



**Senate Committee on Judiciary
Subcommittee on Border Security and Immigration**

“Supporting Hong Kong’s Pro-Democracy Movement Through U.S. Refugee Policy”

Testimony of Joey Siu, Associate, Hong Kong Watch

December 16, 2020

Chairman Cornyn, ranking member Senator Durbin and members of the subcommittee, thank you for arranging this hearing and for inviting me to testify during this very dark time for Hong Kong.

I was born in North Carolina and moved to Hong Kong with my family at a young age. In that city I also call “home”, there are my family, my friends, and millions of humble, hard-working people.

Last December, I testified before the *House Subcommittee on Asia, the Pacific, and Nonproliferation* on Hong Kong’s human rights challenges. At that time, Hongkongers were processing the trauma of the tragic sieges of the Chinese University of Hong Kong and the Polytechnic University and celebrating the unprecedented landslide victory in the District Council Election.

Unfortunately, one year later, Hong Kong’s situation has worsened. The Legislative Council Election was cancelled, democratic lawmakers have been disqualified, and the newly-imposed National Security Law criminalizes even the more trivial forms of protest. By speaking to you here today, it is likely that I will cross a line and say something that threatens the Chinese Communist Party. And then I will become a criminal.

Since the implementation of this draconian national security legislation, a total of 40 Hongkongers have been arrested under it, including pro-democracy media tycoon *Jimmy LAI*,

prominent political figure *Agnes CHOW*, student activist *Tony CHUNG* and protester *TONG Ying-kit*, who displayed a flag with slogan “Liberate Hong Kong; the revolution of our times”. The youngest among them was *Yanni Ho*, a 17-year-old student who is now facing between ten years and life in prison under the vague charges of “subversion of the state”.

As stated in Chapter IV of the legislation, the Chief Executive of Hong Kong is empowered to designate judges to handle cases concerning offences “endangering national security” and as mentioned in Chapter V, the Hong Kong Government or the National Security Department of Hong Kong itself could request for the Central People’s Government to exercise jurisdiction over cases that are considered “complex”, “serious” or a “major threat” to national security. The Law is a fatal blow to Hong Kong’s once-independent judiciary. As Hong Kong’s judges rightfully dismiss the most ridiculous charges against protesters, the government will more frequently exercise these options to avoid them.

Under the haze of the new National Security Law and fearing extradition to mainland China, Hong Kong protesters are in desperate need of the opportunity to escape from the Chinese Communist regime. Among them are the 12 Hong Kong youths who were captured by Chinese authorities while trying to escape to Taiwan by a speedboat.

As a U.S. citizen, I am privileged enough to be protected by the U.S. government and can always come home. However, many of my friends, many of those who stood on the frontline to defend the city’s freedoms and democracy are not. The United States must not ignore their plight.

The United States should join its closest allies in providing safe harbors for Hongkongers.

Hong Kong Watch has been working with the U.K., Canada and Australia to call for a “global lifeboat scheme” for Hongkongers. In July this year, the U.K. announced its new policy to provide a pathway to citizenship for British National Overseas passport holders which will come into force in January 2021 and up to 750,000 BN(O) passport holders from Hong Kong are expected to take up the scheme. The Australian Government also declared to offer new and extended visa options to students and skilled workers from Hong Kong, allowing them to remain in Australia and eventually down the pathway to permanent residency. Likewise, the Canadian Government also joined the two countries in October this year in introducing its lifeboat programmes that mainly targets at young talents from Hong Kong, addressing the inadequacy of the U.K.’s policy to cover young protesters who were born after 1997 and do not own a BN(O) passport.

But people will still fall through the gaps in these policies. “Young talents” schemes require top qualifications and a level of funding which excludes some of the most politically exposed protesters, the BN(O) policy does little to help Hong Kong’s young people who were born after

the hand-over. These young people are in fact at the most risk of being charged under the National Security Law, as they drove the protests over 2019.

These young Hong Kong people have many virtues, including their work ethic, integrity, and basic human decency. But I would like to draw your attention to something else. In the past few years, Hongkongers have learned hard lessons about the cost of our failure to understand the Chinese Communist Party. And the United States cannot afford to make the same mistakes. Our hard-earned experience can be put to use.

With limited time left in this Congress, it is important to highlight the kind of measures necessary to address the problems with getting Hongkongers out safely.

First, the United States should lift the refugee capacity for Hongkongers and expedite refugee processing. The U.S. refugee processing system provides a rigorous filter for applicants, and therefore, this pathway should be more open to Hongkongers with a well-founded fear of persecution.

Second, the most at-risk Hongkongers, for example journalists, first-aid volunteers, social workers, and organizers as well as those facing charges related to the demonstrations, need to get away quickly and cannot wait for refugee processing. The bar for them to come to the United States should be lowered. We should get them to safety first, and then find the right way to offer them a safe harbor.

Third, many Hongkongers are now living abroad in exile, including in the United States. They cannot return to Hong Kong safely. Assistance and solution to their legal limbo, such as Temporary Protected Status (TPS) should be considered.

Regardless of the legislative approach, Congress should also encourage this administration and the next to exercise the considerable powers of the executive branch to address the aforementioned problems. The administration can develop parole programs to channel at-risk Hongkongers to the United States once they are out of the city. This has been done before, such as with the Cuban Medical Professional Parole Program, and should be considered.

As the Chinese Communist Party gradually takes complete control over Hong Kong and extends its claws to our international allies, U.S.' leadership in leading global actions to support Hong Kong has never been more important. A clear message has to be sent to Beijing, that America will always stand with the freedom fighters to defend our shared values.

Last but not least, I would like to take this precious opportunity to again call for your attention on the 12 Hongkongers, *CHEUNG Tsz-ho*, *CHEUNG Chun-fu*, *CHEUNG Ming-yu*, *HOANG Lam-phuc*, *KOK Tsz-lun*, *LI Tsz-yin*, *LI Yu-hin*, *LIU Tsz-man*, *QUINN Moon*, *TANG Kai-yin*, *WONG*

Wai-yin and *YIM Man-him*. They have been held in incommunicado detention for more than 115 days without direct access to their families and the outside world. Our continuous attention is much needed.

God bless America.

God bless the 12 and Hong Kong.