



To:

Chairperson of the Panel on Security
Members of the Panel on Security
Legislative Council
Legislative Council Complex
1, Legislative Council Road
Central, Hong Kong

13 March 2014

Urgent action requested to discuss Unified Screening Mechanism to process “non-refoulement” claims, in operation since 3 March 2014

This is not the first time that the Hong Kong Refugee Advice Centre writes to the Chairperson and members of the Panel on Security to request that a follow-up discussion of the Unified Screening Mechanism (USM) to process “non-refoulement claims” (previously introduced in a Panel on Security meeting on 2 July 2013)¹ be prioritised on its agenda. We refer to an [earlier letter](#) (LC Paper No. CB(2)317/13-14(01)) that we filed to the Panel on 12 November 2013.

What has changed in the past couple of weeks, however, is that the Hong Kong Administration, as of 3 March 2014, [has commenced the USM](#), completely **bypassing** reporting back to the Legislative Council in the process, and **shunning** any sort of consultation with civil society and legal experts in the lead-up to its start, an omission that has recently been [denounced](#) by the Bar Association in a report it filed on 14 February, 2014, in which it stated (at para. 3): “the Security Bureau has never consulted the legal profession on the operational details of the USM.”

This lack of answerability is **wholly unacceptable**, and we request that, given that the USM has now commenced, the Panel on Security discuss this agenda at its next scheduled meeting (**8 April 2014**) or that it convene a special meeting to discuss it, open to public depositions. We also request that members of the Panel on Administration of Justice and Legal Services be invited to attend.

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To fill the immense communication gap to protection claimants on what the USM is, why it has come into place and how to file a claim, the Hong Kong Refugee Advice Centre began to offer information sessions to all protection claimants. Not only are these information sessions filling a very serious access to information need, they also provide feedback on what protection claimants’ main concerns and barriers are in being able to navigate this new system and the implication that it has on their lives.

¹ See: LegCo Panel on Security (Agenda) 2 July 2013, Agenda II. Screening of Non-refoulement Claims, including LC Paper No. CB(2)1465/12-13(01), available at: <http://www.legco.gov.hk/yr12-13/english/panels/se/papers/se0702cb2-1465-1-e.pdf>

Some of these include (but are not limited to):

- What is the Unified Screening Mechanism, how the USM relates to a protection claimant's existing torture claim or refugee claim with the UN Refugee Agency (UNHCR), and whether or not a protection claimant needs to make a non-refoulement claim.
- How a protection claimant makes a non-refoulement claim, specifically, how to provide written signification of his/her intention to seek non-refoulement protection, with general reasons for doing so, especially if this letter must be written in English or Chinese with no legal, interpretation, or other assistance at this point in the process.
- The expected procedures, length of time to determine a claim, order or priorities according to which claims will be processed, as well as access to quality legal assistance and representation and interpretation services in the new USM system.
- Long-term protection solutions that will be made available and rights that will be granted to those whose claims are successful, such as resettlement to a third country, voluntary repatriation or local integration, particularly for CIDTP and torture claims.²
- Livelihoods, such as access to food, housing, healthcare services, education and work while waiting for the outcome of their claim, and concerns about not being granted any legal status during this time and being possibly detained by authorities.

HKRAC is compiling these concerns and will be providing further elaboration on them, in a document that we plan to shortly circulate to this Panel, as well as to government bodies, which will provide a snapshot of the impact of the first month of operations of the USM on the ground, based on protection claimants' direct experiences in this new system.

It is imperative that an opportunity be created for the Administration, particularly representatives from the Security Bureau and the Immigration Department, to explain the USM to LegCo and to the public and to hear the views from civil society, including humanitarian service providers, legal experts, NGO workers and advocates, and protection claimants themselves.

We request the Panel on Security to take swift action to discuss this matter.

² it has been signaled that persecution claims, which fall under the UNHCR's mandate, will be referred to this agency for durable solutions, although there is little clarity about the procedures for this