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**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR

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FOR EXTERNAL RELEASE

UNHCR Sub-office Hong Kong operates under the supervision of the UNHCR Regional Office in Beijing. In response to various Hong Kong press reports concerning the operation of the Sub-office, UNHCR Beijing issues the following statement:

UNHCR Beijing is concerned over the recent allegations made by the Society for Community Organization (SOCO) in various press reports. It is unfortunate and inappropriate that SOCO has not sought the opinion of the UNHCR prior, during or after the release of the survey for clarification or better understanding of our procedures. No copy of the survey has been received by the UNHCR from SOCO.

We believe it would be highly inappropriate for this office to comment on specific contents or claims without full access to the original survey questions, methods of interviews and analysis, and respondent background information. However, we feel it is necessary to clarify a few points reported on by local media. We are concerned that SOCO misrepresents our procedures based on alleged claims, made mostly by rejected asylum seekers.

Press coverage of SOCO's survey appears to confirm the current confusion about who is an asylum seeker and who is a refugee, and the misconception regarding our procedure. Notably, not all asylum seekers are refugees and only a refugee status determination can allow UNHCR to assess the credibility of such claims. The 1951 Refugee Convention (Art1) defines a refugee as someone who has a well founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group, or political opinion. Additionally a refugee must be outside his/her country of origin, and be unable or unwilling to avail him/herself of the protection of that country, or to return there, for fear of persecution.

With regard to our Procedural Standards for Refugee Status Determination under UNHCR Mandate ("UNHCR RSD standards"), the RSD Standards are guidelines issued by UNHCR Headquarters in Geneva for field offices. They function as a best practice tool and have been adopted accordingly to accommodate the resources and capacity of the field offices. This is done in adherence to the principles of refugee protection.



UNHCR official standards do not require the notification of the right to counsel in asylum procedures. In most contexts, in which the UNHCR carries out mandated RSD, there are no independent and qualified legal representatives providing legal services free of charge. Participation of legal representatives in RSD procedure is therefore dependent on the availability and qualifications of the legal representative.

UNHCR official standards do not require that the transcript of the RSD interview be provided to the applicant. The policy of not releasing any UNHCR transcripts is part of a global UNHCR directive that imposes strict limits on the disclosure from individual files. These are intended to ensure the greatest possible protection of confidentiality of persons who approach UNHCR in the range of contexts in which UNHCR operates.

UNHCR official standards state that UNHCR officers use the UNHCR interview to clarify incomplete or contradictory facts or statements. While probing the credibility of some applicants, UNHCR Hong Kong recognizes that this may, at times, place some asylum seekers into a certain level of "defensiveness" which may be perceived by some as "hostile" towards them. Additionally, UNHCR standards do not require any minimum hours of interview to assess the credibility of the applicants.

UNHCR standards provide a sample letter informing applicants of decisions on their claims. Such a letter is provided to individual applicants once a decision has been reached by UNHCR Hong Kong. In addition, individual counseling and detailed explanation on the reasons of the decision is also provided. Notes can be taken by applicants at all stages of the RSD procedure.

UNHCR Hong Kong receives asylum applicants from over 35 different countries of origin. It is using the services of over 45 interpreters. We do recognize however that interpreters for certain uncommon languages may not be readily available in Hong Kong but our office has always endeavored to provide such services sometimes against high costs. Most of our interpreters for the main languages spoken by asylum seekers are court registered. All interpreters are fully briefed on their role in our RSD procedure and are bound by the principle of confidentiality. UNHCR Hong Kong has accommodated past requests from asylum seekers for change of interpreters, where possible.

Lastly, a complaint mechanism is available within UNHCR Hong Kong and UNHCR globally, which preserves the confidentiality of the claimant. Written notification in seven different languages to the asylum seekers and refugees on such complaint mechanism is available in UNHCR premises. All written complaints are reviewed, however, unsubstantiated or anonymous complaints, which may be potentially malicious, are generally difficult to investigate.



UNHCR is mandated to protect refugees, and seeks to provide the best possible services to asylum seekers and refugees under the existing circumstances and financial constraints. We do welcome the opportunity to work with any NGO to explain and raise awareness on complex issues related to asylum and refugee status. We also hope in future to continue working with the local NGO community in Hong Kong to further assist asylum seekers and refugees.

A handwritten signature in black ink is written over a circular official seal. The seal features the UNHCR logo and the text "UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES".