Joint Submission
to
the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims on 18 October 2018

Introduction

This submission is made on behalf of an alliance of social welfare organizations, social workers, individuals and immigration law practitioners and experts. It represents our collective, considered views and is a product of our experience working for and on behalf of the refugee, non-refoulement and asylum-seeker community in Hong Kong.

This submission will cover the current situation of the Unified Screening Mechanism (USM) for non-refoulement claims, including the publication of decisions, low substantiation rates, access to justice in the courts of Hong Kong, durable solutions and the Pilot Scheme. It covers the commentary on the proposals to amend the Immigration Ordinance (Cap. 115) ("**IO**"). Besides, it will address specific rights concerned to non-refoulement and refugee in Hong Kong, including:

- Equality and non-discrimination
- Right of refugee and asylum-seekers children
- Right to live in the community
- Education
- Right to Health
- Work and employment
- Adequate standard of living and social protection

Fundamental Principle

On 4 March 2018, the administration implemented the Unified Screening Mechanism ("**USM**"), which presently determines claims for non-refoulement protection on the following applicable grounds: (1) risks of torture under Part VIIC of the IO; (2) torture or cruel inhuman or degrading treatment or punishment under Article 3 of the Hong Kong Bill of Rights in section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383) ("**HKBORO**"); (3) persecution with reference to the non-refoulement principles pursuant to Article 33 of the 1951 Convention relating to the Status of Refugees; and (4) right to life under Article 2 of HKBORO.[1]

Current Situation of the USM for Non-refoulement Claims

The Principle of "High Standard of Fairness"

We strongly reject implementation of the proposals to amend the IO on the basis that they would place non-refoulement claimants at grave risk of prejudice. In any discussion concerning the handling of non-refoulement claims, the starting point must fall on the findings by the Hong Kong Court of Final Appeal in *Secretary for Security v Sakthevel Prabakar* where it was held that "*The determination of the potential deportee's torture claim by the Secretary in accordance with the policy is plainly one of momentous importance to the individual concerned. To him, life and limb are in jeopardy and his fundamental human right*

[1] The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has applied to Hong Kong since 1992. Article 3 provides that "no State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

not to be subjected to torture is involved. Accordingly, high standards of fairness must be demanded in the making of such a determination".[2] We are of the view that the suggested amendments to tighten the IO would seriously jeopardize the rights of non-refoulement claimants to procedural and substantive fairness in the handling of their claims, and as such, are contrary to the high standards of fairness demanded of the administration in its non-refoulement decision-making obligations.

Publication of decisions

Presently, decisions by the Torture Claim Appeals Board ("**TCAB**") are not published. However, the publication of these decisions is of significant public interest as it enables civil society to monitor, assess and recommend improvements to the implementation of the USM. Indeed, previous TCAB decisions have been based upon significant errors. For example, in one case, the adjudicator rejected an appeal after mistaking the country of origin of the claimant from 'Niger' to 'Nigeria'. In another case, the adjudicator failed to adjourn an oral hearing before TCAB despite the importance of the hearing to the claimant and medical evidence from his surgeon that the claimant was unfit to participate in the hearing. No decision was made until 13 months later, at which point the adjudicator rejected the claim. Upon judicial review, the Court of First Instance quashed the adjudicator's decision and held that "*...if the tribunal maintained high standards of fairness and the application to adjourn had been considered fairly then the application to adjourn, reasons offered and the numerous medical reports should have been enough to allow the adjournment....That hearing should have been adjourned, it should not have proceeded that day in the absence of the applicant and been determined 13 months later."*[3] This case also draws out the fact that concerns about the 'backlogged' system frequently arise out of delays in the decision-making by Immigration / TCAB and are not a consequence of claimants 'abusing the USM process'. Indeed, claimants often wait over one year for Immigration to reach a decision or for a hearing after the submission of their appeals (this does not include the time they wait after hearings for the handing down of decisions). There is no disagreement between all interested parties that USM claims should be dealt with expeditiously.

