

For discussion on
24 April 2018

**Legislative Council Subcommittee to Follow Up Issues Relating to
the Unified Screening Mechanism for Non-refoulement Claims**

Pre-arrival Control

Purpose

This paper briefs the Subcommittee on the pre-arrival control measures against potential non-refoulement claimants.

Background

2. Since implementation of the Unified Screening Mechanism (“USM”) in March 2014, the number of non-ethnic Chinese illegal immigrants (“NECIIs”) surged, and the number of non-refoulement claimants increased significantly. In 2014 and 2015, the number of NECIIs were respectively 1 984 and 3 819, i.e. 2.4 times and 4.7 times of the annual average of about 800 previously. Meanwhile, during the period from March 2014 to end 2015, the Immigration Department (“ImmD”) received a total of 9 687 non-refoulement claims (monthly average 440), i.e. 3.6 times of the monthly average of 120 previously.

3. Against this background, the Government commenced the comprehensive review of the strategy of handling non-refoulement claims in early 2016. One of the first tasks was to prevent or reduce potential non-refoulement claimants from entering Hong Kong as far as possible.

4. By immigration status, of all the non-refoulement claimants in 2014 and 2015, 4 655 were illegal immigrants and 4 788 were overstayers or passengers refused by ImmD to land upon arrival¹, i.e. approximately half and half.

¹ Among them, 4 157 were overstayers and 631 were passengers refused to land upon arrival.

5. Claimants who entered Hong Kong illegally mainly came from Vietnam, Pakistan, Bangladesh, India, Nepal and Sri Lanka (accounting for 98% of all claimants who entered Hong Kong illegally during the period). Most of them first travelled to the Mainland from their country or place of origin by land or by flight, and travelled to the coastal area of Guangdong or the land boundary of Shenzhen, before smuggling into Hong Kong at sea or on land.

6. Among claimants who overstayed or were refused to land upon arrival, almost half were visitors from visa-free countries, and about 70% of them came from India.

Latest situation

7. Measures to reduce potential claimants in Hong Kong include combating illegal immigration and implementing the online pre-arrival registration requirement. The measures have produced clear results. The number of NECIIs has dropped significantly since the latter half of 2016:

- (a) In 2017, there were 893 NECIIs (monthly average 74), representing a 60% decrease over 2016 (monthly average 185), and a 77% increase over 2015 (monthly average 318); and
- (b) In the first three months of 2018, there were 136 NECIIs (monthly average 45), a 39% further decrease over 2017.

8. The number of non-refoulement claims has also dropped accordingly:

- (a) In 2017, ImmD received 1 843 non-refoulement claims (monthly average 154), representing a 52% decrease over 2016 (annual total 3 838, monthly average 320), and further by a 63% decrease over 2015 (annual total 5 053, monthly average 421); and
- (b) In the first three months of 2018, ImmD received 315 claims (monthly average 105), a further 32% decrease over 2017.

Trends of NECIIs and non-refoulement claims are at **Annex A**.

Combating illegal immigration

9. The Hong Kong Special Administrative Region (“HKSAR”) Government initiated discussion with the Ministry of Public Security (“MPS”) of the Central People’s Government on the above situation since 2015. In early 2016, MPS pulled together the Hong Kong, Macao and Taiwan Affairs Office, the Border Control Department, the Bureau of Exit and Entry Administration, the Criminal Investigation Department, the International Cooperation Bureau, the Anti-terrorism Bureau, as well as the public security authorities of Guangdong, Guangxi, Yunnan and Xinjiang to conduct, in collaboration with law enforcement agencies (“LEAs”) of the HKSAR Government (i.e. the Hong Kong Police Force (“the Police”), ImmD, and the Hong Kong Customs and Excise Department (“C&ED”), etc.), dedicated joint operations in a bid to combat illegal immigration across the boundary.

10. Major strategies of the dedicated operations include interception at source, mutual intelligence exchange, law enforcement co-operation, and publicity and education, with a view to cracking down on illegal activities by human trafficking syndicates on all fronts.

11. LEAs of the HKSAR Government interviewed NECIIs in detail, including on such particulars as their arrival route to Hong Kong from their country or place of origin, location of en-route stops, arrangers or contact persons assisting their journey, etc. Following detailed data analysis, LEAs will notify their Mainland counterparts of any useful leads and intelligence to complement investigation efforts and law enforcement deployment on the Mainland side. Sustained enforcement action by the border control departments and the exit and entry offices of relevant provinces against illegal immigration activities in various mainland provinces have led to the interception of over 67 000 NECIIs. They also foiled 53 organised syndicates and nearly 300 cases of attempted illegal entry into Hong Kong, involving over 3 400 persons.

