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In reply please quote this ref.:

LM in ImmD RALD/6-20/3

Immigration Department

The Government of the Hong Kong

Special Administrative Region

貴會檔號 Your ref.: CB2/PL/SE

貴會傳真 Your fax no.: 2185 7845

24 August 2015

Ms Betty MA
Clerk to Panel on Security
Legislative Council
Legislative Council Complex
Central, Hong Kong

Dear Betty

Panel on Security
Follow-up to meeting on 7 July 2015

I refer to your letter of 8 July 2015 attaching written questions raised by Hon Dennis Kwok at the Panel on Security (“the Panel”) meeting on 7 July 2015. I am authorized to reply as follows.

As explained in the Administration’s paper on “Unified Screening Mechanism for Non-refoulement Claims” (LC Paper No. CB(2)1832/14-15(03)) (the Panel Paper), the objective of the unified screening mechanism (USM) is to decide whether an illegal immigrant may (and should) be removed immediately, or whether removal action should be temporarily withheld until his claimed risks cease to exist, when they will still be removed. The illegal immigrant status of non-refoulement claimants will not change because of their non-refoulement claim, regardless of its result.



香港灣仔告士打道七號入境事務大樓

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The 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol have never applied to Hong Kong. The Government has a long-established policy of not granting asylum, and not determining or recognizing anyone as a refugee. The United Nations High Commissioner for Refugees (UNHCR) continues her mandate to provide durable solution to those persons whom it recognizes as refugees. To this end, where a non-refoulement claim is substantiated on grounds of, inter alia, persecution risk under USM, the claimant will be referred to UNHCR for consideration of recognition as refugee and arrangement of resettlement to a third country.

As regards substantiated claimants (or persons recognized by UNHCR as mandate refugees), whilst their immigration status as being liable to removal will not change, and they will be removed eventually (i.e. when their risks cease or when UNHCR manages to arrange for their resettlement in a third country, which are factors clearly beyond the Government's control), they may apply to the Director of Immigration for permission to take employment in Hong Kong on an exceptional basis. Having considered each application on its own merits and taking into account any strong compassionate or humanitarian reasons or other special extenuating circumstances, the Director may grant them permission to take employment as a matter of discretion and on an exceptional basis.

As regards your enquiries, our reply is as follows –

1. As at the end of July 2015, there were 12 substantiated cases under USM. Among them, 6 have been referred to and are being processed by UNHCR.
2. Amongst all 36 substantiated claimants to date (24 before and 12 under USM), the time required to substantiate their claim (from commencement of screening) ranges from 4 to 42 months depending on the cooperation of claimants and complexity of cases. All substantiated claimants are still in Hong Kong and they have remained here for 2 to 28 months since their claim was substantiated.
3. Claimants are reminded from time to time that, if they wish to have their claim processed expeditiously or have any special needs for their screening, they should approach ImmD to make such a request. ImmD does not maintain statistics on the number of requests for expediting screening, though empirical evidence suggests that such requests are rarely made.


4. The languages which most claimants require interpretation are Hindi¹, Urdu², Bengali, Nepali, Tagalog³, Indonesian, Vietnamese, Sinhala, Tamil, and French. Presently, ImmD has employed five in-house interpreters under Non-Civil Service Contract terms mainly to interpret for claimants during briefing sessions and screening interviews, and translate documents submitted by claimants. ImmD will recruit more interpreters to cater for the ongoing influx of illegal immigrants making non-refoulement claims (see the Panel Paper for details). The interpreters hired / to be hired cover Hindi, Urdu, Bengali, Indonesian and Vietnamese.

ImmD also hires part-time non-government interpreters (PTNG interpreters) on a need basis from a pool of over 280 PTNG interpreters registered under the Judiciary. Availability of PTNG interpreters for any particular language is subject to a wide range of factors: supply, demand (both internally, i.e. number of claimants requesting interpretation in that language, as well as externally, e.g. number of persons requesting interpretation under criminal proceedings), willingness of PTNG interpreters to take up non-refoulement cases (e.g. if claimants are absent from screening interviews, interpreters would not be paid in full for the service hours of the whole scheduled interview and will hence be less inclined to assist), etc.

Enhancement measures to USM set out in the Panel Paper will help make the most efficient use of the limited supply of interpreters: simplification of the non-refoulement claim form and provision of screening bundles will reduce interpretation of duplicate questions and translation of unrelated document respectively, whereas the improved scheduling of screening interviews will help secure the availability an interpreter early on.

If you have any further enquiries, please contact the undersigned at 2829 3838.

Yours sincerely



PH Fung

for Director of Immigration

c.c.: Secretary for Security (Attn : Mr Billy Woo)

¹ Including Indian Punjabi
² Including Pakistani Punjabi and Pushto
³ Including Ilocano