



Handling of non-refoulement claims

Figure 1 — New applications for non-refoulement and claims pending determination

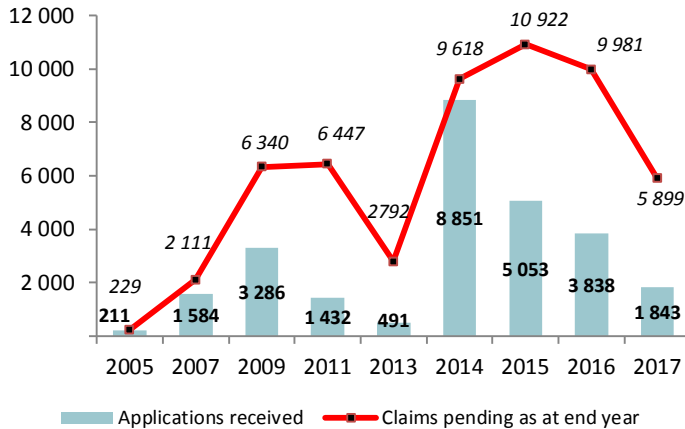
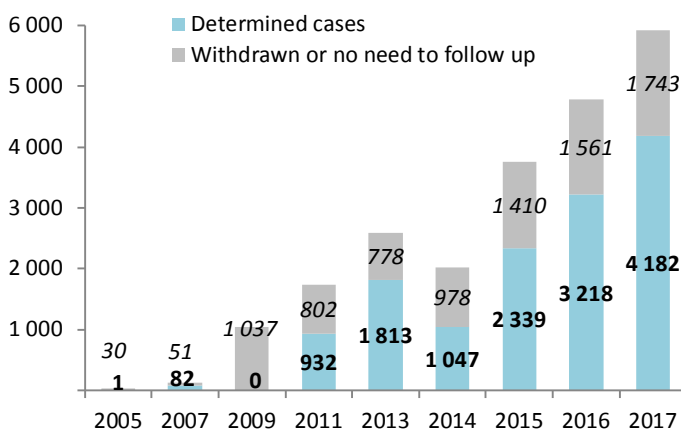
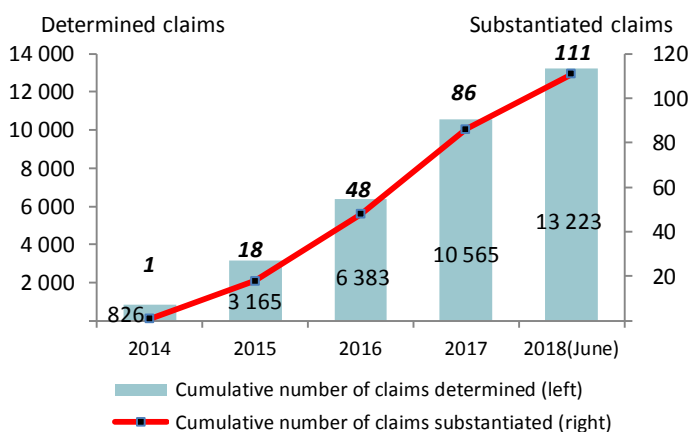


Figure 2 — Number of claims determined* and withdrawn



Note: (*) Determined claims also include cases decided by the appeal board.

Figure 3 — Stock of substantiated claims since 2014



Highlights

- Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment applicable to Hong Kong since 1992, Hong Kong is obliged to handle non-refoulement claims filed to the Immigration Department ("ImmD") by foreigners facing inhuman treatment in their home countries. These claimants will not be removed from Hong Kong if their claims are substantiated and the related risks continue to exist.
- Between 2005 and 2017, Hong Kong received a total of 33 000 such claims from people of various countries, mostly from South Asia. Annual new claims surged to a peak of 8 851 in 2014 upon implementation of a unified screening system, but have fallen steadily to 1 843 in 2017 after the Government stepped up measures against human smuggling and tightened immigration control. Meanwhile, the backlog of outstanding claims also eased, from a record high of 10 922 at end-2015 to 5 899 at end-2017 (Figure 1).
- To some extent, this easing trend in caseload was attributed to increased manpower and resources for screening the claims, enabling ImmD to make decision more quickly. Over the past six years, the number of determined claims increased by 348% to 4 182 in 2017. Concurrently, the number of withdrawn claims (including those requiring no further action) also rose by 117% to 1 743 cases (Figure 2).

- While the stock of substantiated claims rose from 18 at end-2015 to 111 at mid-2018, its ratio in the overall determined caseload was persistently below 1% in recent years. While there are views in the community that this low ratio reflects torture claimants have abused the system in order to stay in Hong Kong, others consider that the claimants have not received sufficient support to prove their cases (Figure 3).