12. To target illegal immigrants smuggling syndicates active in both Hong Kong and the Mainland then, the HKSAR Government launched seven joint operations with Mainland authorities since February 2016. Multiple cross-boundary crime syndicates were successfully smashed, resulting in the arrest of over 120 core members of smuggling syndicates in both places.

13. In parallel, Hong Kong LEAs have stepped up security measures

and law enforcement actions along the land and sea boundaries. At sea, the Hong Kong Marine Police has conducted air-cum-sea operations with the Government Flying Service since early 2016, sending helicopters and police launches equipped with forward-looking infra-red system to conduct full-scale detection, photo-taking and interdiction actions. Patrol sites include nearby popular landing points in Yantian, Nanao, Shekou, Guishan and Fenliu. Patrol time is changed from time to time depending on the latest situation of smuggling. To tie in with such operations, mainland authorities have stepped up patrol with additional patrol vessels in prime waters such as Shekou, Deep Bay and O Tau areas. Upon detecting suspicious vessels, officers of both places will inform the other party immediately for taking joint air-cum-sea actions to intercept illegal immigrants before they enter Hong Kong waters.

14. The Finance Committee of the Legislative Council approved a funding of about HK\$190 million on 1 December 2017 for the implementation of the Marine Situational Awareness System. The new system facilitates sharing of real-time images, footage and other important information among police vessels and command centres on land, thereby enhancing the effectiveness of the operations to combat the smuggling of illegal immigrants by sea and other maritime crimes.

15. On land, to tackle illegal immigrants who smuggled in by hiding under large goods vehicles, container lorries and container trailers, the Police, ImmD and C&ED have conducted joint operations to step up examination of cross-boundary vehicles and set up road blocks to stop suspicious vehicles for searching. We have also installed the Enhanced Under Vehicle Surveillance System at all existing vehicular boundary control points (Lok Ma Chau, Shenzhen Bay, Man Kam To and Sha Tau Kok) to examine all southbound lorries. Border District of the Police has also built up a collaboration mechanism with related units of mainland border control departments, facilitating exchange of the trend and intelligence of smuggling by land at the border district. In case of emergency, both sides can communicate through the hotline directly and carry out immediate joint operations.

16. The means of illegal immigrants are ever evolving. The Police have hence stepped up patrols at border control points and improved on hardware facilities, including enhancing the defence capability of fences. They are now conducting studies with the Innovation and Technology Bureau on using the latest technology to intercept and detect illegal immigrants entering Hong Kong. The Police and C&ED have also appealed for heightened vigilance of cross-boundary drivers through

various channels to avoid giving chances to illegal immigrants.

17. In December 2017, the Government of Hong Kong and Mainland convened the fifth “joint working group meeting on combating the smuggling of illegal immigrants across the Hong Kong-Guangdong boundary” in Shenzhen, and agreed to continue to strengthen collaboration on investigation, intelligence exchange and law enforcement, to keep up their vigorous efforts against the smuggling of illegal immigrants across the boundary and to tackle the problem on all fronts. Given that smuggling syndicates will adjust their tactics from time to time (including varying their routes and operation modes), both sides have agreed to continue the dedicated joint anti-smuggling operations until mid-2019.

18. Separately, the Immigration (Unauthorized Entrants) (Amendment) Order 2016 commenced in May 2016 imposes heavier penalties on syndicates smuggling illegal immigrants from countries including Pakistan, India, Bangladesh, Nepal, Sri Lanka, etc. Since the Order came into effect, the Court has heard several such cases. LEAs also successfully applied for heavier penalties under the Organized and Serious Crimes Ordinance in some cases. Among all the cases tried so far, the heaviest penalty imposed by the Court was imprisonment for five years and three months, reflecting the seriousness of the crime.

Online pre-arrival registration for Indian nationals

19. Considering that India was a major source country of non-refoulement claimants and that 80% of claimants from India arrived in Hong Kong as visa-free visitors, ImmD implemented the pre-arrival registration (“PAR”) requirement for Indian nationals since January 2017. The measure aims to strike a balance between providing convenience for *bona fide* visitors and conducting proper risk management relating to immigration control.

