

Subcommittee on Rights of Ethnic Minorities

**Sixteenth meeting to be held on Monday, 7 May 2018, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Difficulties encountered by ethnic minorities in applying for the Hong Kong Special Administrative Region Passport

Please accept this submission on behalf of ethnic minorities, below are list the common Difficulties encountered by most ethnic Minorities in applying for HKSAR Passport.

1. Long awaiting time.

It can take 1 to 2 years for Application for naturalisation while some countries take only 6 months with triple the case load than (Hong Kong Immigration Department). Moreover, the processing time is not indicated on the application guideline immigration officials will verbally inform the ethnic minority applicants during the interview which mean is not quite transparent compare to visa applications which clearly indicates in processing time which normally takes number weeks or months hope the Hong Kong immigration department improve the quality of service. The case load for naturalization is comparatively less than other immigration services worldwide it should not take this much time some ethnic minorities might if ask is it deliberately delayed to discourage ethnic minorities from applying, is the vetting mechanism not advance enough or is the vetting process outsourced.

2. Refusals and not Grants transparent.

The applicant will not be given reason for refusal of application Under the Chinese Nationality (Miscellaneous Provisions) Ordinance there is no need to assign any reason for the decisions. Which means the applicant will not know the reason of refusal not matter how many times he or she reapplies which leaves the ethnic minority applicant with only choice of giving up reapplication. Unlike the data from UK immigration base on reasons for refusal as shown below but Hong Kong Immigration Department has not made these kind of data transparent to the members of public many would question why these data in not transparent at all is there a hidden agenda or is Hong Kong Immigration Department actually not following their own organization Values withholding information from member's public will question Hong Kong Immigration Department's Integrity and Impartiality. As the data shown below it clearly stated the refusal reason and grants percentage of UK Immigration while Hong Kong Immigration Department website only shows how many applications are received in particular year which actually does not show the statistics of refusals and grants.

Reasons for refusal, naturalisation applications, 2015 based on UK immigration Data

From 2002 to 2016, the majority of refusals to grant citizenship were because of a failure to meet either the 'good character' requirement or the residence requirement. The 'good character' requirement accounts for an increasing number of rejected applications for naturalisation, rising to 44% of all refusals in 2016 (from 10% to 13% in the years immediately preceding legal changes to this requirement in 2008). Failure to demonstrate language proficiency or knowledge of life in the UK comprised 5% of refusals (673 people), as shown in Table 2. Refusals due to delays in replying to enquiries from UKVI risen in recent years– from 423 in 2013 (6%) to 1,698 in 2016 (13%).

88% of grants of citizenship in 2016 were to non-EU nationals based on UK Immigration data

The largest groups of newly naturalised UK citizens in 2016 had prior citizenship from India, Pakistan, Nigeria, and South Africa (see Table 1). Asian nations contributed the most to growth in naturalisations

over time (see Figure 3). African nationals also contributed heavily to the growth in naturalisations in the 2000s. Nigeria, South Africa, Zimbabwe, and Ghana ranked among the top 10 prior nationalities of new UK citizens in 2016.

Appealing, Refund and assurance

Once the application is refused it is not subject to appeal due to Under the Chinese Nationality (Miscellaneous Provisions) Ordinance, decisions of the Director of Immigration on naturalisation applications cannot be subject to appeals so the applicant might need to ask for legal help in order reapply or resubmit the application from the start all over again that's 2 year again together initial fee of HK\$1,730 with no assurance of application being granted the second time or refund of the initial fee. The applicant feels like he or she is gambling with money and time with no results of winning if the Hong Kong Immigration Department can tell the applicant actual reason of refusal he or she might be able to better prepare next time of application. Hong Kong Immigration Department should list the categories in which application might have chances refusal. Hong Kong Immigration Department should reconsideration the refused applications with a formal appealing mechanism because most ethnic minorities are permanent residents and consider Hong Kong as their only home having a HKSAR passport will give them a better sense of belonging as they are born and raised in HK they would like to fully in integrate and contribute to the society hoping Hong Kong Immigration Department can understand and care more about the ethnic minorities making Hong Kong Immigration Department a good role model for immigration service worldwide.

The Voices of Ethnic minorities concluded by one

Name: Not provided Because an Application for naturalisation might be reject because of this submission

Reference's

<http://www.migrationobservatory.ox.ac.uk/resources/briefings/naturalisation-as-a-british-citizen-concepts-and-trends/>