

Meeting of the Panel on Security in the Legislative Council: The Sixth Report of the People's Republic of China under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Part Two: Hong Kong Special Administrative Region, 3 November 2015

Social Justice Alliance

We are writing this letter to the Legislative Council Panel on Security as Social Justice Alliance, a community group of USM claimants and recognised refugees, supported by Justice Centre Hong Kong. The mission of SJA is to create a positive image of the refugee community by: engaging in activities intended to change public perceptions; supporting new arrivals; and creating a platform to discuss challenges facing refugees in order to find adequate solutions. We would like to communicate our experiences of the Unified Screening Mechanism. These are the main issues of concern for us.

1. Length of time for processing claims

Many of us are frustrated about the lack of transparency on how long the process will take for us to receive a decision on our claim. A lot of time is wasted in the beginning in particular. For example, for many of us, when we came to Hong Kong, we were detained for long periods of time - several weeks or months. We also face long waiting times with getting the Immigration recognition paper. Some of us had been waiting for one year since the USM started to get a response to our letter of signification in order to start the claim process and get called in for a briefing session. This is unnecessary time wasted, where we have no option but to wait around aimlessly. Furthermore, we have no way of knowing when our claim will be resolved. Many of us have requested for our claim to be sped up.

More importantly, the longer we have to wait, the harder it is to remember and recount details that would be crucial to our claim. Such time lapses add to an already anxiety-inducing process. On the other hand, when it comes to time allowed to submit paperwork, they hurry us. It is difficult to do this within a 28-day time limit when sometimes we only have the opportunity to meet with lawyers only a couple of times beforehand. There is no forum where we could complain about these issues, or a monitoring body that supervises the process.

2. Availability and quality of interpretation

For some of the languages we speak, there are sometimes no interpreters available, and even if there are, there may only be one or very few. This causes further delays to our claim. We are at times forced to accept unqualified interpreters for fear that there will be no interpreters available any time soon. Because of a lack of interpreters, some of us agreed to do our interviews in English. However, at times the English level of some of the case officers is not adequate, leading to big communication errors and compromising our case. Some of us have reviewed our answers and had to correct many statements that turned out to be wrong or misquoted. There should be more resources put into interpretation.

3. Quality of Immigration Officers' Knowledge about COI

Many of us feel like the Immigration Officers do not actively listen to us when we are talking about our case. The questions they ask us about our country of origin are often irrelevant or misdirected. We feel the questions have been designed to find errors or inconsistencies in our testimonies and confuse us. We believe that frontline officers should be better trained and have more accurate and up to date information about some of our countries of origin. Social work training and staff is also essential, so that officers can understand just how vulnerable our cases are and be able to handle them appropriately.

4. Lack of Available Information on USM and HK

Contrary to popular belief, we often know little to nothing about Hong Kong and its laws and practices before arriving. We did not choose to come here. Many of us were extremely confused about how to seek protection and about living here. A lot of times, when we first arrive, we are distrustful of authorities and do not feel comfortable opening up. It is important to understand how vulnerable we are when we first arrive, especially for those of us who do not speak English very well and cannot communicate well. Some of us know people who obtained wrong information at the airport or were not told that they could seek protection in Hong Kong after they asked. Most of us only learn about what to do and the procedure of applying for the USM through word of mouth or from NGOs. There should be more adequate information available to us.

Our time here could have been better spent and our productivity could have been better channelled in ways which could benefit the people of Hong Kong and make for better social inclusion. We understand the challenges the government faces, but still as victims of torture, coming from governments that have failed us we have things to give back and we need to be protected here. We urge the Panel on Security to please push these issues that we have outlined forward to the Immigration Department. Last but not least, we really appreciate your time and consideration.

Thank you.