The publication of TCAB decisions would also make available the reasoning behind the decisions as well as clarify how the law is applied by the decision-makers. In turn, this would assist claimants and/or their legal representatives in considering the merits on appeal as well as assist claimants and their lawyers on preparing submissions in view of the approach taken by TCAB in other cases. Furthermore, the publication of TCAB decisions is consistent with the recommendation by the CERD Committee in its Concluding Observations that *"the rights of asylum-seekers* [in Hong Kong] *to information, interpretation, legal assistance and judicial remedies be guaranteed"* (emphasis added)[4] and the statement by the CAT Committee in its Concluding Observations that it took into account reports that claimants in Hong Kong face "*impediments to the effective preparation of their cases*" as a result of not having access to TCAB decisions.[5] In order to protect the privacy of the parties, parts of the published decisions could be redacted and/or anonymized. Further, redacted and/or

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[2] Secretary for Security v Sakthevel Prabakar [2005] 1 HKLRD 289; FB v Director of Immigration and another [2008] HKCFI 1069, para. 44.

[3] M v Torture Claims Appeal Board / Non Refoulement Claims Petition Office [2018] HKCFI 24 per DHCJ Woodcock at para. 28.

[4] UN Committee on the Elimination of Racial Discrimination (CERD), Consideration of reports submitted by States parties under article 9 of the Convention : concluding observations of the Committee on the Elimination of Racial Discrimination : China (including Hong Kong and Macau Special Administrative Regions), 15 September 2009, CERD/C/CHN/CO/10-13, para. 29.

[5] UN Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China with respect to Hong Kong, China, 3 February 2016, CAT/C/CHN-HKG/CO/5, para. 6.

anonymized decisions which still pose a risk to the identity of the appellant could remain unpublished.

Finally, the publication of TCAB decisions would be consistent with fairness principles and ensure equality of arms. Presently, the Director of Immigration and its legal representatives and the Department of Justice ostensibly have access to all TCAB decisions given their access to the same on TCAB appeals. Conversely, claimants and their duty lawyers do not have access to TCAB decisions. In this respect, we reiterate the statement made by the Hong Kong Bar Association and the Law Society of Hong Kong in a joint letter dated 2 May 2014 ("**Joint Letter**") that "*In many jurisdictions such tribunal decisions are published to promote transparency, consistency and encouragement of high quality, fair and well-reasoned decisions*".[6]

Ultimately, the failure to publish decisions contributes to a lack of transparency, undermines consistency in application of the law, and fails to encourage well-reasoned decisions. Despite repeated requests by us for TCAB to publish its decisions on a redacted and/or anonymized basis, it appears that no steps have been taken to this end.

Low substantiation rates

The disclosure of TCAB decisions would also allow the administration's statistics on the substantiation of claims to be analyzed, so as to provide a fuller understanding of the results of the USM. Since the USM came into operation on 3 March 2014, the number of non-refoulement claims has shown a downward trend. From December 2009 to May 2015, 32 non-refoulement claims were substantiated by the Immigration Department (representing a substantiation rate of about 0.48%) which is far below the substantiation rates of 40% to 60% in Germany, the United Kingdom and Australia. The Immigration Department's statistics indicate that between the commencement of the enhanced administrative mechanism in late 2009 and June 2018, 135 torture/non-refoulement claims were substantiated out of 17,978 claims determined.[7] Further, it is noted that since the implementation of the USM, 0.8% of non-refoulement claims and appeals have been substantiated.[8] The question thus arises whether this low substantiation rate is reflective of an unfairly high threshold for granting protection or effective screening. In its letter of 8 October 2018, the Security Bureau attempted to dismiss this phenomenon without providing specific justifications, by stating that the arrangements under the USM *"compare most favorably with those adopted in other common law jurisdictions"*.[9] We query which common law jurisdictions the administration is referencing in respect of this comparison and seek a specific compare-and-contrast assessment of the asylum-claim arrangements between such jurisdictions and Hong Kong.

Access to justice

Recent statistics indicate a rise in the number of legal aid applications for judicial review of non-refoulement claim decisions in around the same timeframe as a corresponding rise in TCAB decisions[10] (which has a success rate for established claims of around <1%).[11] Further,

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[6] Joint Letter by the Hong Kong Bar Association and the Law Society of Hong Kong dated 2 May 2014, LC Paper No. CB(2)1657/13-14(01) ("Joint Letter"), para. 21.

