

## THE CASE FOR AN INTERNATIONAL LIFEBOAT CAMPAIGN

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### SUMMARY

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- The National Security law fundamentally compromises one-country, two-systems. With Beijing breaking their promises, it is vital that Hong Kongers who need it are given a way out.
- The new national security legislation will leave thousands of young, liberally minded people in Hong Kong vulnerable to prosecution under the same charges that confined the Nobel Peace prize winner Liu Xiabo to more than a decade in prison. This is why the UK's decision to extend the scope of BNO passports should be welcomed, but the British government must not stand alone.
- Hong Kong Watch is calling on democratic partners who have already expressed concern about the National Security Law and issued statements of support for Hong Kong's autonomy to:
  - a. Reform work and study visa programs to make it easier for Hong Kongers to work and study abroad as a pathway to citizenship.
  - b. Reform asylum policy to make it easier for Hong Kongers in need of a lifeline to claim asylum.
  - c. Coordinate with international partners preferably through an international Contact Group to ensure that no group of Hong Kongers is unfairly left behind by filling gaps in pre-existing immigration policies.
- This could be done either by a national government changing the current immigration regulation or through direct legislation. There have so far been calls in the USA, Japan, Australia, Canada, the EU, and Taiwan for their respective governments to support an international lifeboat campaign.
- There is a precedent for this kind of international initiative. In 1976 the UK, Canada, Kenya, and India offered refuge to Ugandans exiled by Idi Amin. From 1986-1997 more than 40 countries participated in the Orderly Departure Program, which resettled 623,000 Vietnamese refugees fleeing Communism. Responding to the Tiananmen Square massacre in 1989, the Australian Government unilaterally issued 42,000 permanent visas to Chinese students. In the late 1990s a coalition of 28 international partners offered asylum to over 96,000 Kosovans fleeing conflict. More recently international partners co-ordinated a response to the Syrian Civil War, collectively resettling at least 6.7 million Syrians.

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## WHAT WOULD AN INTERNATIONAL LIFEBOAT POLICY LOOK LIKE?

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- We are calling on democratic partners who have already expressed concern about the National Security Law and issued statements of support for Hong Kong's autonomy to:
  - a. **Reform work and study visa programs to make it easier for Hong Kongers to work and study abroad as a pathway to citizenship.**
  - b. **Reform asylum policy to make it easier for Hong Kongers in need of a lifeline to claim asylum.**
  - c. **Coordinate with international partners preferably through an international Contact Group to ensure that no group of Hong Kongers is unfairly left behind by filling gaps in pre-existing immigration policies.**
- This could be done either by a national government changing the current immigration regulations or through direct legislation.

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## IS THIS NOT A SURRENDER STRATEGY?

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- No. Far from being a white flag of surrender, an international lifeboat campaign, would be a last resort in the event of a further crackdown in the city and part of a wider-set of measures designed to stand up for Hong Kong, including the formation of an International Contact Group to monitor the situation and coordinate action and the adoption of Magnitsky style sanctions targeted at the perpetrators of human rights abuses under the new National Security Law.
- Rather than encouraging a policy of mass migration for Hong Kongers overnight, the campaign would provide a safety net for those at severe risk of political persecution and human rights abuse if they stayed within the city.
- Taken together with Magnitsky style sanctions and the formation of an International Contact Group (both of which Hong Kong Watch continues to advocate for), it will ensure that pro-democracy activists can continue to campaign for democracy, freedom, the rule of law, and the city's autonomy, safe in the knowledge they have an insurance policy.
- We hope that growing support for an international lifeboat campaign will encourage the Chinese Communist Party to change its stance on National Security legislation avoiding mass migration from Hong Kong.

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## IS THERE A PRECEDENT FOR AN INTERNATIONAL COALITION TO COORDINATE A LIFEBOAT POLICY?

