



**Removal Assessment and Litigation  
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覆函請註明本處檔號 In reply please quote this ref.  
L/M(2) in ImmD RALOS/1-55/3/C

**Immigration Department  
The Government of the Hong Kong  
Special Administrative Region**

Your ref.: -

Your fax: 3422 3019

7 January 2015

Ms Victoria Wisniewski Otero  
Justice Centre Hong Kong  
18<sup>th</sup> Floor, 202 Centre  
202 – 204 Des Voeus Road West  
Sai Ying Pun

Dear Madam,

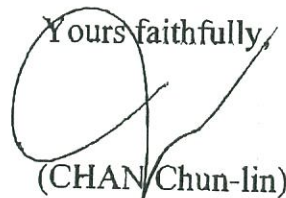
**Application for Access to Information**

Thank you for your enquiry dated 3 December 2014 seeking access to information relating to statistics on the Unified Screening Mechanism.

Further to our interim replies of 11 and 23 December 2014, I attached the relevant information you requested at Appendix.

If we can be of any assistance in the provision of other information in the future, please do not hesitate to contact us.

Yours faithfully,



(CHAN Chun-lin)  
for Director of Immigration



## **Re: Request for Information on the Unified Screening Mechanism**

### ***Information on USM Claimants:***

1. **Information on the number of "written significations" to file a USM claim that have been received since 1 August 2014, including the number that have been considered to be made, and the number that have not considered to be made, the number of USM claims that are pending to commence process, the number of USM claims that have commenced the process, the number of USM claims that have been abandoned/withdrawn and the number of USM claims that have been determined. We insist that the government provide statistics accounting for ALL nationalities and that it not lump less frequent nationalities into an "others" category.**

The ImmD does not maintain readily available information on the number of "written significations" to file a USM claim that have been received since 1 August 2014.

2. **Of the open USM claims up to the present date, (a) the residents of claimants by region:**

As at 30 November 2014, there are 9 580 outstanding non-refoulement claims under processing. According to the addresses provided by the claimants, their location of accommodation in Hong Kong by region is as follows:

Region	Percentage
Hong Kong Island	6%
Kowloon	54%
New Territories	27%
Outlying Islands	1%
Others <sup>1</sup>	12%

- (b) **Of open USM claims, the demographic profile of the claimants, disaggregated by nationality, sex and age.**

Up to 30 November 2014, there were 9 580 outstanding non-refoulement claims in total. The breakdown on the nationality, sex and age of the claimants are as follows:

Country of Origin	Percentage
Pakistan	23%
India	18%
Bangladesh	13%
Indonesia	12%
Vietnam	10%
The Philippines	5%
Nepal	4%

<sup>1</sup> For example, claimants who are currently imprisoned held in custody.



Sri Lanka	4%
Nigeria	2%
Others	9%

Sex	Percentage
Male	76%
Female	24%

Age	Percentage
Under 18	5%
18 to 30	38%
31 to 40	40%
Above 40	17%

**3&4. Of the claims that have been determined under the USM, the number of substantiated claims, refused claims, appeals and otherwise closed claims by country of origin.**

Since the commencement of the USM till 30 November 2014, the ImmD has decided on 636 cases, while none of them was determined as substantiated. The breakdown by country of origin on the cases received and resolved under the USM is tabulated below:-

Country of Origin	From 3 March 2014 to 30 November 2014	
	Claims have been withdrawn / taken NFA	Claims that have been determined
India	202	194
Pakistan	183	182
Indonesia	110	5
Bangladesh	74	104
Vietnam	35	8
The Philippines	43	29
Nepal	33	60
Sri Lanka	19	16
Nigeria	20	21
Gambia	1	1
Others	80	16
<b>Total</b>	<b>800</b>	<b>636</b>

The number of appeals/petitions lodged under the Unified Screening Mechanism (since 3 March 2014) as at end November 2014 is 507. The ImmD does not maintain readily available information on the breakdown of appeal cases by country of origin.

5. Information on substantiated claims since August 1, 2014 up until the present day (if there are any substantiated claims), under the USM (including whether on torture, CIDTP, or persecution grounds) and whether or not recognition was granted at first instance or on appeal.

There is no claim determined as substantiated under the USM since August 1, 2014 up to end of November 2014. During the same period, the refusal decisions on 2 torture claim cases relating to Sri Lankan were reversed by the Torture Claims Appeal Board / Non-refoulement Claims Petition Office

*Prioritisation of claims for screening:*

6. There is a significant backlog of claims due to the transition to the USM system. As of November 2014, there were an estimated 9,500 total USM claims. Can the Hong Kong Government please provide:

- a) Information on how it has been prioritising claims since the commencement of the USM on 3 March 2014 (whether by nationality, vulnerability, date of arrival to Hong Kong or date of first seeking protection, or other grounds)?
  - b) Since commencement on 3 March 2014, how many claimants have requested that their case be fast-tracked and where are they in the process
  - c) Of these, what are the most common self-stated reasons for persons seeking to have their claim fast-tracked?
  - d) How many claimants have been identified or self-identified themselves as having "Special Needs" as according to the "Note to Immigration Officers" and "Non-refoulement claim form" and what are the main reasons?
- a) Subject to the operational needs, priority will generally be given according to claimants' arrival dates, save and except for those of following nature e.g. (i) cases of claimants who are under detention of the Immigration Ordinance Cap.115; (ii) cases of claimants who are involved in criminal proceedings or who may constitute a threat to the general public; (iii) cases of claimants requiring special needs (e.g. minors or persons who have been subjected to violence abuse); (iv) cases of claimants requesting priority handling; (v) claims that have been lodged earlier on; and (vii) any other cases with justifiable circumstances.
  - b) The ImmD does not maintain readily available information for this question.
  - c) The ImmD does not maintain readily available information for this question.
  - d) The ImmD does not maintain readily available information for this question.



**7. Can the Immigration Department please provide information on the average time duration to go through the following stages of the screening process:**

Under the USM, the ImmD is required to take into account, in addition to torture under the Ordinance, other applicable grounds including CIDTP and persecution risks in screening each non-refoulement under procedures that meet the high standards of fairness required by the law. Generally speaking, as the ImmD will screen all applicable grounds in one go, the screening and removal process should become more effective by preventing claimants from lodging sequential claims on different grounds to protract their presence in Hong Kong.

In the past, most torture claims (nearly 70%) could be determined within five months of commencing the statutory screening procedures, including submission of claim form and supporting documents by claimants, arranging and conducting screening interviews, and then determination by the ImmD's case officers. Under certain circumstances, the processing time would be longer (e.g. claimant does not contact his assigned duty lawyer, fails to attend scheduled interviews without reasonable excuse, seeks extensions to produce further supporting documents and evidence but submits no such information subsequently, etc.).

***Psychological training and support in the USM claim process:***

**8. Can the Immigration Department please provide information on whether it provides regular training to immigration officers and adjudicators specifically on how to deal with claimants who have suffered severe trauma and have other vulnerabilities? If so, can the office please provide:**

- a) % and total number of immigration officers/adjudicators who have received such training**
- b) Nature of the training (content, number of hours, experts who instruct)**
- c) Frequency of the training.**

ImmD provides regular training to immigration officers on how to deal with different claimants. There were 4 training courses held in 2014 covering topics on the handling of survivors of violence and claimants with special needs. The courses were delivered by trainers of Immigration Department as well as representatives of professional bodies and other government departments. ImmD does not maintain readily available information for other parts of this Question.

**9. Has an immigration officer or adjudicator requested an expert report from a psychologist for the purposes of adjudicating any claims at first instance and / or appeal?**

The ImmD does not maintain readily available information for Question 9.

**10. Please provide information on the total no of first instance and appeal cases where the protection claimant adduced a psychologist's report in support of their claims.**

The ImmD does not maintain readily available information for Question 10.

*Detention and procedures for people with unsuccessful USM claims:*

11. Can the Immigration Department please provide information on the number of people whose claim is being processed while they are in detention?

As at 30 November 2014, the number of people whose claim is being processed while they are in detention under section 37ZK of the Immigration Ordinance is 65.

12. For those who are detained, can the Hong Kong Government provide information on the average duration of detention from point of arrival to receiving a decision on the USM claim?

The ImmD does not maintain readily available information for this Question.

13. Of the persons whose USM claim had been rejected since 3 March 2014, how many have since been detained?

The ImmD does not maintain readily available information for this Question.



**Information on permission to work for mandated refugees, torture and USM claimants:**

**14. The applications for permission to work, the number of applications granted permission to work and the number of applications denied permission to work. Please account for all applications for permission to work.**

**(a) Number of applications for permission to work from substantiated torture claimants and mandated refugees:-**

Total no. of applications for permission to work up to 30 November 2014	(1) Country of Origin	(2) Status	(3) Day, month and year when permission to work was filed	(4) Day, month and year when decision on permission was given by Director of Immigration	(5) Decision from Director of Immigration	(6) For those whose permission has been rejected, reasons for rejection of permission to work	(7) For those granted permission to work, the sector or occupation of work	(8) Number of years in Hong Kong at time application was filed
35	Afghanistan, Burundi, Congo (Democratic Republic of Congo), Congo (Republic of Congo), Egypt, Guinea, Cote d'Ivoire, Jordan, Liberia, Nepal, Pakistan, Somalia, Sri Lanka, Yemen*	Mandated refugee, substantiated torture claimant*	No readily available data	No readily available data	Permission granted (8)^; Permission not granted (3)#	No readily available information	No readily available information	No readily available data

\*Breakdown on individual country of origin & status not readily available.

^ Applications include (i) 3 of Burundi & 5 of Sri Lanka and (ii) 6 of mandated refugee & 2 of substantiated torture claimant.

# Applications include (i) 1 of Cote d'Ivoire & 2 of Sri Lanka and (ii) 3 of mandated refugee.