Society for Community Organization
Asylum Seekers' and Refugees' Voice
52, Princess Margaret Road, 3/F
Homantin
Tel: 2713 9165 Fax: 2761 3326

Submission to Bills Committee on
the Immigration (Amendment) Bill 2009

Bills Committee meeting 29th September 2009

General

This paper should be read in conjunction with our submission to the Panel on Security titled: "Submission to LegCo Panel on Security Regarding the Torture Claim Screening Mechanism. Panel on Security meeting 29th September 2009".

Regarding the Administration's paper: " The Administration 's Response to Issues Raised at Meetings of the Bills Committee on Immigration (Amendment) Bill 2009 on 8 and 27 July 2009", para 5, members asked about the number of people who first made their claims after being arrested for taking employment.

In response the only figures the government has provided are that 2,839 illegal immigrants and 3,292 overstayers first lodged their claim after being arrested. The government should clarify whether the above figures refer to people who were arrested *while they were working*.

Volunteering

According to the Immigration (Amendment) Bill people on recognizance are not allowed to do paid or unpaid work. Please explain whether torture claimants, asylum seekers and refugees are allowed to be volunteers. Please define unpaid work. Is handing out flyers for NGOs on a voluntarily basis understood as unpaid work?

The right to work

The question of whether asylum seekers and refugees should have the permission to work must be considered in the context of how long they will be staying in Hong Kong.

According to Annex D of the Administration's paper[1] asylum seekers in US, Canada, Australia and UK can work after a certain period after the asylum application. Thus in US people can make applications for a work permit 150 days after they have filed their applications. In UK an asylum seeker can only be permitted to work if they made their asylum claim within 45 days of arriving in the country or if the assessment of their claim has not been finalized within 6 months.

Thus the criteria for allowing a person to work does not depend on whether he or she has been recognized under the conventions but rather on the length of time that the government has been processing their claims. There is a clear humanitarian element in the considerations.

The government should consider the approaches taken by other countries. The lack of prospects for their claim and lack of meaningful employment has had a negative effect on the mental health of several asylum seekers and refugees. In addition it would also mean a better use of resources, as many would not need to receive assistance from the government. Most people in fact prefer working rather than relying on government assistance.

The government should consider the impact on claimants who have stayed/will stay in Hong Kong for a long time without being able to have meaningful employment, develop their skills and to become self-reliant. Asylum seekers need to keep their skills upgraded or these skills may be lost. It will support their resettlement in that other countries will look favourably to people who have been spending their time developing their skills.

In fact many asylum seekers and CAT claimants have bachelor degrees and have worked as teachers, in businesses etc. Rather than viewing this group of people as a threat, the government should consider them a resource and how they can contribute to society. Many do not want to rely on government assistance but would like to use their skills and contribute. Most are young able to work. It is highly frustrating for them to be highly skilled without the opportunity to put their skills into use.

The government should explain why not even *recognized* refugees are allowed to work while waiting for resettlement.

Vocational training for refugees

The Administration was asked in the last meeting (27 July 2009) about the training available to refugees, but has not provided this information.

Below is a list of the courses on offer for refugees (not asylum seekers). The courses have been arranged by UNHCR through an NGO. Each refugee can only enrol in two courses.

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[1] LC Paper No. CB(2)2517/08-09(03).

Table 1. Courses provided by UNHCR for recognized refugees

	Course Name	Hours/ per Course
1	**Tasty Pastry**	**56**
2	**Hardware Installation and Maintenance**	**56**
3.	**Housekeeping Operations**	**56**
4	**Cakes with Advanced Decorations**	**56**

Each course is only held once a week, with 3.5 hours per session. There are a total of 16 sessions per course.

As can be seen the number of courses is extremely limited and a refugee can only take two courses. Also the courses are short and very basic. Once a course has been taken there are no other courses to be taken to further develop their skills. Although the courses are useful for the limited number of refugees (approximately 40 refugees are enrolled), it is doubtful that the courses can lead to any officially recognized skills or certificates.

In comparison the Vocational Training Council offers a wide variety of courses (see appendix A) and refugees, asylum seekers and CAT claimants would definitely benefit from such courses. A simple comparison between the Housekeeping courses provided by the UNHCR and the Vocational Training Council shows that the UNHCR course consists of 56 hours, while the one by the VTC is 3 months full time. Clearly, the qualifications obtained from the two courses are different.

Both the Vocational Training Council and the Employees Retraining Board, however, have stated that it is their policy not to provide training to any asylum seekers and refugees as they are not "eligible employees".

The fact that asylum seekers and refugees are not allowed to work also hinders them from obtaining work related skills and education. The government should consider changes in conditions of recognizance for those who would like to further develop their skills.

Vocational courses courses taught in English

1. Relevant courses offered by Vocational Training Council with English as the teaching medium (http://www.vtc.edu.hk/vtc/web/template/link.jsp?fldr_id=2692)

Course Title	Duration
Foundation Diploma	1 year (Full time)
Diploma in Business	2 years (Full time)
Certificate in Food & Beverage Service	4 months (Full time)
Certificate in Housekeeping Service	3 months (Full time)
Certificate in Hotel Apartment Housekeeping Service	9 weeks (Full time)
Certificate in Wine and Bartending Service	4 months (Full time)
Certificate in Front Office Service	4 months (Full time)
Foundation Certificate in Restaurant and Bartending Service	72 hours (Part-time evening)
Foundation Certificate in Accommodation Service	72 hours (Part-time evening)
Preparatory Course for Intermediate Trade Test on Plumbing Work	60 hours, 20 sessions (Part-time evening)
Preparation Course for Intermediate Trade Test in Electrical Work	60 hours, 20 sessions (Part-time evening)
Air-conditioning Training Course for Ethnic Minority Workers	65 hours, 26 sessions (Part-time evening)
Upgrading Course on Fixed Electrical Installations	40 hours, 20 sessions (Part-time evening)
TIG Welding (Mild Steel & Stainless Steel) Course	3 days (Full time)
Survival Chinese	20 hours, 8 meetings
Socialising Chinese	20 hours, 8 meetings
Module Certificate in Workplace Chinese Communication: Elementary Cantonese II	60 hours, 12 weeks (approx.)

2. Relevant courses offered by ERB with English as the teaching medium
(http://www.erb.org/Corp/home/coz_eng/en/)

Course Title	Duration
Certificate in Environmental Hygiene and Cleaning Worker Training	112 hours (Approx. 4 weeks) Full time
Certificate in Fitness Instructor Training	132 hours (Approx. 7 weeks) Full time
Certificate in Kitchen Assistant in Indian Cuisine Training	104 hours (Approx 4 weeks) Full time
Certificate in Programme Worker Training	192 hours (Approx 7 weeks) Full time
Certificate in Community Interpreter Training	132 hours (Approx. 7 weeks) Full time
Certificate in Community Interpreter Training	132 hours (Approx. 7 weeks) Full time
Diploma in Translation and Interpretation (English and Urdu)	280 hours (Approx. 14 weeks) Full time
Module Certificate in Employment Set Sail	48 hours (half day or evening)
Module Certificate in Fundamental Computer Concepts and Keyboard Operation	24 hours (Approx. 3 weeks) Half day or evening
Module Certificate in Presentation Software Application	24 hours (Approx. 3 weeks) Half day or evening
Module Certificate in Spreadsheet Processing	30 hours (Approx. 3 weeks) Half day or evening
Module Certificate in Word Processing	27 hours (Approx. 3 weeks) Half day or evening
Module Certificate in Workplace Chinese Communication: Elementary Cantonese I	60 hours (Approx. 12 weeks) Half day or evening