[7] Statistics on Non-refoulement Claim, Torture/Non-refoulement Claim Cases (as at End of June 2018), Immigration Department of the Government of the Hong Kong Special Administrative Region at: https://www.immd.gov.hk/eng/facts/enforcement.html.

[8] LC Paper No. CB(2)1751/17-18(01), p. 16.

[9] Letter by the Security Bureau dated 8 October 2018, LC Paper No. CB(2)29/18-19(01), para. 12.

[10] Home Affairs Bureau's paper on "Measures to prevent the misuse of the legal aid system in Hong Kong and assignment of lawyers in legal aid cases" issued 12 July 2017, LC Paper No. CB(4)1386/16-17(03).

only approximately 2.7% of legal aid applications for judicial review (including 841 applications by non-refoulement claimants) were approved in 2017.[12] Given the stringent approach by the Legal Aid Department and decreasing number of legal aid certificates granted on judicial review cases pertaining to non-refoulement claims, applicants are often unrepresented at the courts. Consequently, the courts often do not have the benefit of counsel's argument in hearing these judicial review cases, which often revolve complex areas of law that are in their infancy in Hong Kong (particularly in respect of persecution risk assessment). Members of the legal community have, on a pro bono basis, successfully assisted many claimants who have been refused legal aid both to seek leave for judicial review and appeal the refusal decision by legal aid. However, it is unfortunately inevitable that many other meritorious judicial review cases are at risk of falling through the cracks of and are effectively denied access to justice.

A durable solution for substantiated non-refoulement claimants

Substantiated non-refoulement claimants are neither integrated nor regularized into Hong Kong society and remain overstayers whose presence in Hong Kong is merely tolerated. There is also a lack of transparency in the administration's coordination with UNHCR in respect of resettlement procedures for these individuals. These arrangements give rise to an unbearable situation for substantiated non-refoulement claimants, including families and children, for whom resettlement does not seem possible at the moment or in the foreseeable future. The continued uncertainty and lack of assurance of their statuses in Hong Kong impose significant stresses on these individuals, who by virtue of their immigration statuses, are often unable to undertake simple but significant normalizing activities such as applying for a university education or obtaining a driving license. We strongly urge the administration to adopt a durable solution for these individuals (i.e. grant them unconditional permission to remain in Hong Kong) so as to resolve their untenable limbo situations.

*The Pilot Scheme on Provision of Publicly-funded Legal Assistance to Non-refoulement Claimants ("**Pilot Scheme**")*

The Pilot Scheme is lacking in the following areas:

(i) The procedure for assigning cases between the Pilot Scheme and the DLS Scheme is determined by drawing lots. While the Pilot Scheme has in place a policy for non-refoulement claimants to apply for a DLS lawyer to be assigned rather than a Pilot Scheme lawyer, the procedures for making such an application are not easily accessible, open and/or transparent. Further, there is no apparent procedure for the claimant to be heard on his assignment application or an appeal procedure should the request for assignment be refused. This is problematic as there are substantive differences between the two schemes, including (a) restrictions on the support services provided to lawyers and claimants under the Pilot Scheme and (b) flat fee for legal services provided under the Pilot Scheme.

(ii) Despite the measures intended to ensure physical and functional segregation of duties, the Pilot Scheme may lead to an apparent (institutional) bias as it is administered by the Security Bureau. For example, the bias may arise where immigration officers are also in the Review Division of Immigration / TCAB, as they would be exercising administrative powers but also providing legal assistance to non-refoulement claimants.

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[11] In this respect, we reiterate paras. 9-10 of the Submission of Daly, Ho & Associates to the Subcommittee, LegCo Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims, 18 May 2018.

[12] LCQ17: Statistical information on judicial review cases, Annex C (Statistics on the number of legal aid applications in respect of judicial review (JR) cases and the legal expenditure for legally-aid JR cases), p. 1.

