

**Submission to the joint meeting of the Legislative Council's
Security and Social Welfare Panel
by the Hong Kong Christian Council's Justice and Social Concern Committee**

Since the end of World War II the Hong Kong churches have been involved in caring for refugees. Guided by our faith we continue to be actively involved in humanitarian relief, education, advocacy and networking.

Today we are urging members to prompt the SAR government to make the following changes in its treatment of asylum seekers and Convention Against Torture (CAT) claimants:

1. Persons who are seeking asylum and have been issued with an Asylum Seeker's Certificate by the UNHCR Hong Kong sub-office should be considered lawfully present in the Hong Kong SAR. They should be granted extension of their visas by the Immigration Department until their status has been determined by the UNHCR and should not be liable to be arrested, prosecuted for overstaying or detained by the authorities.
2. Under Article 11 of the International Covenant on Social, Economic and Cultural Rights the government has an obligation to ensure an adequate standard of living for asylum seekers and CAT claimants. This should include shelter, food, clothing, medical care, education for children and a cash allowance for transportation and personal needs. These should be given to all asylum seekers and CAT claimants instead of on a case to case basis as at present.
3. Most of the asylum seekers and CAT claimants are deeply attached to their religious beliefs and draw comfort and strength from attending worship. When providing them with shelter the vicinity of a community of their own religion should be taken into account. Food distributed should meet the rules of the recipients religion.
4. The present practice of detaining asylum seekers indefinitely should be ended at once. These persons should be released into the charge of a guarantor or an NGO.
5. Successful CAT claimants who will remain in Hong Kong must be given

assistance, so that they can integrate into society.

6. The Hong Kong SAR should set up its own status determination mechanism for asylum seekers as requested by the UN Human Rights Committee.
7. The UN Refugee Convention of 1951 and the Protocol relating to the Status of Refugees which have been ratified by the PRC should be extended to the SAR.

As long as asylum seekers and CAT claimants are not allowed to work, Hong Kong remains responsible for their basic needs such as shelter, food, clothing, medical care and education of children. When the government does not fulfill its obligations, the burden falls on religious communities and NGOs. However, they will never be able to meet all the needs indefinitely. We urge government to devise fairer and more compassionate ways in responding to the needs of these people.

13th July 2006