

Hong Kong Changing the Way It Handles Refugees

Snowden Affair Puts the Spotlight on the City's Past Reluctance to Grant a Haven to Asylum Seekers

By TE-PING CHEN



Thousands of people have come to Hong Kong fleeing persecution, war and hardship in their home countries. But the city doesn't let refugees work, forcing many into poverty. Asylum-seekers talk about how surviving in the city can mean risking jail time.

Hong Kong has long been known as a haven for Asians fleeing war and famine, but recently, the former British colony has been criticized for its stringent treatment of asylum seekers.

The city's asylum policy came under the spotlight with the arrival of the fugitive Edward Snowden, who left Hong Kong last month for Russia after he was sought and charged by the U.S. for releasing classified information from the National Security Agency.

Now, under pressure from the city's top court, Hong Kong, which reverted back to Chinese rule in 1997, is changing the way it handles its asylum seekers.



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A refugee from Bangladesh stands at the doorstep of his room at a compound where asylum-seekers in the Ping Che rural area of Hong Kong near the border with mainland China.

The city government in the past had refused to handle many asylum requests, effectively outsourcing them to the local office of the United Nations High Commissioner for Refugees, which helps relocate the refugees it recognizes outside Hong Kong.

The city's reluctance to process asylum seekers on its own has been unique among developed jurisdictions, says Philip Karani, who heads Hong Kong's UNHCR office.

This month, though, Hong Kong said it would begin handling all asylum requests on its own by the end of the year, following the March court ruling.



The government now has set aside 450 million Hong Kong dollars (US\$58 million) for the 2013-14 budget year to help create the unified system of processing. That money will also go to support funding for legal assistance and welfare assistance for refugees. Full details about the programs aren't yet available. There are no current plans for quotas.

The shift is unrelated to Mr. Snowden's appearance.

Mr. Snowden chose to leave Hong Kong because he feared he would be imprisoned while his extradition and potential asylum cases dragged out. He has been stuck in the transit zone of Moscow's airport evidently without travel documents, although he has been offered asylum by Bolivia, Nicaragua and Venezuela.

Hong Kong's switch on refugees is drawing praise because it should shorten the yearslong waiting process for refugees and allow them to appeal rejections in court. But it has also drawn attention to the city's tough stance on refugees.

Forced by a prior court order, Hong Kong in 2004 agreed to start processing cases in one category of asylum requests: those where the asylum seekers claimed torture. Critics, though, say its track record on such cases has

been poor. Indeed, since 2009, the city has approved only nine out of 3,504 processed cases, according to official data, an approval rate of just 0.3%.

The UNHCR in Hong Kong, which screens people fleeing from persecution and war, has an approval rate in Hong Kong of closer to 10%.

The two numbers aren't directly comparable because it is harder to prove a torture claim, which requires evidence the person might be tortured upon return.

Hong Kong's government says its screening mechanism is fair. "The only reason that a torture claim is rejected is that there is no substantial ground to justify that the claimant will be in a danger of being subjected to torture," a spokesman said. Even taking that difference into account, human-rights experts say Hong Kong's approval rate is extremely low.

Critics say Hong Kong's low approval rate is ironic, given the city's long history of embracing refugees, which after World War II made up as much as a third of its population.

After the Vietnam War, Hong Kong sheltered hundreds of thousands of Vietnamese refugees, allowing many to work and some to settle, despite protests claiming the Vietnamese were a burden on the city. "I think the population is a bit scarred from the Vietnamese experience, because it created a lot of social chaos," says Patricia Ho, a lawyer at the firm of Daly & Associates.

Even if it does improve its record and approves more asylum requests, Hong Kong may still face criticism for how it treats both asylum seekers and recognized refugees.

Many developed countries allow refugees to hold jobs. Hong Kong technically allows refugees to work. But in practice, it has approved just one application in recent years, lawyers say, forcing thousands of people to live in poverty. Refugees without permission to work risk prison if caught taking a job.

Advocates for refugees note that Hong Kong is more welcoming to refugees than some other places in Asia. Singapore has said it can't take in any asylum seekers, given its small size and limited resources.

Still, lawyers say other developed Asian nations have better-developed systems to support refugees, including South Korea, which lets refugees work. "Hong Kong can and should do more," said Cosmo Beatson, co-founder of Vision First, a nonprofit working with refugees.

Gada Djabo, 57, arrived in Hong Kong in 2011, on a business trip. Days later, conflict broke out in his home country, the Ivory Coast, over a disputed presidential election, and he still is in Hong Kong.

When he was back home, Mr. Djabo says, he worked 17 years for the French bank Société Générale. He says he lived in an eight-room house with a swimming pool, had three drivers and five cars, including his own personal blue Mercedes. Now he struggles to pay subway fares, living in a room slightly bigger than his bed. Every 10 days, he gets a government-donated chicken and consumes it sparingly, reheating it in a rice cooker to make it last.

More than anything, refugees like Mr. Djabo, whose asylum application was approved a year ago and is awaiting resettlement, say they want to work.

While Hong Kong provides periodic groceries to refugees and a HK\$1,200 rent subsidy, the recipients say it isn't enough to survive in Hong Kong, which has some of the world's most expensive real estate. And the city's unemployment rate is a low 3.4%.

"Keeping people idle is not in the interest of any society," says University of Hong Kong law professor Kelley Loper. "It can create a lot of social unrest and people get desperate. I think other countries have clearly recognized that."