20. Under the requirement, Indian nationals still enjoy visa-free access to Hong Kong, but they must first apply for and successfully complete PAR online. Otherwise, they must apply from ImmD for an entry visa before visiting Hong Kong.

21. During PAR application, registrants will be asked to provide relevant information, including personal particulars and passport information, details of their planned visit to Hong Kong, and records of

previous travels to Hong Kong and other countries or places, etc. (see **Annex B**). The system will conduct risk assessment based on the information provided by the registrant and return the application result instantly. The related risk assessment analysis is formulated based on the profile of past non-refoulement claimants and other overstayers from India. In general, the application process takes about 15 minutes to complete and no fee will be charged on the registrants.

22. Successful registrants may print the *Notification Slip for Pre-arrival Registration for Indian Nationals* (“Notification Slip”) (see **Annex C**). The Notification Slip is valid for six months in general. Registrants may make multiple visa-free visits to Hong Kong during the validity period, and may stay up to 14 days for each visit.

23. A registrant must use the same passport for applying PAR when visiting Hong Kong. Before boarding a conveyance bound for Hong Kong, transport operators such as airline companies will check whether the registrant has a valid Notification Slip and a valid Indian passport that was used to register under PAR.

24. For Indian visitors who fail to successfully complete PAR, they must submit their visa application to ImmD direct for visiting Hong Kong. To shorten processing time, an applicant may first send his or her completed application form and relevant supporting documents by fax before sending the originals of both the application form and the supporting documents by post or courier service to ImmD.

25. PAR has been implemented for over a year, and operation has been smooth. While facilitation on entry of genuine visitors to Hong Kong remains unaffected, suspicious Indian visitors were successfully interdicted from entry to Hong Kong visa-free. As at end March 2018, about 340 000 visitors have successfully registered, representing a success rate of over 90%. Meanwhile, the number of Indian visitors overstaying in Hong Kong has decreased by 80%, and non-refoulement claims lodged by Indian nationals has decreased by 74% (from 68 claims per month to 18 claims per month). Besides, immigration clearance for Indian visitors upon arrival in Hong Kong has also become faster and smoother.

26. To further improve service, ImmD set up a dedicated email account for PAR in December 2017 to facilitate registrants to make PAR-related enquiries.

27. In addition, ImmD introduced a new measure of including a two-dimensional barcode (QR code) on the Notification Slip in March 2018, so as to enable transport operators to access to information thereon (passport numbers, application numbers, etc.) with mobile device for instant verification of PAR.

28. ImmD will continue to make use of various channels to enhance promotion of the PAR arrangement to Indian nationals, and to remind Indian nationals who intend to visit Hong Kong to complete PAR early.

