



RESEARCH

Insight Series – March 2014

Paper No.3

'Occupy ISS': Why did it happen and why should we care?

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This article is intended to offer preliminary reflections on recent events underpinning the increasingly vociferous refugee community in Hong Kong.

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As long-time observers and advocates to refugee rights in Hong Kong, we claim that never before have we seen this much determination and unison among people who have fled to the city from South Asia and Africa to seek asylum. Groups of diverse refugees driven to exasperation by conditions of 'controlled poverty'¹ – the Government affords refugees only minimal welfare assistance and no access to legal and work rights – gathered the courage they previously concealed and voiced their frustration. As we write, refugees are seeking redress for the conditions in which they have been forced to live by occupying public spaces before the head office of Hong Kong's Social Welfare Department. A protest camp has been erected in Wanchai to draw attention to what refugees argue is 'corruption' that supports their immiseration. The reason guiding this protest is as obviously manifest as it is complex, and necessitates explanation to those who are unfamiliar with the processes that fashioned it and those who yet appear to be

confounded by the movement's novelty and objectives. Let us start by retracing the main steps that led to this protest, while reflecting on their theoretical justification.

'Occupy ISS', the beginning

On 11 February 2014, a historic event took place for the refugee community in Hong Kong. Dozens of members of the newly formed Refugee Union, an association of refugees that represents nationals of many countries seeking asylum in Hong Kong, entered three offices of the government-contracted service provider, the International Social Service (ISS-HK), and demanded a stop to what they claimed are 'unfair' practices.² The Union alleged that the current welfare system, based on services that are provided 'in-kind' to prevent a 'magnet effect' – the arrival of a greater number of foreigners enticed by seeking asylum in Hong Kong were benefits disbursed in financial form – invites abuse by staff and the grocery stores subcontracted by the government contractor to distribute food supplies.

In particular, refugees lament that their food rations have decreased over time in spite of an increased budget awarded yearly to the ISS-HK to meet refugee needs. Investigating food prices, the *South China Morning Post*

supported claims that refugees are receiving less food value than the amount they could receive were these items obtained at market value.³ The ISS-HK offered an explanation that certain food items, like basmati rice, are not normally available on the market, and hence are more costly. However, the *Post* found that these products could be found in Hong Kong at prices 13 to 30 per cent cheaper on average. Moreover, the Union claimed that undisclosed fees are being detracted from their food rations. And this seems to further lower the quantity of food they effectively collect for the HK\$1060 value refugees are supposed to receive monthly.⁴ Noteworthy is that the ISS-HK strenuously rejected any allegation of wrongdoing and subsequently issued legal proceedings.⁵

When Refugee Union members entered the offices of the ISS-HK in the three locations of Prince Edward, Mong Kok and Tsuen Wan, one author witnessed they were met with initial indifference, soon replaced by irritation and eventually hostility. This was demonstrated by the police force that was rushed in to press refugees to return to their homes. While the ISS-HK acknowledged receipt of the demand letter bearing the Union's request to publish food prices, according to refugee occupiers it handled the discontent among service users

by 'wall-building' – namely, the interposition of bureaucratic barricades between them and the people this organization serves. Refugees explained this strategy seems to be frequently employed whenever staff is confronted with demanding individuals unhappy with services and practices which beneficiaries have argued deprive them of significant support, dignity and a sense of self-worth.

Food provision is in fact only one of many complaints the refugee community has raised over the years. Other issues include the inadequacy of the transport allowance that hinders refugees' ability to meet interview appointments with the Immigration Department and the UNHCR. The inadequacy of this service directly impacts many aspects of asylum seeking in Hong Kong: low asylum recognition rates; the quality, legality and safety of accommodation arrangements; the overall lack of compassion which refugees say drops them 'from the frying pan into the fire'.⁶ As one Refugee Union member indeed explained: 'You can only pour so much water into a bucket before it spills.... People are beginning to lose their mind – they view the ISS-HK and Hong Kong as an enemy rather than a place of safety. The government should be concerned about this'.

Enlisting not-for-profits to impose suffering

We believe there is great need to probe this situation in light of the above opinion expressed by refugees. A question we must ask is why refugees have come to despise and openly challenge the humanitarian organization contracted to provide them with relief services. This is not just a theoretical exercise. It holds significant practical implications, especially in terms of personal and collective security in Hong Kong. On the one hand, current mechanisms of service provision are argued by refugee beneficiaries to be causing them great hardship, and this consequently undermines the rule of law governing housing, transport and food distribution arrangements. On the other, it is obvious that the livelihood of refugees, who are hard pressed between service inadequacy and the lack of legal and work rights, is seriously impaired, thereby affecting refugees who can turn hostile towards their hosts. Current government asylum policies and welfare mechanisms have the potential of endangering refugees as well as Hong Kong citizens.