(iii) As set out in point (i) above, the Pilot Scheme compromises the claimant's right to elect their legal representatives and may fail to provide claimants with effective legal representation. Instead of being pro rated, a flat fee of HK$7,500 is fixed for representation on appeals under the Pilot Scheme. This flat fee arguably creates a financial disincentive against continued representation by PSO lawyers given the amount of work required at the appeal stage including preparation of grounds of appeal, preparation of skeleton submissions, review of the hearing bundle and attendance at an oral hearing (and in some cases, more than one hearing) before TCAB. As such, the flat flee is grossly disproportionate to the work entailed. We note that as of June 2017, less than 10% of TCAB appellants/petitioners are represented.[13] In this connection, we would query the following statistics under the Pilot Scheme as of the date of this Joint-Submission:

- Success rates
- Rates of representation on appeal
- Countries of origin of the claimants / appellants
- Comparative statistics between the Pilot Scheme and DLS scheme (i.e. on success rates and rates of representation on appeal)

Specific rights concerned

- *Equality and non-discrimination*

We recommend the administration to alleviate the hostile attitudes towards asylum seekers and refugees in Hong Kong. It is observable that certain media have been widely reported news linking asylum seekers and the South Asian to crime. If negative stereotyping and hostile attitudes are repeatedly placed in the public eye in this way, xenophobia and discrimination against both refugees and ethnic minorities will continue to increase. It leads to the risk of fracturing the diversity and vibrancy in the community.
In 2016, there was a survey[14], commissioned by the Department of Asian and Policy Studies and conducted by HKU POP, showed that over 60% (64.3%) respondents were feeling neutral towards the asylum-seekers and refugees in Hong Kong.

- *Right of refugee and asylum-seekers children*

Refugee and Asylum seekers have no rights of abode even though they are born in Hong Kong. The immigration policy only grants rights of abode to children who are born in Hong Kong and are of ethnic Chinese origin. Their birth certificate indicated that their status are "not established" and thus they are de facto stateless. Like their parents, they are considered overstayers and are labeled as illegal immigrants by the authority.
Their claims are often attached with their parents. However, there are numerous cases where children are having their independent claims. And worse still, there are cases where parents who have more than one child could end up having one child attached to one parent respectively, and one child having his own claim. Or they end up having children all attached to either one parent. Or in a family, some attached to their father while others attached to their mother. The inconsistency and the indifference towards the asylum-seekers and refugee children's rights is not only contravening the principles of CRC Article 3, but also UN (CAT) when the fundamental belief is based on humanitarian ground.

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[13] Access to information request, "Torture Claims Appeal Board Operations – a Freedom of Information request to Security Bureau" 28 June 2017.

[14] https://www.eduhk.hk/aps/wp-content/uploads/2016/08/ENGAPS-Refugee-Research-Isabella-Ng-30Aug16.pdf

Asylum-seekers and refugee children are facing separation from their families whose parents are of different nationalities. Current practice does not take into account of this problem. Some children who are holding permanent residency in Hong Kong, with one parent who is asylum-seeker and the another parent who is no longer with the family, are facing separation or possibility of leaving Hong Kong as their parents may eventually be deported.
All the above are contravening CRC Article 4 (Protection of rights)[15], Article 7 (Registration, name, nationality, care)[16], Article 9 (Separation from parents)[17] and Article 10 (Family reunification)[18].

- *Right to live in the community*
  The Secretary for Security mentioned the authority have commenced the research for the comprehensive review of the strategy of handling non-refoulement claims, which covers the establishment of closed detention camps for claimants[19].
  The suggestion of closed detention camps is ill-advised, disproportionate and rash; and some are in breach of international law.

- *Education*
  Refugee children are protected in Hong Kong under obligations set by the CRC. They are entitled to access to education as a fundamental human right. The Subcommittee is referred to Articles 19(1), 23(3) and (4), 24(2), 28 and 29. Those rights include the right to primary, secondary and higher education.
  In practice, many refugee children face significant challenges in accessing to education due to their immigration status, ethnicity, language and economic abilities. Children will need to gain the approval of the immigration department in order to have their application for schools being processed. Children are being discriminated in certain districts because of their status and their use of English. Schools consider asylum-seeker and refugee children as a burden because schools will need to give them extra support in language and on administrative matters as they cannot directly obtain subsidies from the government. They need to apply for the remission scheme to have their school fees and snack fees covered and books,and uniform will be covered by Grant for school related expenses for kindergarten students provided by Student Finance Office. This would mean that schools need to hire or find extra personnel to support these children.
  As most of the time kindergarten will need deposit for placement, asylum-seekers and refugee children's parents may not be able to pay and could lose the place in the kindergarten. If they want to secure a place, they will need to borrow money from others to meet the requirement of the schools. The current remission scheme does not pay in advance to the parents and thus creates obstacles for these children in the application process.
  As asylum-seeker and refugee children are considered overstayers/illegal immigrants as their parents have to breach the immigration law in order to apply for non-refoulement claims, children who are holding non-refoulement application will not be allowed to return should

