

Submission for the Public Hearing for USM

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We are very concerned about the proposal to be submitted by the Security Bureau on reforming the USM policy. The USM policy, which is based on the 1992 UN(CAT), is supposed to be a mechanism to streamline the assessment policy. At the same time, streamlining the policy so that it is more efficient. In being efficient, it should not give away the humanitarian element, which is the principle and the spirit of the UN(CAT)

The current review of the USM policy is based on the criminalizing the asylum-seekers in the first place in order to justify the eventual removal and the perpetual ban of these applicants' possible return to Hong Kong. By criminalizing these asylum-seekers as "illegal immigrants", by labelling "non-Chinese illegal immigrants", it attempts to portray these people as not law-abiding, unruly people who could cause damage and wreak havoc to the local community. This is salient from the government rhetoric to the discourse used in this proposal by Security Bureau.

As academics that have been involved in understanding the asylum-seekers and refugees issue in Hong Kong, we have found out from the research results that there are a few trends currently exhibiting in Hong Kong 1) there is a systematic, premeditated hostile approach towards people who are non-ethnic Chinese and hold no citizenship; 2) there could be a possible understanding between certain media and policy-makers to drum up suspicion, mistrust, even fear to the marginalized group 3) the government's failure to listen to research and public opinion but rather to have a formed attitude and response towards the non-refoulement claimants based on their current position in the bureaucracy 4) the increasing disregard towards human rights and the government's obligation to uphold human rights in our city, which is also a source of allowing Hong Kong to be in a special position in the international community.

Our current published paper on framing asylum-seekers and refugees for a tougher policy, published in the Journal of International Migration and Integration, has provided detailed analysis about how the asylum-seekers and refugees have been reported negatively by one single media outlet and in turn, their reports have been used repeatedly by certain legislators as a justification for a tougher policy. What we understand is that media will unanimously report on the same issue should they be 1) prominent 2) imminent, 3) proximal and 4) novel. However, when we look at the front pages of all the newspapers in Hong Kong, only one or two will consistently feature the asylum-seekers and refugees on the front page (Oriental Daily 216; The Sun 94) while other media outlets have never, or very rarely touched upon the topic (SCMP 18, Apple Daily 0; Singapo 1) between 1 June 2015 and 31 July 2016. That suggests how certain policy-makers are systematically using these coverage as leverage for their tougher policy lobbying, an approach that will generate condemnation or even rejection from the international community.

Also, media effects have not been drastically affecting the public opinion. Our recent survey has shown that 69% of the respondents in our representative survey are neutral and positive towards the group. And over 50% of the respondents believe that asylum-seeker children should receive the rights of abode. And top options to resolve the problems of the asylum-seekers and refugees are to arrest snakeheads and members of human trafficking syndicates (62.4%) with the least (23.6) % supporting detention camp as an option. These options have been consistent with our 2016 survey. However, the security bureau was responding during the Subcommittee for the rights of the child in July 2017 that general opinion believe that detention is a viable option. The “disconnectedness” of the government with the public and the premeditated dislike and the anti-refugee policy, anti-humanitarian stand couldn’t be clearer from the response of the Security Bureau.

What, as we academics are concerned is that, policy-making has to be open, transparent and fair. While we try to protect our local populace, we also need to understand that without our position as international city, by showing fairness, sophistication and the understanding of the international standard of the rule of law, including human rights issue, Hong Kong will be facing tough challenges, even set back and will be downgraded to being a second class local city in a lackluster manner. Will this be something that our legislators be willing to risk and respond during their election? That will need to be seen.