Researchers have noted that non-government organizations (NGOs) are increasingly enlisted to operate as government tools of social control.⁷ As

argued by Green and Ward⁸, NGOs can generally either resist government legislation and efforts to control vulnerable and undesirable populations, or they intentionally or indirectly provide legitimacy to government actions and policy by implementing practices that produce social control. The work of these organizations can indeed transform people into governable subjects, while their practices and strategies have the capacity to translate state power, effectively enabling state actors to govern 'at a distance'⁹ with little concern for legal redress.

In this regard, public money affects the performance of NGOs. These can be contracted in their work by government tenders that require them to fulfil specific tasks and provide specific services. For example, funding can shift the role, attitudes and strategies of public interest law organizations, while also affecting their capacity to commit to social change, or simply adhere to their mandate.¹⁰ NGOs whose mandate is to provide relief and humanitarian assistance to populations that they identify to be in vulnerable situations may alter their service to either match the conditions imposed in their service agreement or unintentionally emphasize service programs which increase government surveillance capacity.

We live in a new phase of capitalism, where new models of capital accumulation and the rescaling of the global economy have impacted governments now relying on outsourcing as the new paradigmatic form of governance. While this is generally true for public services that are contracted or sold to cheaper private organizations, government functions in the realm of population and migration management have also been subcontracted to business and not-for-profit organizations. To illustrate, the detention and housing of unauthorized migrants in the United Kingdom is managed by private service providers like SERCO – which recently came under fire for providing substandard accommodation to refugees.¹¹ NGOs have similarly become tools to effect asylum welfare policies, the rationale of which is often based in the homogenization of refugee needs, to be relieved only in minimal part to prevent the possible arrival of more needy refugees.

While the effectiveness of deterrent measures is often a matter of debate, these policies result in the punishment of foreign populations who are forced to live in precarious conditions. Webber and colleagues have argued that these people are 'starved' to live in 'controlled poverty'.¹² While they are denied the right to work, refugees are provided with minimal

assistance in the form that is insufficient to make ends meet. Faced by dire circumstances which jeopardize their and their family's survival, many refugees consequently engage in criminal activities, to earn an income and supplement the meagre support to which they are entitled. This survival strategy is familiar to us as 'strain theory'¹³, which means that refugee deviancy is amplified while they are made more visible to the authorities and subject to arrest. The public perception that refugees commit crimes is consequently strengthened, and it legitimizes official claims that were adequate benefits introduced to service refugees, more 'abusers' would eventually enter the country to demand such benefits. Society would then be endangered by the arrival of hordes of criminals.

The agency of refugees is in fact manipulated by government policy, the latter disguised as humanitarian assistance which NGOs are willing to administer to give effect to their mandate and ensure their organization secures a stable source of income. In Hong Kong, circumstantial evidence suggests that the ISS-HK has grown in size and power in recent years; power that this organization exercises over a population of vulnerable foreigners rendered illegal by government policy that

is aimed at preventing their integration in society.¹⁴

'Occupy ISS': what did it achieve and why is it important?

Faced with ISS-HK staff unwilling to concede to their demands, Refugee Union members began the 'Occupy ISS' movement. Inspired by similar occupation movements that in recent years have taken place worldwide to combat inequality forced by globalization and perpetrated by governments supporting neoliberal economic principles, Union members staged a week-long protest, occupying the offices of their service provider in order to ensure their demands were given due consideration. The Union had previously decided that refugees would occupy these offices should the ISS-HK refuse to discuss the issues at hand. The strategy would be implemented as a last resort, intended to open a dialogue while, importantly, demonstrating that refugees would no longer accept to be considered passive and voiceless receivers of government aid. The occupation ended with a court injunction that forced refugees to vacate the premises before receiving any meaningful reply. The 'Occupy ISS' movement, however, produced several and to our understanding significant results. Here, we introduce only a few, with the aim

of generating an informed debate at a time when definitive conclusions remain to be evaluated.