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[15] It states that governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children.

[16] It states that all children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

[17] It states that children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

[18] It states that families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

[19] LC Paper No. CB(2)280/16-17: https://www.legco.gov.hk/yr16-17/english/panels/se/minutes/se20161111.pdf

they go abroad to represent their schools in competition. This violates Articles 28 and 29, which stipulates the rights of children to receive full education and to develop their talents. Similarly for children who reach the age of university, they should have access to higher education, as stipulated in Articles 28 and 29. At the moment, however, children who receive no access to university or higher education as the government does not provide fundings or support to asylum-seekers who reach the age and the capability.

- *Right to Health*

  Health is a fundamental human right and it is enshrined in the CRC:
  "States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services" (article 24.1).
  The "right to health" is a fundamental human right and requires governments to provide accessible and acceptable basic health service to all living in the city, including nutritious food, safe housing, and basic health care.
  However, the frontline experience has shown Non-Refoulement Claimants are still facing multiple barriers in accessing medical services and exercising their right to health. It includes difficulty in accessing public health care service, unmet needs of dental and eye care, language barriers, cultural barriers, poor health literacy and lack of mental health support. Staff in public hospitals, clinics, and Social Welfare Department are sometimes found not aware of the entitlements of Non-Refoulement Claimants and rights in accessing in healthcare services. There is a need to strengthen training to frontline staff of public hospital and clinics in Hospital Authority, Department of Health and Social Welfare Departments about the policies and procedures of medical services for Non-Refoulement Claimants.

- *Work and employment*

  Asylum seekers in Hong Kong are not allowed to work, forcing them to rely on social welfare stipends and charity. Granted permission to take employment using the discretion from the immigration director. The process of granted permission to take employment in Hong Kong takes more than years.
  We welcome the concept of granting an extensive right to work to refugees. This would also benefit Hong Kong, as it has a labour shortage and has access to an untapped human resource through the refugee population, especially since many refugees are skilled and willing to contribute to society.
  We seek an extension of permission to work validity from 6 months to 1 year, which will lessen the burden on the administrative challenges that the permission to work application entail and how this suggestion would actually address that. There are obvious benefits of being able to work: overall great for their mental health and general wellbeing, ability to give back to the HK Community and ceasing to rely on welfare assistance paid by taxpayers.
  We urge the security Bureau to consider granting special identification cards to those with work permit and/or recognized cases to prevent re-traumatization from police or other agencies who may not necessarily know the difference? Suggestion to have an easily identifiable identity card/paper similar to the UNHCR paper.
  Refugees who have been in HK for more than 10 years and have experienced many suffering One of which is the indifferent treatments from institutions, including Government and banks because of the immigration paper which is not renewed automatically. even after granted the refugee status they suffer the same difficulties every day and that there should would be some sort of recognition that they are not economic/fake refugee. Some who are

granted the discretionary work permit are now officially contributing to HK through their work tax.

- *Adequate standard of living and social protection*
  According to the LC Paper No. CB(4)1432/16-17(01), the provision of humanitarian assistance to non-refoulement claimants include food ($1,200 E-token per month), accommodation (rent allowance at $1,500 and $750 for each adult and child respectively; rental deposits (a maximum of $3,000 or an amount equivalent to two months of the rent, whichever is the less); property agent fees ($750 or an amount equivalent to the rent for half a month, whichever is the less), utility allowance ($300 per month), transportation allowance ($200-$420 per month) and other basic necessities (in-kind). The Government's support for non-refoulment claimants is insufficient and inhuman. The financial support lacks objective criteria and is not adjusted on a regular basis according to inflation rates, thus subjecting non-refoulment claimants to fall into the plight of insufficient financial support, seriously undermining their mental health and dignity, and making them susceptible to becoming victims of illegal employment or black market activities.