Handling of non-refoulement claims (cont'd)

Figure 4 — Expenditure on screening the claims and appeal to decisions

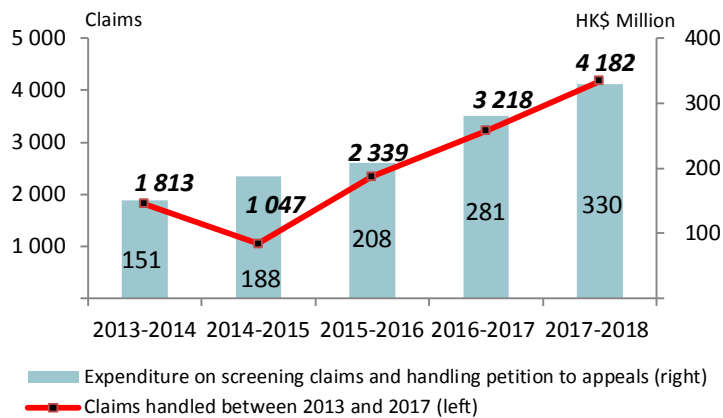
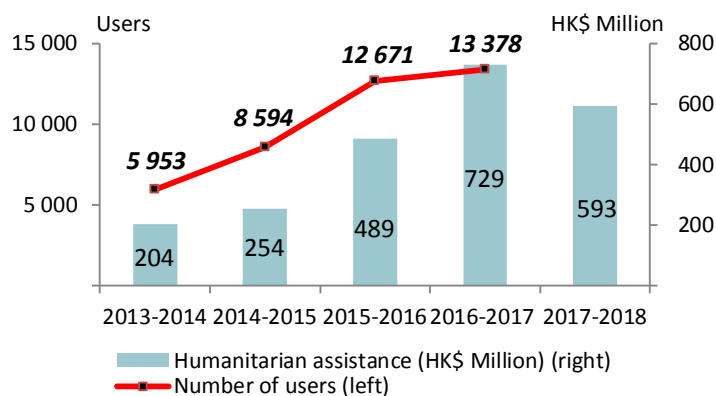
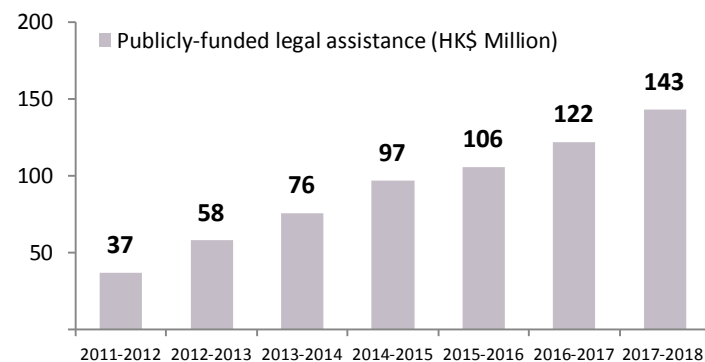


Figure 5 — Expenditure on humanitarian assistance to claimants*



Note: (*) The number of users for 2017-2018 is not publicly available yet.

Figure 6 — Expenditure on publicly-funded legal assistance*



Note: (*) The expenditure is estimated to go up to HK\$271 million in 2018-2019 due to the full implementation of the additional legal assistance scheme.

Highlights

- To expedite the screening process, the Government has increased resource commitment considerably. For instance, its screening expenditure has more than doubled over the past five years, from HK\$151 million in 2013-2014 to HK\$330 million in 2017-2018. Over the same period, the number of claims determined has more than doubled, growing by 131% (Figure 4).
- Most of the eligible claimants received humanitarian assistance in the forms of rental, utilities subsidies and food allowance via a non-government organization, whilst awaiting decisions for their claims. Such expenditure on assistance has grown by 191% in four years to HK\$593 million in 2017-2018. As regards the number of beneficiary claimants, the latest figure is available up to 2016-2017 only. A total of 13 378 claimants received such assistance in the year, with an average value of about HK\$4,500 per month per claimant (Figure 5).
- This apart, non-refoulement claimants could seek legal assistance under the Duty Lawyer Scheme ("DLS"), or another scheme specially introduced since September 2017 to speed up screening. Between 2011-2012 and 2017-2018, the costs of all publicly-funded legal assistance (including legal aid granted by the Legal Aid Department), has surged by 286% to HK\$143 million. Within this total, around 10% was legal aid costs for judicial review against the decisions of ImmD. In view of the rising costs trend, the Government is considering restrict the access to legal aids by claimants (Figure 6).

Data sources: Latest figures from Security Bureau and International Social Service annual reports.

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