



UNHCR

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

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Notre/Cur code: EO/044/06

Re: **Panel discussion on Refugees and Asylum
Seekers in Hong Kong**

The United Nations High Commissioner for Refugees Sub-Office in the Hong Kong Special Administrative Region (hereinafter "UNHCR SOHKSAR") presents its compliments to the members of the Panel on Welfare Services and on Security at the Legislative Council and would like to submit the following information regarding asylum seekers and refugees in Hong Kong.

UNHCR would like to advise on:

1) The rising number of asylum seekers and refugees in Hong Kong

Since 2001 through July 2006, there were over 4,200 asylum seeker applications with the UNHCR. This number encompasses an increasing trend as shown by the following yearly breakdown: In 2001, there were 631 cases; in 2002 there were 309 cases; in 2003 there were 390 cases; in 2004 there were 798 cases; in 2005 there were 998 cases; and so far in 2006 (Jan-June) there have been 982 new cases. As of 13 July 2006 there have already been 1,800 asylum seekers, with approximately 160 new arrivals per month.

These increasing numbers have put a heavy strain on UNHCR Hong Kong resources, and in a situation where UNHCR Hong Kong bears the sole responsibility for refugee status determination and assistance, the welfare of asylum seekers and refugees have been affected with a longer processing time and decreasing material assistance.

2) Assistance to asylum seekers and refugees:

At the end of 2005, UNHCR Hong Kong was hit by the global UNHCR budget reduction (10% of its budget was slashed). At the beginning of 2006, an additional 20% budget reduction has obliged UNHCR Hong Kong to discontinue financial assistance covering food, accommodation, and transportation to 80 vulnerable asylum seekers. UNHCR has called upon the Hong Kong Government and NGOs to step in, in order to provide for the basic subsistence needs for vulnerable and needy asylum seekers. Refugees continue to remain under UNHCR's care as long as our budget permits it. In May 2006, the Social Welfare Department has decided to fund International Social Service-HK to assist asylum seekers in food, accommodation, medical care and transportation. UNHCR welcomes and encourages the continuation of such initiatives.

3) Refugee Status Determination

Not all asylum seekers are refugees. All applications must go through a Refugee Status Determination (RSD), i.e. a process to assess whether the asylum seeker is a refugee, as defined in the 1951 Convention related to the Status of Refugee and UNHCR's Mandate.

Currently only 10-11% of asylum seekers in Hong Kong have been recognized as refugees, with 120 currently waiting for resettlement in Third Countries, as local integration has not to date been a viable option.

With an increasing number of asylum seekers and decreasing resources, the waiting period from registration to first instance has lengthened. It now takes approximately 6 months for UNHCR to reach a first instance and up to one year for an appeal to be finalized.

4) Detention of asylum seekers

Hong Kong is not a party to the 1951 Refugee Convention, however UNHCR does expect that certain principles of customary international law will be respected, including the principle of non-refoulement, and common humanitarian practices. For instance, it is UNHCR's view that the detention of asylum seekers, if resorted to, should be used only in case of necessity and where other alternatives are not possible.

While UNHCR understands the legitimate need of any Government to combat illegal immigration, UNHCR also believes that alternatives to detention of asylum seekers are possible. Alternatives that UNHCR generally suggest range from regular reporting to immigration department, use of bail system, and use of guardianship or guarantors.

UNHCR therefore calls on all concerned parties to thoroughly and independently review and consider the situation of asylum seekers.

The UNHCR SOHKSAR avails itself of this opportunity to renew to members of the Panels of Legislative Council the assurances of its highest consideration.

Hong Kong,
13 June 2006

