

Terms of Reference

Volunteer secondee lawyer

Who we are

Justice Centre Hong Kong advocates with forced migrants, bringing their voices into the public debate. It campaigns for legislative and policy change, conducts research and works with the media and civil society to fight root causes and change systems and minds. The NGO offers free and independent legal information and specialised legal and psychosocial assistance to people seeking protection in Hong Kong.

Context

Since 2014, the Unified Screening Mechanism (USM) is Hong Kong's new system for determining protection needs. People applying for protection under the USM are assessed for risk of persecution (refugee), torture, and CIDTP (cruel, inhuman or degrading treatment/punishment). While the UN Convention against Torture (CAT) has been extended to Hong Kong, the 1951 Refugee Convention (or 1967 Protocol) has not. Persecution risk is assessed under the USM as a matter of immigration policy.

Prior to March 2014, there were two systems in Hong Kong for determining protection needs. The Immigration Department operated a Torture Claims Screening Mechanism to assess risk of torture (and from 2012, risk of CIDTP), while the United Nations High Commissioner for Refugees simultaneously conducted Refugee Status Determination to assess risk of persecution.

The Immigration Department is applying unfairly high legal standards when assessing protection claims. The result is that few people in need of protection receive it. From late 2009 through 30 June 2016, the Immigration Department determined 9,214 protection claims, finding only 55 to be at risk of persecution, torture, or CIDTP. This is a recognition rate of 0.6%. For comparison, the 2015 global combined (UNHCR and state) refugee recognition rate was 37%. As of 30 June 2016, 11,196 protection claims are pending.

Purpose of position

The secondment opportunity offers a challenging, rewarding and career-enhancing experience for a lawyer looking to develop more well-rounded skills and make a contribution to the lives of vulnerable clients. The

secondee will work with our Protection Claimant Services team to challenge the Immigration Department's poor decision-making before the Torture Claims Appeal Board (TCAB) and the Hong Kong High Court.

Duration

This is a 3, 6 or 12-month full-time position.

Reporting relationships

The secondee will report to the Protection Claimant Services Manager (PCSM).

Responsibilities

- Legal research for policy development: review case files to identify victims of trafficking.
- Casework: assist with preparing protection claims on refugee and torture grounds.
- Training: deliver training to both the legal community and non-legal community.

Qualifications

- Two years post-qualification experience.
- No prior experience of working with refugees or other forced migrants is required as the secondee will receive training in substantive law. However, knowledge of taking testimony/witness statements, instructing experts and legal research are essential. As Justice Centre also assists in drafting grounds of appeal to the Torture Claims Appeal Board, experience in identifying errors of law and drafting grounds of appeal is an advantage.

The position is unpaid; however, Justice Centre can act as a sponsoring organisation for fellowships, e.g. the Helton Fellowship (<https://www.asil.org/resources/helton-fellowship-program>). For other fellowship opportunities, please check Public Service Jobs Directory (<https://www.psjd.org/>).

Please e-mail your statement of interest and CV to jobs@justicecentre.org.hk with the subject line "Secondee Lawyer". Applications are accepted on a rolling basis.