

# WORK BAN ON REFUGEES COULD THREATEN SOCIETY

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Human rights groups highlight need to change city's rules before landmark case goes to court, saying unhappy people can be 'a danger'

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Denying refugees and asylum seekers the right to work reduces them to "animal-like status" that risks creating serious social problems, human rights activists say.

Fugitives who have fled their home countries wind up in Hong Kong largely by force of circumstance, not by design, and keeping them unemployed is bad for them and society.

While the government fears that making it easier for such people to work would open the floodgates to more, rights lawyer Mark Daly said the system was turning otherwise intelligent and productive people into beggars.

"The worst case scenario is that they start to get mental problems because of the desperate situation and become a worse danger to society," he said.

The comments come ahead of a landmark case in the Court of Final Appeal in January in which three designated refugees – including a qualified lawyer – and a successful torture claimant are seeking the right to work.

Asylum seekers awaiting the outcome of their claim with the Office of the United Nations High Commissioner for Refugees (UNHCR), recognised refugees awaiting resettlement to another country and torture claimants are banned from doing paid or unpaid work.

Julee Allen, manager of Christian Action's humanitarian services department, said the inability to occupy their time meaningfully and productively damaged refugees' mental health and contributed to feelings of social isolation, depression and hopelessness.

"People feel they have been reduced to animal-like status," she said. "All they can do here is sleep and eat and nothing more."

Mr A, a lawyer who fled political persecution in Africa and is

one of the litigants in the Court of Final Appeal hearing, said he felt worthless. "My feeling is that I am a useless person without any dignity at all. I am just somebody who comes by the name only, nothing else."

The Immigration Department, says there were 3,800 torture claims since the commencement of a new screening mechanism in December 2009, and only 10 were substantiated.

The UNHCR said 3,022 asylum seekers had lodged claims from 2009 to August 2013. As of August, there were 100 recognised refugees in Hong Kong, and 73 were of working age.

Extraordinary temporary permission to work may be issued at the discretion of the Director of Immigration on a discretionary



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MR A, ASYLUM SEEKER

basis, but it is rarely granted. So far, only Mr A and a substantiated torture claimant have received such permission.

The department said giving asylum seekers temporary permission to work might create "a magnet effect" attracting many illegal immigrants to Hong Kong.

"This could have serious implications on the local labour market and on our immigration control regime," it said.

Some critics have also argued that permission to work would open the floodgates to more fugitives, creating unforeseeable social problems.

But another human rights lawyer, Patricia Ho, said the gov-

ernment had created a huge social problem of its own making. "In a workable and efficient system, the people who get to work are the people who are accepted," she said. "They can't be considered as scum and as extra people that society can have or not have."

Legally, Daly said the ban infringed various human rights provisions, including the right to privacy, the right not to be subjected to cruel, inhuman or degrading treatment, and the right to work. He said protection claimants were also entitled to rights under the Basic Law, in particular the right to freedom of choice of occupation.

He rejected suggestions that refugees were like economic migrants who came to Hong Kong for its good quality of life.

"It is unrealistic to say that somebody is going to intentionally come here, put himself through a torture screening process, and live in limbo for even a few years simply for the chance to eventually find a job," he said.

Allen added: "If you talk to any recognised refugee, or person who has a protection need... they never thought of Hong Kong before that moment happened that pushed them out of their home country."

Questions have been raised over the impact of the court ruling, given the small number of recognised refugees and substantiated torture claimants.

"If we win, I believe the effect on respect for human rights and respect for human dignity will be huge, and transformation that it can bring to certain individuals will be huge," Ho said.

In Britain, asylum seekers can apply for permission to work if they have waited for more than 12 months for an initial decision on their asylum claim, while the Malaysian government said refugees would be trained to seek employment during the time they are awaiting resettlement.