

## EMIGRATION

# Borderline cases

## For some Hongkong immigrants, the nicest thing about Canada is the route back home

By **JUANITO CONCEPCION**

**I**N THE face of a tightening clampdown on immigration violators, unknown numbers of Hongkongers continue to contravene terms of their "landed" status in Canada by staying out of the country beyond the permissible 183 days each year.

An old trick, they mask their absence by travelling back and forth to Hongkong via the US. Since travel between Canada and the US goes unrecorded, there is no record of their re-entering Canada in their passports.

Neither Canada nor the US maintain immigration checks on outbound travellers — and people moving across the US-Canada border in either direction are only required to carry some form of identification, such as a driver's licence or school ID.

British Columbia, Canada's Pacific coast province, is home to the largest portion of Hongkong's total emigrant count. Getting lost in the crowd flowing across the US-Canada border is easy. By one count there were 11 million vehicle crossings across the BC-Oregon stretch in 1993.

Aware of cross-border shenanigans, Canadians are scrutinising passport documents as never before, querying travellers over suspicious entries that might suggest non compliance with regulations, according to Canadian Commission spokesman Neil Reeder. A US entry stamp could, for example, signify a return from an over-long stay in Asia.

One obvious way to pin down the whereabouts of immigrants is for Hongkong to stamp residents' passports as it does others. But Reeder says that would be asking a lot. "It's difficult to ask Hongkong to stamp the travel documents of all outbound people because they normally use the Hongkong ID cards leaving and entering the territory."

Barring officially authorised exceptions, immigrants must stay three consecutive years and cannot be away for more than six months a year to qualify for Canadian citizenship. Those found

breaking the rules are stripped of their landed status — and the right to apply for citizenship.

Pop star Anita Mui was bounced from the line-up for this very reason. Mui arrived last October for a Toronto charity concert and failed to satisfy Canadian immigration officials that she had been in Canada the required time. She lost her landed status, a decision subsequently upheld on appeal.

**Model visitor:** Ironically, the singer won wide praise during that visit for her charity efforts, the concert raising over C\$200,000. But her visit served another purpose — putting immigrants on notice that nobody, however high up the social register, stood above the law.

In the context of Canada's battered economy, even Anita Mui-scale incidents can be lost on people. Between stiff competition for Canada's few available jobs and an abundance of well paying jobs in Hongkong, the risks of getting caught breaking the rules can seem worth it.

The trick is going back while making it appear you've never left. A newly-arrived immigrant only need cross into the US, board a flight for Hongkong and stay in the territory as long as he wants without Canadian authorities knowing anything of it.

And when, after three years, he wants to collect his permanent residence document, he only has to fly back to the US, cross the border into Canada and pick up his papers.

The risks of getting caught appear minimal. Hongkongers can claim to have stayed with relatives or friends in the US when in fact they could have filled their time in Hongkong, Shenzhen or Taiwan.

A spokesman at the United States Consulate in Hongkong says it is known Canada-bound immigrants use the US as a jumping point to return to the territory during their three-year residence period but concedes the extent of the practice is unknown.

Says Theodore Dobbs, director of Hongkong-based American Consultants Co: "Americans don't need to hand in departure and arrival cards at the airport. Canadians can enter the US anytime because there are no visa controls between the two countries. It's therefore easy to circumvent Canadian immigration rules because the US has no departure control system."

Dobbs says he knows of Hongkongers using the ruse of extended stays in the US to get back to Hongkong and he says he also knows of immigration consultants arranging fake Canadian utility bills so clients can claim they have been fulfilling their residence requirements.

The Canadian Commission's Reeder does not deny some Hongkong immigrants play these tricks but insists their numbers are small.

"Some people may be misrepresenting the amount of time that they are staying in Canada, but by and large we believe that the vast majority are law-abiding."

"It's not in our tradition to control the movement of people. We are an open and free country," he says. Besides, Reeder argues, Canada is liberal by most standards, allowing landed immigrants to stay away from the country for six months.

He says the provision recognises their need to maintain ties with relatives back home — and pursue business interests, for that matter.

"We'd like to believe that most people who arrive as immigrants stay in Canada. And even if some of them come back to Hongkong to pursue business interests, they're still contributing to the Canadian economy because they will surely maintain their ties with their families who are already there."

"We recognise this and we're quite flexible, but we don't want to see abuses in our immigrant programme." □



**It's been nice: Unlanded Anita Mui.**