Commentary on the Proposals to Amend the Immigration Ordinance (Cap. 115)

In July 2018, the administration released the paper on the Proposals to Amend the Immigration Ordinance ("**Brief**")[20], which proposes 23 amendments to the IO. We are gravely concerned with these proposed amendments to the IO and other proposals raised in the Brief, which unreasonably and unfairly prejudice non-refoulement claimants in numerous ways.

In particular, we highlight the following problems with the proposed stipulations which jeopardize the "*high standards of fairness*" demanded of the administration in fulfilling its screening duties in respect of non-refoulement claims:

- Decreasing the statutory timeframe for submission of claim forms from 28 days to 14 days (along with removing the administrative arrangement which ostensibly allowed an additional 21 days for filing claim forms) is likely to unfairly increase the burden on claimants.
- Removing the requirement for interviews and/or hearings to be conducted in the claimant's most proficient language is highly detrimental to claimants. It is a fundamental right and tenet of the principles of natural justice that claimants have the opportunity to know the case to be met and be able to respond to the same.
- Refusing to accept the physical or mental condition(s) of claimants who do not attend a medical examination arranged by Immigration / TCAB or decline to submit their medical reports following such an examination is contrary to case law.
- Eliminating TCAB's ability to take into account "*'any other relevant matters of fact' within its knowledge*" in considering a late appeal would amount to undue interference by Immigration and/or otherwise limit the exercise of discretion by TCAB to take into account the relevant and particular circumstances of the claim in question.
- The current provisions on the withdrawal of claims/appeals are already stringent and should not be further restricted for the sake of expediency. There are many valid reasons that a claimant may have withdrawn a claim or appeal at a given time and

[20] LC Paper No. CB(2)1751/17-18(01): https://www.legco.gov.hk/yr17-18/english/panels/se/papers/se20180710cb2-1751-1-e.pdf

seek to re-open it subsequently. The proposed amendment would lead to risk of immediate detention and removal from Hong Kong.

- The proposal to "*tighten the threshold for making a subsequent claim*" is unfair, unclear and would likely result in erroneous application (especially in situations where a claimant may not have been able to obtain evidence to corroborate his/her claim upon arrival in Hong Kong and/or at the time of filing previous protection claim, but is subsequently able to obtain such documents which may be relevant both to the closed-case and his/her subsequent claim).
- The proposal for deemed automatic withdrawal of a claim in circumstances where a claimant has *"lost contact with"* Immigration presents a high risk of unlawful refoulement and would unfairly expose claimants to extremely harsh consequences for a potentially minor and accidental mistake (e.g. failing to notify the Director of Immigration of a change of mailing address).
- Removing the obligation of Immigration / TCAB to assist claimants in substantiating their claims may result in serious unfairness to claimants and is contrary to the duty of "joint endeavour" in the screening process.[21]
- There is no cogent evidence to justify authorizing immigration officers to possess arms or ammunition.
- The arrangement of repatriation in parallel with a pending appeal increases the risk of harm to claimants and/or their families.

Conclusion

In general, we urge the Government to comprehensively review the unified screening mechanism, particularly taking into consideration the concerns and proposals of the CAT and community groups (such as reviewing the decision-making quality and interpretation needs), reviewing the proceedings for non-refoulement claimants to resort to judicial action in respect of their claims, enhancing the transparency of the USM (such as fully disclosing the relevant statistics) and handling non-refoulement claims in a humane manner; the Government should also consult extensively various parties (including frontline staff of relevant government departments and organizations, professionals and non-refoulement claimants) on the review of the USM, actively study the approaches of other countries to improve the USM, and cooperate with neighbouring regions to formulate measures to prevent the abuse of the mechanism.

Submitted by
Concern Group for the Rights of
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[21] *CH v Director of Immigration* [2011] 3 HKLRD 101; *ST v Betty Kwan* [2014] 4 HKLRD 277.