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(Attn: Miss Lulu YEUNG)

## **RE: Bills Committee on Immigration (Amendment) Bill 2020**

Hong Kong is a developed, world class city, known globally for its multiculturalism and forward-looking vision. We are borne out of Hong Kong, and like the Government, want the best for its future, and to be inclusive in all parts of our society. For over 20 years our church community has been supporting and caring for those in Hong Kong who are poor, homeless, suffering, and seemingly forgotten by the world around them. While not unique to our city, this is a very real and tragic side to Hong Kong.

A significant part of that vulnerable and marginalized population are the Refugees and Asylum Seekers (AS&R), who have fled their country of origin for many different reasons. The churches of Hong Kong have been serving this community for many years because we have a biblical mandate to help the marginalized, poor, and refugees, and because Jesus himself was a refugee who had to flee persecution. In over 15 years of ministry with Hong Kong's AS&R community, The Vine Church has become very aware of the difficulties AS&R's face in trying to make their claims, provide for themselves and their families, and gain access to resources in Hong Kong.

Most developed nations have laws and policies that not only will recognize the claims of legitimate refugees, but design a system that facilitates advocacy of these people-groups genuinely seeking asylum. Hong Kong, a developed, world class city, in many areas falls short in facilitating the advocacy process to aid legitimate refugees and thus increasing their hardship and suffering. In this regard, it appears the Government's policies are actually designed to deter legitimate refugees from entering the city.

Against this backdrop, and in light of the proposed amendment to the Immigration Bill, we call upon the Government to devise a more realistic, transparent, and 'best practice' approach to arrivals seeking to make non-refoulment claims, so together we can serve the most vulnerable in our society with dignity and hope.

In particular, the proposed amendments to the Immigration Bill are designed to strengthen the Immigration Departments means of preventing abuse and speed up its repatriation efforts. We consider that many of these amendments will seriously hamper the ability of legitimate claimants to make good submissions, and in so doing will infringe on their rights. In general, we concur with the comments and suggestions made by the Refugee Concern Network in its submission and in particular highlight the following:

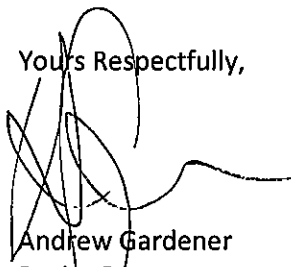
- The proposal to increase the use of detention to improve the efficiency of repatriation based on administrative factors undermines the rights of those concerned to be fairly considered by common law principles.
- The proposed or continued use of firearms within an administrative detention establishment seems to be out of context and will create situations more akin to a criminal penitentiary.
- Protection claimants must be given the maximum opportunity when presenting their claims in a stressful situation to do so to the best of their advantage using a language with which they are most comfortable. This can easily be facilitated by the use of remote translators, as it is so in many other countries.
- Making preliminary arrangements for repatriation of claimants through their home country consulate before proceedings have been finalized is a prejudicial and potentially dangerous practice which cannot be justified solely on the grounds of efficiency.

In addition, we respectfully suggest that after 5 years of operation under the Universal Screening Mechanism (USM), it is appropriate for the government to conduct an independent review of its whole approach to the handling of AS&R's to ensure global best practices are adhered to. While it is recognized that the government has a legitimate right to make appropriate precautions to protect the people of Hong Kong against an unregulated influx of immigrants, it nevertheless has a duty of care for those who arrive from other countries seeking protection from 'refoulement', despite not signing the 1951 Refugee Convention. In this regard, in addition to our comments above on the amendments to the Bill, we invite the government to also consider the following to increase their 'duty of care' on behalf of the AS&R community:

- A full review of the provision of housing and living allowances for AS&R's as the current levels are insufficient to prevent destitution. The provision has not been reviewed since 2014.
- A change in the current policy of forcing all those seeking asylum to become 'illegal immigrants', a label which denies them dignity and recognition.
- A change in the current policy that continues to label those who have made successful claims as 'illegal immigrants' and liable for repatriation should conditions in their home country change for the better.

We believe these simple and 'best practice' approaches to handling AS&R's with dignity, respect and honour will go a long way to continuing to make Hong Kong a world class city both today and into the future.

Yours Respectfully,



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