

Society for Community Organization (SoCO)
Voices of the Rights of Asylum Seekers and Refugees
(VORAR)

12 Letters from asylum seekers
in Hong Kong

Submission to the Panel on Welfare Services
and Panel on Security

(Meeting Tuesday 18 July 2006)

Agenda item no. II:

**Situation of asylum seekers, refugees and
claimants against torture in Hong Kong**

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A. Introduction

This submission to the Panel on Welfare Services and Panel on Security, July 2006, consists of 12 letters submitted to the United Nations Human Rights Committee during March 2006 to the United Nations Human Rights Committee from asylum seekers who live in Hong Kong awaiting the result of their claims for refugee status. The letters are from members of the refugee community group called Voices of the Rights of Asylum Seekers and Refugees (VORAR), a community group organized by Society for Community Organization (SoCO). To protect their identity, all letters have been submitted anonymously. The letters express both the hopes and frustrations of the asylum seekers who daily face problems with food, shelter, medical treatment, education, detention, and unfair procedures in the UNHCR and the Immigration Department. It is hoped that with these letters, the voices of asylum seekers will be listened to and acted upon.

B. Letters

1. No school, no future (17 November 2005)

I am from Africa and I am 16 years old. I have lived in Hong Kong for 3 months. I am a refugee but I don't go to school. That is my problem. I feel my future is done, because I have no school, no job and no family here. I want some help from the government. My future is not good, because I am 16, but I have nothing. All I do is wake up and sleep. That is no good. If I could go to school, then that would be good. I want the government to give me school, because I want a future, I want to learn more. I have problems. In my country I studied in a private school for only 6 months because there are problems in my country. In my country I didn't have money, so I had to stop going to school. I can't go back to my country. Please help me.

2. I want to learn mechanics (17 November 2005)

I am from Asia. I came to Hong Kong 10 months ago. I am 17 years old and I am waiting for a UNHCR decision on my case. I am an asylum seeker and don't have any immigration visa. Often I don't go out because sometimes the police will check me. I cannot do anything. Before, Hong Kong people were also refugees, but even so they don't help us now. I cannot do anything in my spare time. Before, in my country I studied for 11 years. Now, my life is wasted. I am thinking about my future. Before, I was studying everyday, but now I am doing nothing. I want to learn computer studies or mechanics. And I want an immigration visa. Every day I go to the library and the park. Everyday I do like this. I can't go back to my country. I would like to ask the Hong Kong government to please help me.

3. No hope for asylum seekers in Hong Kong (21 December 2005)

To the Human Rights Committee,

Right now when I am writing this letter my feelings are mixed. On the one hand, I am delighted, but on the other hand, I feel a deep sorrow due to the bad situation of asylum seekers, which has lasted really long without any hope for a better future. We have written letters so many times to the government to explain how we are suffering. We have written so many letters to the HK UNHCR, sometimes with evidence of our case, requesting them to help us. We have written so many letters to independent organizations to help them bring to light our problems and the fact that our basic human rights are not respected. The answer of all those letters was a great silence. Sometimes we are even facing threats due to the disability of many organizations to help us and also due to the fact that organizations say that the UNHCR is an independent organization and that the HK government doesn't at all recognize asylum seekers.

Trying not to be a pessimist, I am going one more time to write down this letter requesting you now to bring out the existence of human rights in Hong Kong and to respect the basic rights of human beings.

Focusing on the government, who is the main problem of this situation, I would like to say that the government policy is a very bad one, because basically they consider all the asylum seekers to be illegal immigrants. The basis of their policy is meaningless. I am going to proof my allegations by a few examples. They are arresting asylum seekers when they are seeking treatment in public hospitals. Can you imagine a pregnant woman arrested with handcuffs, because she sought treatment in a public hospital? And that people who are ill like me are required to pay hospital fees? The police are arresting us whenever they are asking for our documents. When we present our UNHCR identity documents, they pretend that we are illegal immigrants and that the UNHCR document is not a legal document at all. Even though you arrived in Hong Kong with a valid visa, and then applied in UNHCR with a valid visa, the police will still treat you the same way.

There are many other things that I am able to cite here, but due to the lack of time and due to my pessimism, because I think there is no hope, I would like to conclude that according to the government to seek asylum is similar to committing a crime. About the UNHCR, our second target, I would like to inform you that they consider us more like suspects than people who are seeking asylum. What we noticed in the way they are interviewing us is that they are not trying to investigate and follow our cases step by step. They are just doing their best to prove to us that we are liars. They are pushing us to pay some hospital fees in some cases although they know that we are not working. Can you imagine the consequences of such behavior? To conclude, the Immigration Department is traumatizing us even more than what happened to us in our countries by considering us to be illegal

immigrants. And the UNHCR considers us as accused who have to defend and take care of themselves instead of consoling us and following our cases fairly.

4. No place to sleep (Hong Kong 21 December 2005)

To the Human Rights Committee,

I am an asylum seeker and I have been in Hong Kong since July 2005. I don't have a right to work and can't go to the hospital without getting trouble with the police and getting arrested. I am now sleeping outside on the streets. Even a dog has a house and a place to stay and to leave. I want to ask you if the right to live, to be alive is only for a few people or for all people in the world. And I want to know if you, the Human Rights Committee, know about our lives in Hong Kong. We are not really living here, we are just *surviving*. That's all, thanks!

