicated team deals with Hong Kong cases or even cases where people claim their criminality has arisen from protest. For example, if a protestor from Belarus applied for a visa and his or her criminality flags up, obviously that would be an issue. I do not think it is a problem necessarily unique to Hong Kong, but because we are coming up to the BN (O) visa, it is quite an urgent thing that now needs to be dealt with.

In the interim, it is maybe specific guidance on Hong Kong or an amendment to the criminality exemptions guidance where something more is talked about, so, "If someone claims that their criminality arose from political activities, you need to investigate this," rather than just doing a tick box, "Is it over 12 months? Go away." A dedicated team is going to be helpful, because you are going to have people with these issues that will basically need a human to look at them, rather than a tick box saying, "12 months? Yes. Is this a crime in the UK? Yes. Refused." Those areas can be looked at in order to iron out these worries, but certainly, I agree with Witness F in that just a statement from the Minister is probably not going to be enough for the very overwhelmed staff of the Home Office.

Stuart C. McDonald: Thank you very much.

Chair: Tim Loughton.

Q39 **Tim Loughton:** Witness F, can I come back to you? You were sitting in on the previous session, and I think Witness D and Witness B said that they thought the Chinese were happy to get rid of the disrupters—as they see them—which slightly surprised me, because as I said, it's not just a question of getting rid of people with assets; it's also a lot of people with talent, although I entirely take your point that we are not trying to characterise all the people in Hong Kong as millionaires with PhDs—clearly not. But the majority of Hong Kong people who come to the UK and, obviously, disproportionately those who come to study at UK and American universities are highly skilled people. Do you think that the game plan of China is effectively to force out those people who won't comply with the new regime?



Witness F: I think without doubt the game plan is to silence or eliminate any form of dissent, but there are probably two parallel things going on; they may sound contradictory, but I think they are running in parallel. I think the regime are probably not so worried about the lesser known or less influential young activists who will leave the country—probably they are quite glad to get rid of what they would see as agitators—but at the same time, they clearly also want to make an example of some individuals by arresting them, prosecuting them, jailing them and, in those cases, preventing them from leaving the country. For example, I think the regime were furious when the former pro-democracy legislator Ted Hui managed to leave Hong Kong. Despite facing some charges, he basically, in effect, jumped bail, went to Denmark and then came to the UK. As a consequence, almost as soon as that became known, the authorities put pressure—successfully, unfortunately—on HSBC to freeze not only his bank accounts, but the bank accounts of all his family, and his credit cards. So, they clearly want to make examples of some individuals, but I think the overall game plan is this chilling effect to silence dissent by whichever means it takes.

Q40 **Tim Loughton:** But interestingly, that ultimately is, at some stage, going to have an impact on the financial community in Hong Kong, which is the single most important element of the prosperity and success of Hong Kong, notwithstanding the rather frustrating decisions of the Hong Kong and Shanghai bank to kowtow to what the Chinese are trying to do there. If you are removing a lot of talented people who, in many cases, would end up in financial services, the viability of the financial services market in Hong Kong is not going to be there and we are going to start seeing Singapore and other destinations taking advantage of the migration of companies, or the talent that is behind those companies, out of Hong Kong, which is why I am still conflicted as to why China would want to effectively deport a whole load of people, rather than to suppress them as they do in, say, Tibet.

Then, of course, what the Chinese do is to move in millions and millions of Han Chinese to effectively dilute the indigenous population. That is less possible in Hong Kong, because it's a densely populated part of the world, whereas Tibet is huge, and the interest of China in Tibet is to dig up all the mining wealth and various other things there. But can you comment specifically—Witness E might want to come in on this—on the remark that somebody made earlier about setting up a resettlement board, in terms of the practical measures that the UK could take to make it easier for Hong Kong fleers to settle and make a home here? Is that a practical thing? Is it something that we could press for? Clearly, a precedent was set with the Ugandan migration back in the 1970s.

Witness F: I will make two very brief comments, if I may. On your first point, I think there are two things going on. Actually, a lot of mainland Han Chinese are coming to Hong Kong and taking up positions in the financial sector and other sectors. That, and the influence of so-called red capital—capital tied to the regime—maybe gives the regime some sense of financial security, but ultimately, the priority for them is political control.



They are prepared to sacrifice some economic benefits for the sake of total political control.

In response to your second point, I think something along those lines would be important. Hong Kong Watch has been advocating the creation of an integration fund, which may be slightly different but a bit similar—a fund that could be used by local government, civil society charities and others to help with all the elements of integration, whether that is language, accommodation or help with jobs and so on. That is what we have in mind, but I am certainly open to alternative ideas. I probably do not know enough about a resettlement board, and I defer to Witness E to comment further, but I think one of the two would be needed.

Q41 **Tim Loughton:** Witness E, do you want to comment on any of those points? Then I will come to Witness C.

Witness E: [***] Political issues are not my forte, but I have to agree that some kind of resettlement assistance or, as Witness F said, a fund that can be tapped into by local authorities and civil society will be helpful. I say this from my perspective of analysing the rules as they are. You as a Committee will know that much has been made about people needing to have an English-language certificate before they are allowed to come as spouses or students. There has been a lot of controversy about proxy-student English-language tests. There is a need, at least from the Government's perspective, for some kind of integration.