Conclusion

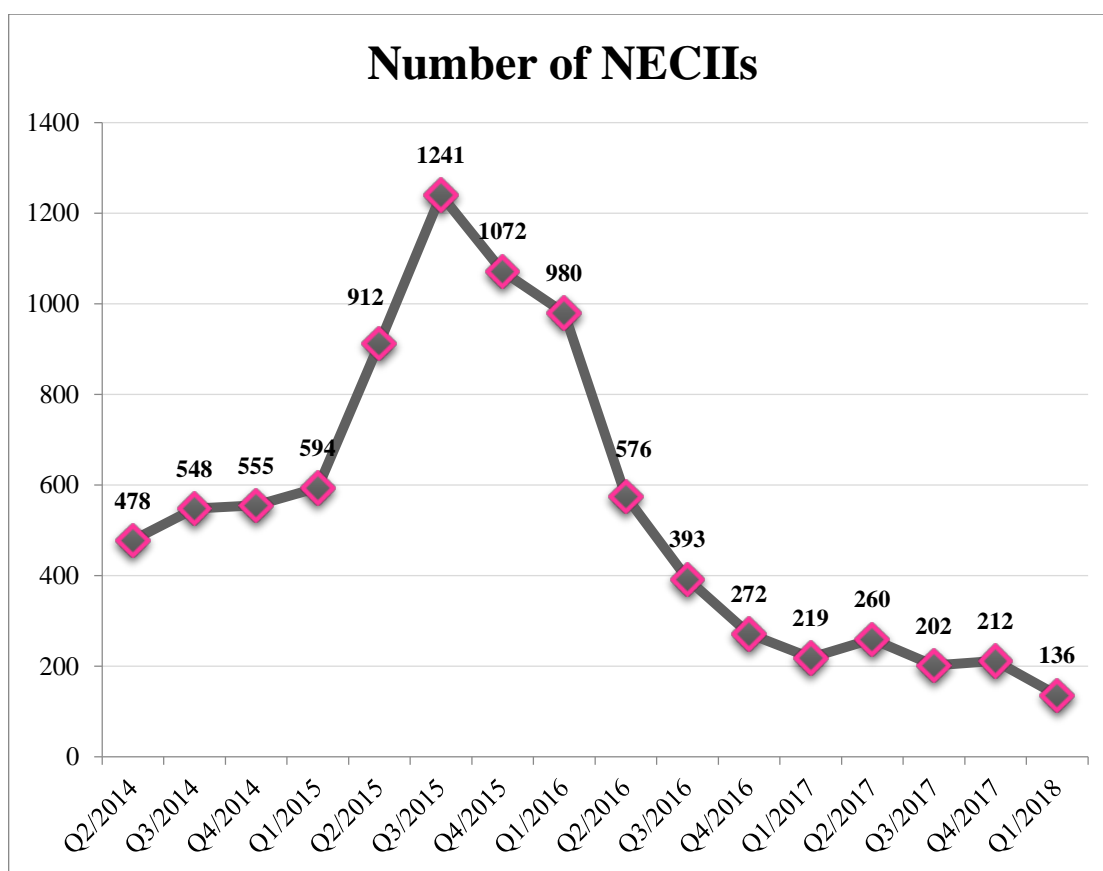
29. The Government will continue to closely monitor the implementation of the above measures and the trend of NECIIs and non-refoulement claims. Measures will be fine-tuned as necessary so as to protect the overall benefits of Hong Kong.

Security Bureau
April 2018

Annex A

Quarterly statistics of NECIIs

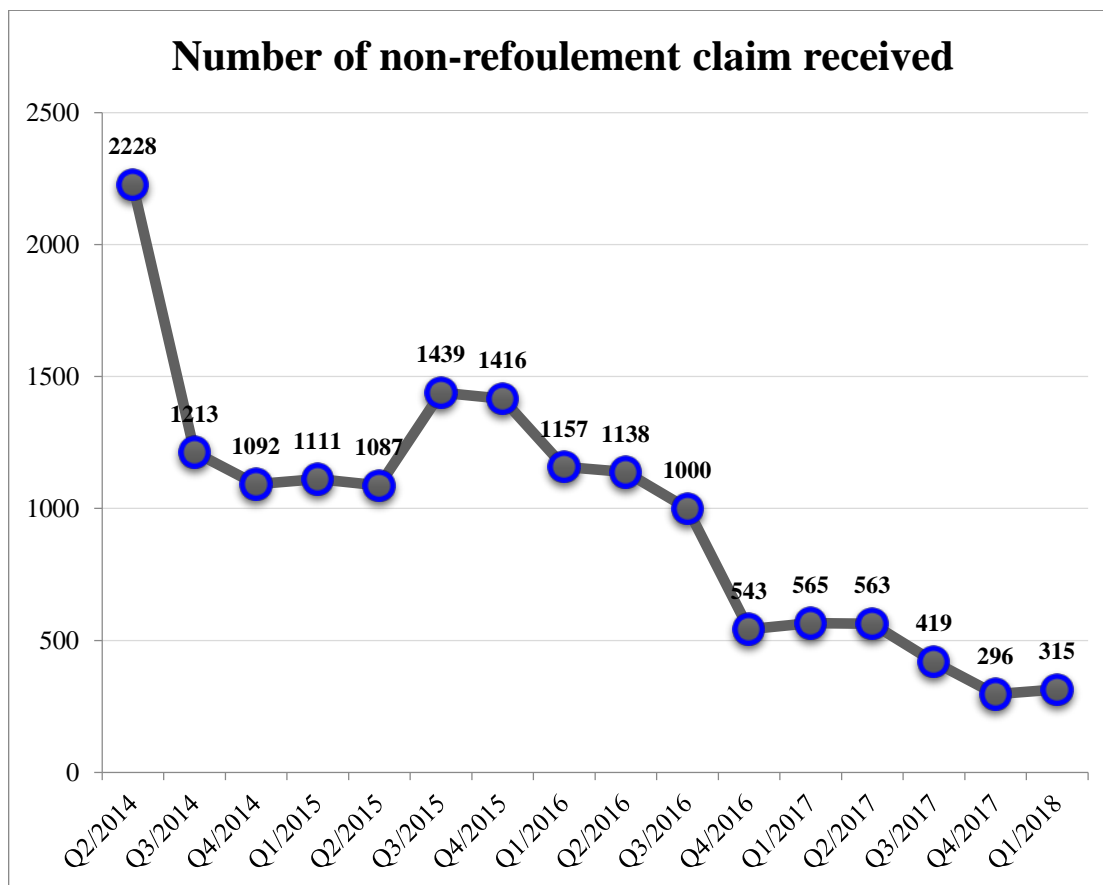
Year	Quarter	Number of NECIIs	% change since the quarter before	% change since the same period the year before	% change since the peak (Q3/2015)
2014	Q2	478			
	Q3	548	+15%		
	Q4	555	+1%		
2015	Q1	594	+7%		
	Q2	912	+54%	+91%	
	Q3	1 241	+36%	+126%	
	Q4	1 072	-14%	+93%	-14%
2016	Q1	980	-9%	+65%	-21%
	Q2	576	-41%	-37%	-54%
	Q3	393	-32%	-68%	-68%
	Q4	272	-31%	-75%	-78%
2017	Q1	219	-19%	-78%	-82%
	Q2	260	+19%	-55%	-79%
	Q3	202	-22%	-49%	-84%
	Q4	212	+5%	-22%	-83%
2018	Q1	136	-36%	-38%	-89%



