

13 October 2013

BY EMAIL, FAX AND MAIL

Office of the Chief Executive of HKSAR
Tamar
Hong Kong

Attention: Chief Executive C.Y. Leung

Honorable Sir –

Re: Against the segregation and oppression of refugees

On 19 September 2013, the [Security Bureau set out its response to the LegCo Public Complaints Office](#) on issues relating to the welfare of asylum seekers and refugees in Hong Kong. Among others, the Security Bureau made certain statements to which we briefly respond below:

SB stated, “Claimants are illegal immigrants or those illegally overstaying or refused permission to land in Hong Kong”

VF response: Refugees are not illegal immigrants. Refugees have an absolute right to enter through legal or illegal channels. Pending the outcome of their claim they have an absolute right not to be removed. Refugees’ claims must be presumed capable of meeting the criteria to amount to a successful claim until all legal remedies have been exhausted. They are not to be treated as illegal immigrants until after their claims are decided and after a successful prosecution in court.

SB stated, “To protect the local work force, there is a strong need to maintain stringent immigration control with regard to entering or staying in Hong Kong for employment”

VF response: Entry into Hong Kong, through whatever means, to seek asylum has nothing to do with employment. The SB policy is discriminatory as it is presumptive those who enter illegally or overstay must be seeking employment. Refugees must not be punished with three years’ incarceration for merely attempting to survive in a welfare environment designed not to meet their most basic needs.

This is a policy premised on discrimination against a clearly defined ethnic minority grouping based on race and ethnicity and country of origin as well as asylum seeker status.

SB stated, “Director of Immigration may consider as a matter of discretion whether to grant permissions for taking up employment.”

VF response: The Director of Immigration track record has been denying accepted refugees and torture claimants permission to work. That approach indicates a bias or simply discrimination against the refugee population. Only two cases are known to us as statistics are unavailable. In April 2013 a successful torture claimant was granted the right to work – after five years. In September 2013 a recognized UNHCR refugee was granted the right to work – after eight years. Discretion is slow!

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SB stated, “Claimants pending assessment may not be able to meet their basic needs during their presence in Hong Kong”

VF response: Due to local circumstances which are entirely beyond their control, refugees are destitute ab ignition in Hong Kong. They are prohibited from working and thus rely entirely on Government assistance for their financial and material needs. There is no excuse for the Government not to meet the basic needs of claimants (Usman Butt Judgment). Under constitutional instruments, the Government has an absolute duty to meet such needs in full and without delay.

SB stated, “the Administration ... has been offering in-kind assistance to those with genuine needs.”

VF response: The evidence is unequivocal that the Government exercises its discretion not to meet refugees’ financial and material needs. All refugees have genuine needs, including rental deposits, rental amounts, utility bills, transportation fees, food, medicine, clothing, toiletry, phones and children education. By design and intent, the current welfare assistance only meets part of these needs. This unreasonable policy forces refugees to beg to survive and engage in illegal work.

This is a policy premised on discrimination against a clearly defined ethnic minority grouping based on race and ethnicity and country of origin as well as asylum seeker status.

SB stated, “SWD has commission ISS-HK ... providing claimants in need with temporary accommodation, food, clothing, other basic necessities, appropriate transport allowance ...”

VF response: Hong Kong law requires the Government to provide adequately for refugees’ basic humanitarian needs to prevent destitution, suffering and despair. This is not happening. It is misleading to state that refugees’ needs are met by ISS-HK. This statement is inaccurate and in certain respects false. For example, housing is not temporary; food is poor and insufficient; clothing is unavailable; diapers and shoes are missing; gas is scarce and transportation refunds are arbitrary.

This is a policy premised on discrimination against a clearly defined ethnic minority grouping based on race and ethnicity and country of origin as well as asylum seeker status.

SB stated, “In 2013-14, total expenditure of the above support amounts to \$203 million.”

VF response: Nobody forced the Government to offer asylum to protection claimants. Prior to 1992 a decision was made to protect victims of torture and refugees who seek sanctuary in Hong Kong. A developed state is expected to meet its international obligations despite the cost incurred and not fail in its constitutional duties because it bulks at the cost. As one of the riches cities in the world, it is hoped that Hong Kong shall meet its asylum obligations with graciousness and compassion.

Finally, we draw attention to ISS-HK systematic mechanism to bring refugees into ghettos and isolate them there along ethnic, racial and immigration lines. ISS-HK provides case-workers with lists of slum landlords to proactively lead refugees to distant, isolated ghettos where they are callously exploited.

Vision First accuses ISS-HK of conduct that reaches the threshold of Apartheid with the aim to segregate an undesirable social minority beyond public view. In this respect, we are concerned about the knowledge and participation of the Government in the unlawful ghettofication of refugees.

These are not isolate occurrences, as ISS-HK led the LegCo Panel on Welfare (22 Jul 2013) to believe discussing the slums in Ping Che. This arrangement is not exclusive to one ethnicity as was suggested at the above meeting. For a broader picture of refugee ghettos across the New Territories, see:

Sheung Shui	http://vfnw.org/uploads/The-slum-in-the-woods.pdf
Ng Ka Tsuen	http://vfnw.org/uploads/The-slum-in-Ng-Ka-Tsuen.pdf
Nai Wai	http://vfnw.org/uploads/The-slum-in-the-factory.pdf
Pat Heung	http://vfnw.org/uploads/The-slum-that-rose-like-a-Phoenix.pdf
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Chung Uk Tsuen	http://vfnw.org/uploads/The-slum-along-the-path.pdf
Lam Tei	http://visionfirstnow.org/uploads/The-slum-in-the-dungeon.pdf
Pak Sha Tsuen	http://vfnw.org/uploads/The-slum-in-the-recycling-plant.pdf
Long Ping Tsuen	http://vfnw.org/uploads/The-slum-in-the-containers.pdf

For additional information, please see the attachment, [Refugee Ghettos in the New Territories](#).

Vision First believes the ghettofication of refugees is an affront to Hong Kong citizens who have put their trust in the Government to do what is right and dignified in asylum policies.

Let us not forsake our humanity.

Sincerely yours,

Cosmo Beatson

Cosmo Beatson
Executive Director

cc.	Local and International press	Hong Kong Bar Association
	Legislative Council Secretariat	The Law Society of Hong Kong
	Security Bureau	International Social Service, Geneva
	Social Welfare Department	International Social Service, Hong Kong
	Lands Department	UN Secretary General, Ban Ki-moon
	Building Department	UNHCR Hong Kong
	Audit Commission	UNHCR Geneva, Antonio Guterres
	Office of the Ombudsman	UN OHCHR, Navanethem Pillay