Looking at the BN (O) scheme, the Government has actually forgone the need for an English test. It is worth reminding the panel, especially given what Witness F has said, that not every Hong Konger is rich and western. Unfortunately, you will have some that do not have as high a level of English as others. By not requiring them to do an English test before they are granted a visa, you will potentially have one barrier—the language barrier—for some applicants. Although my expertise isn't in policies or politics in terms of social science, from analysing what policies the Home Office has [***], I definitely agree with the need for some resettlement aid.

One of the panellists in the first panel mentioned stuff about employers not actually knowing what BN (O) is. I have seen a lot of people complain that they have got their LOTR, but their employers have said, "Well, it doesn't say you can work." The stamp for LOTR basically just says you are not allowed public funds. [***] but obviously employers do want to risk a £20,000 fine per employee. Basically, they have been not letting or not employing BN (O) holders who have LOTR.

In early December or late November—I cannot remember the date—the Government published guidance on their website about LOTRs being able to work. It says the only restriction they will have is a restriction of public funds, but the problem is that they do not give a photo of the stamp people can expect, leaving it to employers to analyse that. [***] I can imagine a local shop looking at that guidance and saying, "What does this mean?" I can't imagine they would know that outright, because your



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stamp simply says, "No recourse to public funds." That is fine, but yes, there are a lot of issues.

The other problem is that although the BN (O) scheme is coming live, we don't know how long the visa application process will take. Until a decision is made on your BN (O) scheme, your leave outside the rules, for example, is extended by virtue of section 3C of the Immigration Act 1971, which says that if you have made an application on time, your leave is deemed extended on the conditions you have.

If you are talking about months for a decision to be made, you are going to have an additional few months of those people on LOTR with a stamp that doesn't say outright, "You are allowed to work," and them facing further hassle from employers who are potentially looking at this and thinking, "I don't know what that means."

Q42 Tim Loughton: That's very helpful. I am aware that we are about to run out of time. Can I finally ask Witness C for any comments they wanted to add?

Witness C: Yes. It's quite important to set up the resettlement commission or board, either as an independent commission or as part of a Government Department, because many people come here with specific historical backgrounds, some of whom are fleeing persecution.

In the future, how could that impact UK society? It would need a large infrastructure to monitor the whole situation and what the impacts would be, for example in terms of relations with those mainland Chinese groups in the UK. Some Hong Kongers would feel that they had to maintain their culture and identity, but because they were a bit politically oriented—they might want to go back to Hong Kong with democracy and freedom—how could they get along with those mainland Chinese in the UK or handle relations with the Chinese embassy and consulate? It would be worth your paying attention to that, and perhaps even provide some local service to those newcomers.

I heard that some local governments or authorities have no choice, because not many Hong Konger communities have been built up. If they sought help from Chinese societies, there would be some insecurity for those newcomers. Usually, the Chinese association would necessarily have a very good connection with the Chinese embassy and consulate. So, it is a little awkward here, because those people, if they get BN (O) visas to come here, will not be welcomed by the Chinese Government.

The Chinese authorities might need to be a little hesitant. One of their duties is to mingle with Chinese overseas. They try to influence and mobilise them to invade your politics, and maybe they will have a hidden political agenda in the future. I'm not sure.

When we handled some Hong Konger cases, they were a little worried and afraid to give all their personal information, because they did not want to be retaliated against by the Chinese Government. From what I saw, even some local authorities do not have much sense of politics. They would feel,



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“Okay, a lot of immigrants are coming here, and the Chinese community can provide help.” They do not have that subtle sense. This needs to be very carefully handled.

- Q43 **Chair:** The statement is about to start in the Chamber, so, unfortunately, we have to draw this to a close. I had two final questions, which can perhaps be responded to in writing. One is particularly for Witness E, around the issue of 18 to 23-year-olds, which we discussed in the first panel. What solution might you propose on that [***]? Obviously, there is the discretionary approach and there is the asylum approach, but the question is whether you would propose any other kind of approach on that, and whether there is anything you wish to send us in writing about what an effective system would look like.

My second question, which you might be able to answer very quickly, is, are there particular places in the UK that you would expect people to gravitate to? Is there something about major cities such as London or elsewhere, or are people likely to travel to find homes all over the country?

Witness E: Thank you very much, Chair. I will definitely answer your question in written evidence in due course; this will probably take a bit more than a few minutes. In relation to locations, so far, I have known of people going to major cities: Manchester, Birmingham, London and Liverpool. I have heard some people are even in Scotland, but in terms of numbers, Witness C or Witness F might have more contacts.

- Q44 **Chair:** Briefly, do either of you have any thoughts?

Witness F: I agree with Witness E on the locations, and I have been to Manchester and Milton Keynes to meet Hong Kongers. I will certainly put something in writing. I think the two areas that could be looked at are student visas and a young talent scheme, along the lines of Australia and Canada, but I will put more detail in writing.

- Q45 **Chair:** Thank you. Witness C?

Witness C: Witness F and Witness E have covered what I wanted to say. Thank you.

Chair: Again, thank you very much for your time. We very much appreciate you joining us, especially on a day when we realise that [***] there have been events taking place in Hong Kong that are very difficult to deal with. The Clerks will be in touch about the handling of the transcript, but we very much appreciate your time today. That concludes our evidence session. Very best wishes to you.