Quarterly statistics of non-refoulement claims

Year	Quarter	Number of claims received	% change since the quarter before	% change since the same period the year before	% change since the peak (Q3/2015)^
2014	Q2	2 228			
	Q3	1 213	-46%		
	Q4	1 092	-10%		
2015	Q1	1 111	+2%		
	Q2	1 087	-2%	-51%	
	Q3	1 439	+32%	+19%	
	Q4	1 416	-2%	+30%	-2%
2016	Q1	1 157	-18%	+4%	-20%
	Q2	1 138	-2%	+5%	-21%
	Q3	1 000	-12%	-31%	-31%
	Q4	543	-46%	-62%	-62%
2017	Q1	565	+4%	-51%	-61%
	Q2	563	0%	-51%	-61%
	Q3	419	-26%	-58%	-71%
	Q4	296	-29%	-45%	-79%
2018	Q1	315	+6%	-44%	-78%

^ ImmD received 2 228 claims in Q2/2014 immediately after USM was launched. The claims received possibly included those who had planned to lodge claim before USM. Hence, it may be inappropriate to include the claim figure of that quarter for trend comparison.



Information required for Pre-arrival Registration

1/4

GovHK 香港政府一站通		Exit
Step 1 Input registration details	Pre-arrival Registration for Indian nationals	
Step 2 Confirm registration details		
Step 3 Acknowledge the result of registration		
Online Demo		
Faq's		
Statement of Purpose		
Related Information		
Guidance Notes		
Help Desk <small>This service is operated by an external service provider from 8:30 am daily to 0:30 am the next day (HK Time) for answering technical enquiries.</small>		
Tel: (852) 3895 2299		
Enquiries related to Pre-arrival Registration for Indian nationals Email: ind_par@immd.gov.hk		
Step 1: Input registration details		
<p>Fields marked with * are mandatory.</p> <p>You must truthfully enter the correct information. The information you provide in this pre-arrival registration needs to be exactly the same as it appears in your passport and you must use the same passport that is linked to the pre-arrival registration when you visit the HKSAR. Failure to do so will render your pre-arrival registration invalid. If you do not hold the same passport that is linked to your pre-arrival registration, you will be refused boarding of a conveyance (a ship, aircraft, vehicle or any other means whatsoever of travel or transport) bound for the HKSAR, and your entry to the HKSAR will be refused upon arrival.</p> <p>Warning: A person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true may be liable for prosecution under the Laws of Hong Kong.</p> <p>Part A: Information of registrant</p> <p>* Name</p> <p>[Note: The full name in English, including surname and all given name(s), must be inputted and tally with your passport. If there is no surname in English or given name in English on your passport, please leave the field blank. (See illustration below)]</p> <div style="margin-top: 20px;"> <p>Surname in English <input type="text"/></p> <p>Given name in English <input type="text"/></p> </div> <div style="border: 1px solid black; padding: 10px; margin-bottom: 20px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%; text-align: center;"> Photo</div> <div style="width: 70%;"> <p>Type <input type="text"/> Country Code IND Passport No. A1235467</p> <p>Surname VISIT] Surname 姓氏</p> <p>Given Name(s) HONG KONG] Given name 名字</p> <p>Nationality INDIAN Sex <input type="text"/> Date of Birth <input type="text"/></p> <p>Place of Birth <input type="text"/></p> <p>Place of Issue <input type="text"/></p> <p>Signature <input type="text"/></p> <p>Date of Issue <input type="text"/> Date of Expiry <input type="text"/></p> <p>P<INDVISIT<<HONG<KONG<<<<<<<<<<<<<<< A1234567<7IND881205M2701012<<<<<<<<<<<6</p> </div> </div> </div> <p>* Is there any alias in English on your passport? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Alias surname in English (as shown on passport, if any)</p> <p>Alias given name in English (as shown on passport, if any)</p> <p>* Have you ever been known by any other names? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Surname in English</p> <p>Given name in English</p> <p>Nationality Indian</p> <p>* Sex -- Please select -- <input type="button" value="v"/></p> <p>* Marital status -- Please select -- <input type="button" value="v"/></p> <p>* Date of birth (DD MMM YYYY) <input type="button" value="v"/> <input type="button" value="v"/> <input type="button" value="v"/></p> <p>(For registrant whose passport states the year of birth only, please select</p>		