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- Yes. The UK was previously a member of an international Contact Group which was formed to monitor developments in the Balkans in the 1990s.
- Seven former foreign secretaries, including, Lord David Owen, Sir Malcolm Rifkind, Jack Straw, Margaret Beckett MP, David Miliband, Lord Hague, and Jeremy Hunt MP, recently wrote to the Prime Minister endorsing the idea and calling for Hong Kong to be raised at the upcoming G7.<sup>1</sup>
- In 1973 the UK Government in conjunction with Canada, India, and Kenya took in nearly 30,000 Ugandans who had British passports and were thrown out of the country by the dictator Idi Amin.<sup>2</sup>
- From 1986-1997 more than 40 countries participated in the Orderly Departure Program, which resettled 623,000 Vietnamese refugees fleeing the Communist Government.<sup>3</sup>
- After the Tiananmen Square massacre in 1989, the Australian Government granted 42,000 permanent visas for Chinese students.<sup>4</sup>
- In the late 1990s an international coalition of 28 countries which offered asylum to Kosovans fleeing war, 96,000 Kosovans benefited from the initiative.<sup>5</sup>
- More recently the international community has come together to offer refuge to Syrians fleeing civil war, more than 6.7 million Syrians are now in other countries as a result of the conflict.<sup>6</sup>

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## WHAT HAVE COUNTRIES SAID ABOUT TAKING IN HONG KONG REFUGEES?

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- The British Government have promised to change the rights held by BN(O) passport holders if the National Security law passes (see next section for details). Dominic Raab was

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<sup>1</sup> <https://www.theguardian.com/world/2020/jun/01/seven-former-foreign-secretaries-urge-uk-to-take-lead-on-hong-kong>

<sup>2</sup> <https://www.standard.co.uk/comment/comment/the-ugandan-asians-never-forget-their-debt-to-britain-a4214036.html>

<sup>3</sup> Robinson, W. Courtland Terms of Refuge, London: Zed Books, Ltd.: 1998, Appendix

<sup>4</sup> <https://www.aljazeera.com/news/2019/06/australian-chinese-granted-residency-tiananmen-square-190602232721328.html>

<sup>5</sup> <https://www.unhcr.org/3e2d4d5f7.pdf>

<sup>6</sup> <https://www.pbs.org/wgbh/frontline/article/numbers-syrian-refugees-around-world/>

encouraged by Iain Duncan Smith in a recent debate to initiate an international lifeboat, he underlined that he was raising this with partners. Separately, 155 Parliamentarians called for the UK to raise the issue with Commonwealth partners.

- There have been bipartisan calls in the United States for special treatment be given to Hong Kong refugees<sup>7</sup>, and a couple of bills have been published or are set to be in the coming weeks which would enshrine this treatment in law.<sup>8</sup>
- In recent years Canada and Germany have allowed Hong Kongers fleeing political persecution to claim asylum, there are calls in both countries for their respective governments to join any campaign that offers Hong Kongers refuge.
- The European Parliament in a joint-resolution on Hong Kong has called for the EU to participate in an international-life boat policy.<sup>9</sup>
- Taiwan has drawn up a humanitarian assistance program for Hong Kongers, including a dedicated office to deal with relief and care.<sup>10</sup>
- Japanese Prime Minister Shinzo Abe has said that Japan will consider taking in Hong Kong residents, particularly those in the financial sector.<sup>11</sup>
- The Labor Party in Australia has called for the Australian Government to participate in an international lifeboat policy and relax rules to make it easier for Hong Kongers to claim asylum.<sup>12</sup>

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## **BACKGROUND: THE UK GOVERNMENT BNO PROPOSAL**

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- Responding to the unliteral imposition of a new national security law in Hong Kong which would introduce a series of vague and draconian charges, the UK Government is proposing

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<sup>7</sup> <https://www.young.senate.gov/newsroom/press-releases/senators-call-for-us-to-welcome-hong-kongers-fleeing-chinese-communist-party->,  
<https://twitter.com/GReschenthaler/status/1270853252523802625>