First, as noted earlier, refugees united to press for change in times of increased difficulty and to voice their dissatisfaction at how they are being treated. The novelty of this development is testified by the birth of a union for only refugees. Never before had refugees demonstrated such a level of independent organization. While doubts remain as to how many refugees will bravely continue to challenge government power in the face of official and NGO pressure to apparently preserve the status quo, it is clear that refugees have come to exert a degree of agency that has marked a transition to new objectives, namely the vindication of the rights and dignity for too long violated by the politics of welfare and the service rules that regulate it.¹⁵

Second, refugees shed light on the policies and agents that force poverty upon their marginalized group. While the legal implications of such a development will necessarily have to be judicially reviewed, the ethical inferences cannot be overlooked. On this point, we want to focus on the outsourcing of government functions, which is as obvious as the need to carefully evaluate the role that a contractor come to

play for local refugees, both in terms of the government placing refugees in a state of complete reliance on the services of NGOs, and NGO staff becoming the sole gatekeepers to welfare assistance. In particular, the occupation was an opportunity for refugees to highlight how they feel they are often humiliated in their dealing with case workers. Without negating the professionalism of ISS-HK staff, it appears nonetheless that their work determines the fate of refugees who until now lacked the remedial measures to (re)balance their relationship with a monopolistic service provider.

This brings forward a third point worth examining. The government outsourcing of welfare services must be investigated for its impact on NGO staff and/or others, whose power over service users might be posing serious challenges for the contractor's adherence to its mandate and its legal liability. Some refugees asked whether the ISS-HK was responsible for the delivery of inadequate services to refugees by design, or rather was the ISS-HK underestimating the power it places in the hands of others deciding upon the life of vulnerable refugees in their care. To us, it appears that no matter the answer, NGOs' responsibility are striking when they implement practices that increase the vulnerability and hence the

deviancy of asylum seekers. The rule of law is undermined because this support, most likely involuntarily, enforces hardship over refugees who are then forced to work illegally to put a roof over their head, frequently one in a slum. Further, analyzing refugees' reports, administrative discipline related to new forms of welfare administration seem to harden contractors' relations with their beneficiaries¹⁶, such as refugees' demands appear to be intractably refuted, and public force is instead used to constrain them within the marginalized space of their socio-legal exclusion.

From this point of view, it seems that the ISS-HK, as per their explanation, helps non-Chinese ethnic new arrivals in their "Migrants Program (Asylum Seekers, Torture Claimants, Ethnic Minorities & Refugees)", to "adjust to the living and working conditions in Hong Kong".¹⁷ However, as refugees are not allowed to work, one cannot but speculate to what end is help provided, and indeed whether this might end up to compel refugees to adjust to working (illegally), while their involvement in the informal economy amplifies their deviancy and provides an economic benefit to employers.¹⁸ In our view, NGO contractors' choice to either voluntary or involuntary adhering to government policies aimed at

controlling refugees through welfare is ethically objectionable.

Conclusion

Whether any alleged legal responsibilities will be ascertained, and the extent of the government implication, if any, will be revealed – in another turn of events, the Refugee Union has been reported as lodging a complaint with ICAC upon their eviction from ISS-HK offices – one conclusion is thus far definitive. We believe 'Occupy ISS' has disrupted the ordinary stereotype of refugees as passive recipients of humanitarian aid. If refugees are generally accused of seeking asylum in order to obtain undeserved benefits, the Occupy movement inevitably challenged this claim by drawing public attention to the reasons explaining their immiseration and to those who benefit from it. By so doing, many refugees have come to understand that no effective change is obtainable were they to remain passive to their suffering, despite the risks involved in speaking out against what they view as 'powerful forces'. The Government's and its contractor's policies and practices are turning refugees into seasoned activists, who have now moved the protest to the Social Welfare Department while joining forces with local political movements that strengthen their

voice. And this might be an unintended consequence of an otherwise entirely foreseeable intent to precarize refugee livelihoods. [V]

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⁴ 'Refugee Union demands display of ISS food prices', 11 February 2014:

<http://www.visionfirstnow.org/4937/refugee-union-demands-display-of-iss-food-prices/>.

⁵ *The Standard*, 'Aid group defamation row over food claims', 15 April:

http://www.thestandard.com.hk/news_detail.asp?we_cat=4&art_id=144557&sid=42055824&con_ty=pe=1&d_str=20140415&fc=1.

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¹⁵ Vecchio, F and Gerard, A. (forthcoming 2014) 'Surviving the politics of illegality', in Pickering, S. and Ham, J., *The Routledge Handbook on Crime and International Migration*.

¹⁶ Considine, M. and O'Sullivan, S. (2014) 'Introduction: markets and the new welfare', *Social Policy & Administration*, 48(2): 119-26.

¹⁷ http://www.isshk.org/e/default_home.asp.

¹⁸ *Ibid.* Vecchio.