'--' and '--' in the day and month fields respectively.)

* Place of birth (as shown on passport) -- Please select --

* Is your residential address in India? ☐ Yes ☐ No

* Residential address in India
District / City

-- Please select --

* Residential address other than India
District / Country

-- Please select --

* Contact telephone number Country code Area code
Telephone number Ext

Part B: Information of passport (as shown on your passport)

* Passport number

* Re-input passport number

* Place of issue of passport -- Please select --

* Date of issue

* Date of expiry

Part C: Previous travels to the HKSAR

* Any previous travels to the HKSAR within the past three years? ☐ Yes ☐ No

Please state the passport number of the Indian passport(s) you have previously used to visit the HKSAR

1 :
2 :

(Note: No need to state the passport number again if it is the same as the one stated in Part B above.)

Month/year of last three travels

1 :
2 :
3 :

Part D: Previous visits to foreign countries/territories

* Any previous visits to foreign countries/territories within the past three years? ☐ Yes ☐ No

Name of country/territory visited and month/year of visit (the latest five countries/territories within the past three years, if applicable)

-- Please select --

Month/year of arrival

-- Please select --

Month/year of arrival

-- Please select --

Month/year of arrival

-- Please select --

Month/year of arrival

-- Please select --

Month/year of arrival

Part E: Occupation

* Employment sector

* Name of company / employer / school

* Address of office / school
District / City

-- Please select --

* Contact telephone number of company / employer / school Country code Area code
Telephone number Ext

Part F: Details of coming visit

* Purpose of visit

* Proposed duration of stay (days)

Address of accommodation

Room/Flat Floor Block * Building/Phase/Hotel

Estate/Village no. & name Street no. & name

District -- Please select --

Hotel reservation number, if any

* Fund available for travel to the HKSAR in HK dollars (including cost of accommodation)

* Local connection in the HKSAR ☐ Yes ☐ No

Name of local connection (person or company)

Relationship with local connection -- Please select --

Address of local connection

Room/Flat Floor Block Building/Phase

Estate/Village no. & name Street no. & name

District -- Please select --

Hong Kong telephone number of local connection (852) Ext

Part G: Others

* Will you experience hardship or difficulty in or after returning to India? ☐ Yes ☐ No

* Have you ever committed or been arrested for any overstaying, illegal immigration or other criminal offence in the HKSAR or any country/territory? ☐ Yes ☐ No

If yes, have you ever been convicted of the offence(s)? ☐ Yes ☐ No

* Have you ever been refused a visa application by the HKSAR or any other country/territory? ☐ Yes ☐ No

* Have you ever been refused permission to enter the HKSAR or any other country/territory? ☐ Yes ☐ No

* Have you ever been deported/removed from the HKSAR or any other country/territory? ☐ Yes ☐ No

* Do you seek to engage in or have you ever engaged in terrorist activities? ☐ Yes ☐ No

Part H: Identification Question

Please select an Identification Question and provide an answer (in English and numerals only) as an identification tool for subsequent enquiry after your registration. English letters inputted are not case sensitive.

