

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: SBCR 13/15/5691/74 Pt.15

來函檔號 Your Ref.:

10 June 2016

LegCo Security Panel Secretariat
(Attn: Mr Raymond LAM)
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Lam,

Follow-up Issue of the Security Panel Meeting on 7 June 2016

At the LegCo Security Panel meeting held on 7 June 2016, members discussed the United Nations Committee Against Torture's concluding observations of the Hong Kong Special Administrative Region's third report under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. At the meeting, members requested the Government to provide supplementary information on non-refoulement claim figures. In response to the issue mentioned in the email dated 8 June 2016 from the Panel Clerk, the Government submits supplementary information as follows.

2. From January to May 2015, the Immigration Department (ImmD) received 1 827 claims. As at end May 2015, 9 884 claims were pending ImmD's determination. From June 2015 to end 2015, ImmD received another 3 226 claims, i.e. it received a total of 5 053 claims in 2015. As at end 2015, 10 922 claims were pending determination.

3. From January to April 2016, ImmD received 1 515 claims. As at end April 2016, 11 178 claims were pending determination.

4. The updated claim figures up to end April 2016 are at **Annex**.
5. For enquiries, please contact the undersigned at 2810 2099.

Yours sincerely,



(Freddy Chik)
for Secretary for Security

Statistics relating to Non-refoulement Claims (up to end of April 2016)

Year	Claims made	Claims determined	Claims withdrawn or where no further action can be taken	Pending claims
End of 2009 (Commencement of the enhanced administrative mechanism after the <i>FB</i> case)				6 340
2010 to 2013	4 906	4 534	3 920	2 792
2014 (January and February)	19	221	89	2 501
<i>Total Torture Claims under the enhanced administrative mechanism</i>	<i>4 925</i>	<i>4 755</i>	<i>4 009</i>	<i>2 501</i>
March 2014 (Upon commencement of the Unified Screening Mechanism (USM)) <i>Claims lodged on other grounds such as CIDTP, persecution, before commencement of the USM</i>	4 198			6 699 (= 2501 + 4198)
March to December 2014	4 634	826	889	9 618
2015	5 053	2 339	1 410	10 922
2016 (up to April)	1 515	801	458	11 178
Total non-refoulement claims under the USM	11 202	3 966	2 757	

Note:

From 2010 to 2013, ImmD received 4 906 torture claims, an average of 102 claims per month. Between the commencement of the USM and end of April 2016 (26 months), ImmD received a total of 11 202 non-refoulement claims, an average of 431 claims per month, an increase of 322%.

Among the 11 202 non-refoulement claims, 1 566 claims were lodged by persons whose torture claim had been rejected or withdrawn (or those who had previously lodged an asylum claim with the UNHCR), while the remaining 9 636 claims were new claims.

Among the 4 755 torture claims which have been determined under the enhanced administrative mechanism, 24 were substantiated (including 5 substantiated by the Torture Claims Appeal Board (TCAB) on appeal), 1 682 persons had left Hong Kong, 2 750 had lodged a non-refoulement claim under the USM on other grounds, 299 remained in Hong Kong for other reasons (e.g., imprisoned, pending prosecution, lodged a judicial review, etc.).

Among the 3 966 non-refoulement claims have been determined under the USM, 29 are substantiated (including 4 substantiated by the TCAB on appeal). Among the rejected claims, 2 760 persons have lodged an appeal, 823 persons have departed or are pending removal arrangements, 354 are remaining in Hong Kong for other reasons (e.g., imprisoned, pending prosecution, lodged a judicial review, etc.).