5. Arrested while pregnant (Hong Kong 21 December 2005)

To the Human Rights Committee,

We are F. and my wife B., my daughter R. and my son V. from Sri Lanka. We now live in Hong Kong. We have been UNHCR asylum seekers since September 2004. We have come to Hong Kong because we can't live in our country anymore. We have a political problem in our country. But when we come here we also face lots of problems. When my wife was pregnant she needed medicine and for seven months she had been going to the hospital without problems. However, during August 2005 the hospital asked for a valid passport or immigration paper for admittance. My wife said she didn't have such documents. Then they said that they couldn't give her medicine if she didn't have these papers. On 9 September my wife again went to the hospital, this time to the emergency and they did give her medicine. However, when she was discharged from the emergency ward on 12 September 2005, the hospital again asked for a valid passport. My wife repeated that she didn't have such a document. Then she called the police and after that the police came to catch me, me my wife and my daughter to go to the police station. At night we had to sleep in the police station, and my wife and daughter had to sleep on the floor because there were no beds available. On 13 September 2005 the police took us to the Immigration Department where they later gave us immigration papers. However, every week we have to go and report ourselves to the Immigration.

We have been in Hong Kong for one year and 3 months now, but the UNHCR only gives us HK\$ 2800 (US\$ 359) for food money and HK\$ 2000 (US\$ 255) for the house rent only. Now we have two children and it is difficult to manage with the money. We don't have enough money. The newborn baby needs diapers. But once we have bought them we don't

have any money left. My older daughter likes very much to study and next year she is supposed to go to school, but how can she go to school without money to pay for the expenses? My child wants a good future.

In the past the UNCHR gave my daughter HK\$ 1600 (US\$ 204) every two weeks. Now my daughter only gets HK\$ 1200 (US\$ 154) monthly. This is not enough. I think my son also needs more money now that he needs diapers. Last month the UNHCR rejected my case but again I applied. Now I am waiting for UNHCR's answer. I am hoping for a good result. My children need a good future. They want to go to school and want a good life. Even if the UNHCR again rejects my case we can't go back to my county. If my family goes back to my country my wife will have no husband and my children have no father. I can't go back. If I go back I will die. I don't know how to face my family's near future.

I want my family to have a good life. I am waiting for good result. Firstly I want to take care of our lives! Thank you,

6. Unfair procedures in the UNHCR (Hong Kong 21 December 2005)

To the Human Rights Committee, Geneva.

Dear Sir/Madam,

It is a pleasure writing to you. There are certain issues I hope that you may assist the Hong Kong SAR government to do as far as refugees and asylum seekers are concerned.

Refugee claims are processed by the UNHCR in Hong Kong, but there is not enough time for us to explain our claims. After twenty months in Hong Kong, the UNHCR, the government or any other organization has never helped me. My daily life is a hurdle. I have to move around begging for food and shelter from friends. After my claim was rejected by the UNHCR, I went to the Immigration to seek for protection and I was then arrested and put in detention for almost 53 days.

Right now I am making a Convention Against Torture claim. Yet, life is still a misery for me. I have no financial support or no legal aid, in fact, life in Hong Kong is very tough.

I would be happy if the UNCHR HK can give the reasons if someone is rejected for the claim. There is no opportunity for us to have a legal representative. We are not given copies of the interview notes conducted by UNHCR. Also during the interview there is not enough time for us to explain other problems. UNHCR HK has never helped me financially for the past 20 months here in Hong Kong.

Right now as a torture claimant I am not allowed to take any paid or unpaid job. Medical care for us is a luxury. As a student, education is something I only dream about. Words can not really explain our situation here in Hong Kong.

Please, your intervention will surely save hundreds of lives. I hope this request will be favored.

7. Detention of asylum seekers (21 December 2005)

To the Human Rights Committee,

The first point is about the UNHCR. I have applied at the UNHCR since the year 2003. Until now my situation is without solution. I don't have accommodation and I don't have any financial assistance. We, the asylum seekers, are just abandoned. The UNHCR is keeping us for a long time without any follow up. Since 2003 we have kept on complaining but nothing has changed. We are making our refugee status claims without the assistance of a lawyer. Just some few people can afford it. Why?

The second point is about the government. I have been detained for 43 days. How can they arrest me when I am an asylum seeker? I have applied under the Convention Against Torture and I am using a legal document issued by the government. Why can the government allow me to stay in Hong Kong without providing me any help? No accommodation, nothing at all. And the government is aware of the fact that I have to renew my document every week using money for transportation. We hope that our situation will get a better solution, thanks!

8. No right to work (Hong Kong 21 December 2005)

To the Human Rights Committee,

Please, I need your help because I have a big problem. Since I have come here to Hong Kong I have never slept in a house. Therefore my house is just the Star Ferry Pier. Please, we need help because the winter is here. Even more, we are begging the Hong Kong government to allow the asylum seekers to work. Please, can someone help me with clothes and shoes?