<sup>8</sup> <https://www.deseret.com/utah/2020/5/28/21273539/china-hong-kong-protests-national-security-law-john-curtis-refugees>

<sup>9</sup> [https://www.europarl.europa.eu/doceo/document/RC-9-2020-0169\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2020-0169_EN.html)

<sup>10</sup> <https://www.aljazeera.com/news/2020/06/china-warns-taiwan-harbouring-hong-kong-rioters-200620074002550.html>

<sup>11</sup> <https://asia.nikkei.com/Politics/International-relations/Abe-offers-refuge-to-Hong-Kong-finance-workers>

<sup>12</sup> <https://www.theguardian.com/australia-news/2020/jun/07/hong-kong-residents-fearing-chinas-security-crackdown-must-be-helped-labour-deputy-leader-says>

- increasing the amount of time BNOs can stay in the UK without a right to remain from 6 months to 12 months.<sup>13</sup>
- The UK Prime Minister Boris Johnson and the UK Foreign Secretary Dominic Raab MP have separately confirmed this extension would create a pathway to citizenship for BNO passport holders.
  - The Chinese Government responded arguing that the decision would violate international law and China reserved the right to retaliate, however fresh legal advice from the former Attorney General Lord Goldsmith and Laurie Fransman QC, the foremost British nationality expert in the UK, recently found there is no legal obstacle to the Government extending the rights of BNOs.<sup>14</sup>
  - The announcement has received cross-party support. The Liberal Democrats previously committed to extending the rights of BNOs in Hong Kong in their 2019 manifesto, notable Conservative backbenchers including the Chair of the Foreign Affairs Committee Tom Tugendhat have previously campaign for the change, Labour's Shadow Foreign Secretary Lisa Nandy MP also has welcomed the change.<sup>15</sup>
  - Aside from all UK political parties supporting the extension of BNO rights, a recent YouGov poll found that 42% of the UK public supported the measure compared to 24% who were opposed.<sup>16</sup>
  - As of 24<sup>th</sup> February 2020, the Home Office estimated that there are 349,881 BNO passport holders and around 2.9 million Hong Kongers who could apply for BNO status.<sup>17</sup>
  - The UK is unlikely to be able to take in the total number of Hong Kongers who are entitled to BNO status or Hong Kongers who are not covered by the BNO campaign, which is why an international programme must be set up with likeminded partners to ensure Hong Kongers who need a lifeline have one.

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<sup>13</sup> <https://homeofficemedia.blog.gov.uk/2020/05/29/media-factsheet-hong-kong-bnos/>

<sup>14</sup> <https://www.theguardian.com/politics/2020/may/24/new-uk-legal-advice-could-open-door-to-hong-kong-citizens>

<sup>15</sup> <https://labour.org.uk/press/lisa-nandy-responds-to-the-extension-of-visa-rights-for-british-nationals-overseas-in-hong-kong/>

<sup>16</sup> <https://yougov.co.uk/topics/travel/survey-results/daily/2020/05/29/9742c/3>

<sup>17</sup> <https://homeofficemedia.blog.gov.uk/2020/05/29/media-factsheet-hong-kong-bnos/>

## RECOMMENDATIONS

### **To international governments**

- Use either direct legislation or changes to immigration regulations to take one or more of the following steps:
  - Reform work and study visa programs to make it easier for Hong Kongers to work and study abroad as a pathway to citizenship.
  - Reform asylum policy to make it easier for Hong Kongers in need of a lifeline to claim asylum.
  - Coordinate with international partners preferably through an international Contact Group to ensure that no group of Hong Kongers is unfairly left behind by filling gaps in pre-existing immigration policies.

### **To international parliamentarians**

- Use legislative and other means to pressure your governments to join the international lifeboat campaign.

### **To the British government**

- Use British Chairmanship of the Commonwealth Heads of Government Meeting to raise the desirability of an international lifeboat policy; coordinate with G7 partners on this.