

27 August 2014

Social Welfare Department8/F, Wu Chung House
213 Queen's Road East
Wanchai**Attention: Deputy Director, Mr. Lam Ka-tai**

Dear Mr. Lam –

Newly arrived refugees left hungry and homeless

Vision First draws your attention to a troubling lacuna in the provision of welfare services to new protection claimants who frequently remain destitute, hungry and homeless for several months despite their protection claims being processed by the relevant authorities and having already applied for emergency welfare with the Social Welfare Department (“SWD”).

According to email correspondence with SWD officers, assistance-in-kind is provided, *“to meet the basic needs of vulnerable non-refoulement claimants on a case-by-case basis to prevent them from becoming destitute during their stay in Hong Kong when their claims are being processed by relevant authorities.”* It is further noted that the High Court judgment in the Usman Butt case stated that *“a genuine torture or refugee claimant deserves sympathy and should not be left in a destitute state during the determination of his status. However, his basic needs such as accommodation, food, clothing and medical care are provided by the Government.”* (HCMA 70 /2010)

Vision First queries the consistent, deleterious and unjustified delay in the provision of welfare services to this most vulnerable group. Presumably it is not the Hong Kong Government’s policy to intentionally postpone the commencement of assistance in-kind that meets the basic needs of new claimants.

Vision First interviewed numerous asylum seekers released on Immigration recognizance, with ongoing USM claims, who reported having waited 2 to 3 months without receiving assistance after registering with the SWD. Many interviewees reported that they had not gone through an intake interview and therefore their vulnerability had not been assessed. This resulted in destitute individuals being abandoned on the streets of Hong Kong by the same authorities mandated to safeguard their wellbeing.

Vision First draws your attention to the fact that, forced to earn money to remedy enforced destitution, some claimants typically plead guilty in court when apprehended and charged with working unlawfully. As of consequence, these refugees typically lose their liberty and, regrettably, also a certain degree of credibility when their claims are eventually determined. It seems that this delay is structural and appears to be formulated to save public funds by denying essential services to vulnerable new claimants, who are subsequently marginalized and socially constructed as *bogus* asylum seekers.

In light of the above, we would be grateful for specific, non-formulaic replies to these questions:

1. Does SWD have a policy to leave new claimants in a state of destitution?
2. Why has such a well-known service failure increased to a level that has become structural, amounting to 2 to 3 months or more?
3. What is the SWD's policy for the provision of immediate assistance in terms of food and guesthouse rooms to vulnerable new claimants living on the streets?
4. Does ISS-HK have a dedicated team to provide emergency services to new claimants?
5. Several email replies from SWD on homeless refugees stated: "*the claimant should have realistic expectation*". What legitimate expectations should destitute, hungry and homeless refugees have?
6. Does SWD consider it acceptable that new claimants should suffer homelessness for weeks and months before assessing their needs and providing welfare assistance?
7. What is considered a reasonable period of homelessness before emergency assistance, including lodging in a shelter or guesthouse, should be provided?
8. Can new claimants bring legal representatives to intake interviews at SWD and ISS-HK?
9. Please confirm that destitute newcomers are permitted to immediately take up employment as a means to secure a home and food pending SWD and ISS-HK exploring available service options.

In our view, there are no excuses for such a systemic failure.

Public shelters for refugees and emergency guesthouse assistance for homeless newcomers are not an expensive endeavour for the Hong Kong Government that already provides full assistance in-kind to allow refugees to pay for security deposits and rent their own flats/rooms.

Sincerely yours,

Cosmo Beatson

Cosmo Beatson
Executive Director

c.c. Security Bureau
Immigration Department
Legislative Council
International and local media