The one thing that is worrying me is that my wife back home has just born our baby last month. Who will go and find her? It is better if we can work as nobody can help us except you. Thank you for considering my problem.

9. No written reasons for rejection from UNHCR (Hong Kong 21 December 2005)

To the Human Rights Committee.

I am P, an asylum seeker and a claimant under the CAT, HKSAR.

As far as UNHCR concerns, I am not authorized to bring a legal representative during the

interviews. When I received my first rejection in the UNHCR they didn't give me a written rejection letter concerning the reasons for rejection. It was only an oral explanation without specific reasons.

Also, I don't have any copy concerning my interview to know that my interpreter is really saying exactly the things I am telling him. And I don't make any declarations to the UNHCR to ensure that what their interview notes is exactly what I have been saying. And finally, since I came to Hong Kong in June 2004, until this moment when I am writing this letter I have never received any financial support from the UNCHR.

Concerning the Convention Against Torture, I was detained by the Immigration Department while being under the protection of the UNHCR. I made my torture claim (CAT) but even here I am not allowed to bring a legal representative during my interviews. I am not allowed to get legal aid. I am not allowed to work. I don't receive any assistance from the government. I have applied to the Social Welfare Department of the government for financial assistance, but they told me that they can't help me because I am not a Hong Kong resident.

I still don't receive any financial assistance. I am still suffering.

10. No legal aid for asylum seekers (Hong Kong 21 December 2005)

To the Human Rights Committee,

I am seeking asylum in Hong Kong and there are many problems that I am encountering as such. Among the various difficulties I am facing, I can name the fact that the procedure followed by the UNHCR HK is not fair. We can name the following:

- I have no right to Legal Aid.
- I have no right to be accompanied by a legal representative during my interviews.
- I never signed any interview notes.
- The interviews look more like interrogations; many questions are asked at the same time; and the opportunity to answer properly is not given to me.
- I never received any assistance whether financially or materially from the UNHCR.

How can somebody survive in such an expensive town as Hong Kong without the right to work, and without any assistance neither from the UNHCR or from the government?

I was rejected once already but the reasons for my rejection were not given. An UNHCR officer came to me and gave me a paper, which is typed for everybody, stating that because of the situation in my country and because of the UNCHR law, my case is not fulfilling the required conditions. I think that the UNHCR HK is not investigating thoroughly the cases, they just base their replies on hypotheses.

11. Letter from a claimant under the Convention Against Torture (Hong Kong 21 December 2005)

To the Human Rights Committee,

I am L., an asylum seeker and a claimant under the Convention Against Torture (CAT).

I am still waiting for the result of my applications in both the UNHCR and the Hong Kong Immigration Department (which is handling my CAT case). I approached the Immigration Department to make a torture claim but was surprised to be detained for over a period of 13 months just for the purpose of “informal inquiry”. On my release the Immigration required me to present a surety to bail me out of prison irrespective of the fact that I am just an asylum seeker without any relations here in Hong Kong.

While in detention I was completely cut off from the world and unable to provide evidence (documents) and witnesses to substantiate my claims in the UNHCR or Immigration Department.

The Hong Kong government refused to provide me legal assistance to assist me in soliciting my case or legal representations that I desperately needed to establish my claims and ensure a satisfactory result. And during my CAT interviews the officer doesn't help me in view of the types of evidence that I may provide to substantiate my claim.

The government has refused me the right to work and feed myself. I am not allowed to do paid or unpaid work while I await the result of my status. This is despite the fact that the government doesn't provide me with any food, shelter, medical care or transportation allowances. This has made life a struggle for survival and consequently I often have to postpone my CAT interviews for lack of transportation and because I am too hungry to be able to provide an accurate and detailed account of my problem back home.

The UNHCR doesn't look into my case seriously. My interview sessions are too brief and I am frequently interrupted to shorten my story. Worst of all, the interview officer does not seem to record everything I say and after the interview session I am not given a copy of the interview notes. My case was rejected by the UNCHR without any written reasons and I had no legal assistance to help me make an appeal. The UNHCR even rejected the presence of a counsel to accompany me during my interviews. I made an appeal and I am not sure if it is being handled by the same panel in the UNHCR.

I will be very grateful if you look into and try to address my complaint.

12. All our problems in a nutshell (Hong Kong 21 December 2005)

To the Human Rights Committee,

I am one of the asylum seekers in Hong Kong. I have almost been here 3 years now and I am currently one of the claimants under the Convention Against Torture. My point is as follows:

- As a human being I need food, shelter, clothes etc.
- Right now I don't get any assistance from the Hong Kong government financially
- I am not allowed to work
- I am not allowed to bring a lawyer to my interviews in the Immigration Department

Problems related to the UNHCR are as follows:

- They don't allow us to get a copy of the interviews.
- The interpreters are not always qualified and do not keep their promise of confidentiality.
- The UNHCR does not give us the reason of rejections of cases.
- They don't allow us bring a lawyer to accompany us to the interviews.
- They don't give us reasonable time to explain our problems during the interviews.

I appeal to your office to consider the above questions and come to a solution.