* Identification Question

-- Please select --

* Answer

(Note: There is no restriction on the format of your answer. English words and numerals are both acceptable and are not case sensitive. You are required to select the Identification Question and provide an exact answer upon subsequent enquiry or otherwise you will not be able to view or reprint your notification slip of this registration. **The answer to the Identification Question CANNOT be reset.** If you fail to present a valid notification slip upon boarding a conveyance bound for the HKSAR and upon arrival immigration clearance in the HKSAR, you will be refused boarding the conveyance and refused entry to the HKSAR.)

Part I: Validation

To prevent automated submission, please enter the four capital letters or numerals as shown at bottom left into the box.



*

[Exit](#) [Confirm & Continue](#)

Annex C

Notification Slip for Pre-arrival Registration for Indian Nationals



PIAA0000037188

Notification Slip for Pre-arrival Registration for Indian Nationals	
<p>The issue of this notification slip for pre-arrival registration is not a guarantee of the registrant's entry to the Hong Kong Special Administrative Region (HKSAR). The registrant is still subject to immigration control under the provisions of the Immigration Ordinance, Chapter 115, Laws of Hong Kong. In general, a person who intends to enter the HKSAR for visit must fulfil normal immigration requirements (such as holding a valid travel document with adequate returnability to his/her country of residence or citizenship; raise no security or criminal concerns to the HKSAR; have no likelihood of becoming a burden on the HKSAR, etc.), have a bona fide purpose of visit, have adequate funds to cover the duration of his/her stay without working and hold onward or return tickets (unless in transit to the Mainland of China or the Macao Special Administrative Region), before entry to the HKSAR may be granted.</p>	
Notification slip number	PIAA-0000037-18(8)
Registration date	29 Jan 2018
Notification slip valid until	29 Jul 2018
Surname in English	QR CODE
Given name in English	TEST ONE
Alias surname in English	—
Alias given name in English	—
Nationality	Indian
Sex	M
Date of birth	12 Dec 1960
Place of birth	DELHI
Passport number	Q1234567
Place of issue	DELHI UK
Date of issue	01 Jan 2017
Date of expiry	01 Jan 2027
<p>I confirm that the above information is correct and exactly the same as it appears on the registrant's passport.</p>	
<p>* Signature of registrant / Name and signature of parent or legal guardian (* Please delete where inappropriate.)</p>	
<p>Important notice</p> <p>(1) This notification slip must be signed in the box above. The registrant or his/her parent/legal guardian (for registrant under 16 years of age) must check the inputted data above to confirm it is correct and exactly the same as it appears on the registrant's passport before signing this notification slip. In case the registrant renews or replaces his/her Indian passport or changes his/her personal particulars after pre-arrival registration, the registrant must re-apply for pre-arrival registration on the strength of the new passport or personal particulars.</p> <p>(2) This notification slip must be used in conjunction with the above passport that is linked to the pre-arrival registration. On the strength of this notification slip together with the above passport that is linked to the pre-arrival registration, the registrant may, during the validity of this notification slip and provided that he/she meets the normal immigration requirements, make multiple visits to the HKSAR visa-free. On each visit, the registrant may stay in the HKSAR for up to 14 days.</p> <p>(3) The issue of this notification slip is not a guarantee of the registrant's entry to the HKSAR. The registrant is still subject to immigration control under the provisions of the Immigration Ordinance, Chapter 115, Laws of Hong Kong.</p> <p>(4) Before boarding a conveyance (a ship, aircraft, vehicle or any other means whatsoever of travel or transport) bound for the HKSAR, transport operators will check whether the registrant has a valid travel document. In this connection, before boarding a conveyance and upon arrival immigration clearance in the HKSAR, the registrant must hold this notification slip and the above passport that is linked to the pre-arrival registration. Failure to present the said two documents will lead to refusal of boarding a conveyance bound for the HKSAR and refusal of entry to the HKSAR upon arrival.</p> <p>(5) This notification slip must be printed on a sheet of blank A4 white paper. In case the notification slip is lost, defaced, damaged or not printed on a sheet of blank A4 white paper, the registrant is required to reprint it on his/her own.</p> <p>(6) When applying for pre-arrival registration, the registrant must truthfully enter the correct information. Any person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true may be liable for prosecution under the Laws of Hong Kong.</p>	

