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TOWARDS A REFUGEE POLICY FOR AN INCLUSIVE HONG KONG:
ENHANCING THE STATUS OF CHINA’S INTERNATIONAL CITY

香港邁向共融社會所需之難民政策: 鞏固此中國城市之國際都會地位

Project 2014.A5.010.15B

FINAL REPORT

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ABSTRACT

This Report accepts the core principle of current asylum seeker policy that the Hong Kong will not become a location for the settlement of asylum seekers. It is a long standing policy and there is no indication that it is likely to change. At the same time the Hong Kong SAR Government (HKSARG) has responsibilities as reflected in both its international obligations and domestic legislation for the non-refoulement of asylum seekers and persecution claimants.

This Report seeks to distinguish two levels of activity that address policy issues related to asylum seekers and protection claimants in Hong Kong\(^2\). The first level is concerned with the ‘institutional level’ of activity that addresses government actions related to the creation of a migration regime (Chapter 3-4). This level includes such activities as border control and management, human smuggling, visa control and screening and assessment. The Report notes that these areas are already receiving attention in the Comprehensive Review of the Strategy of Handling Non-Refoulement Claims (Legislative Council, 2016). Specific recommendations are made here to reinforce this integrated approach to asylum seeker policy and to move beyond a single concern with screening and assessment.

An important part of an integrated approach to policy formation related to asylum seekers is to accept a distinction between ‘genuine’ asylum seekers and illegal immigrants. The Report argues that institutional policy should address the issue of illegal migrants to decrease the number and ease the public burden such immigrants create. At the same time genuine asylum seekers who must leave their home country for fear of persecution require a migration regime that is fair and transparent with the capacity to support individuals during their stay in Hong Kong.

The second level of activity that feeds into asylum seeker policy is the experiences of individual asylum seekers and their families as they live in Hong Kong while their persecution claims are being

\(^{2}\) Please see Chapter 2 for a discussion of terminology related to ‘refugees’, ‘asylum seekers’ and ‘protection/persecution claimants’.
assessed (Chapters 5-7). This level, of course, is embedded in the institutional context and is influenced by it. In this Report, however, the individual level is treated separately. The purpose is to portray the lived experience of genuine asylum seekers and highlight the policy needs that emerge from an understanding of these experiences. This analysis is not so much about the technicalities of meeting the requirements of the non-refoulement principle as the humanitarian requirements of having accepted that principle.

As part of this individual level, attention is paid to the educational needs of the children in asylum seeker families (Chapter 7) and the education system’s response to these needs. Benchmarking data is provided to show how the HKSARG rates in this area compared to different jurisdictions. Education is regarded as the means by which all children are able to change their lives and move from their current situation to a better one. This principle is seen to be even more important for children in asylum seeker families and while the HKSARG performs creditably in this area there is nevertheless room for improvement.
摘要

首先，本報告接受現行本港尋求庇護政策的核心原則，即香港不會成為尋求庇護者的最終家居地。這政策由來已久，亦無跡象顯示將行改變。同時，本報告認為香港特區政府須本於國際義務和本地法律，履行對免遣返聲請人士的責任。

本報告嘗試把關於尋求庇護者和免遣返聲請人士的政治問題區分為兩個層面。第一個層面關注「制度層次」的活動。這類活動針對與建立移民體制(migration regime)相關的政府行為(見第三、四章)。這個層面的活動例子有邊境控制與管理、人口販運，和簽證的控制、審查及評估等。本報告知悉上述活動已被特區政府納入有關處理免遣返聲請策略的全面檢討之內(立法會，2016)。

本報告的具體建議不但有助是次策略檢討，而且更探討了入境審查與評估以外的範疇。在制定一套綜合庇護政策時，其中一個要點是能區分「真實的」(genuine)尋求庇護者和非法入境者。本報告認為，「制度層面」的政策應旨在減少非法入境者的數目和減輕由非法入境者問題所招致的公眾負擔。同時，真正在母國受到迫害的尋求庇護者需要一套公平、透明，而且能支撐其滯港生活的移民體制。

與庇護政策相關的第二個層面的活動涉及免遣返聲請者和其家人滯港期間的生活經驗(見第五、六章)。此層面當然也受制度環境影響，但本報告將會單獨處理它。其目的是描述真實尋求庇護者的生活經驗和突出他們的政策需要。這些分析關乎基本人道主義要求，與免遣返聲請原則的技術細節並無關連。

在個人層面，本報告側重探討尋求庇護家庭的子女教育需要(第七章)和教育系統如何應付這些需要。本報告亦拿香港的情況與其他地區作比較。最後，本報告視教育為所有兒童改變命運和邁向更好未來的重要途徑，此原則對尋求庇護的兒童而言更為重要。雖然特區政府在尋求庇護兒童的教育方面已做得不錯，但仍存在一定改善空間。

3 請參閱第二章有關「難民」(refugees)、「尋求庇護者」(asylum seekers)、和「保護/受迫害聲稱者」(protection/persecution claimants)等詞彙的討論。
POLICY IMPLICATIONS AND RECOMMENDATIONS

Macro/Institutional Level

There are highly charged arguments in governments and across societies regarding the definition of “refugee” and what should be done to assist the people who for one reason or another feel that they are or will be the subject of persecution in their own country (Crickley, 2016). Yet governments must make informed and fair judgments about requests for asylum and protection. In Hong Kong this is an obligation not just because Hong Kong is a signatory of the United Nations Convention against Torture (CAT) but also because of the Hong Kong Bill of Rights (Loper, 2010).

The argument in this report is that the Hong Kong SAR Government (HKSARG) needs to take a proactive policy stance on a range of institutional issues to ensure that genuine asylum seekers will be dealt with speedily, fairly and with compassion. While this project has not had access to the views of officers within the Immigration Department or Security Bureau, it will nevertheless make recommendations on institutional issues based on the best available evidence. The purpose of these recommendations is to encourage the HKSARG to move towards an integrated policy approach in which the assessment of asylum seeker applications plays a part, but where screening is regarded as only one aspect of a broader policy that needs to be addressed. We have noted in this Report that the current Comprehensive Review of the Strategy of Handling Non-Refoulement Claims (Legislative Council, 2016) is moving towards a more integrated policy approach. The following recommendations have been designed to encourage this approach while also pointing towards greater focus on the individual components of an integrated strategy, greater reliance on international benchmarking and a more proactive stance dealing with major issues of concern. Institutional recommendations are made under four broad headings:

**Recommendation 1: Border control and management/protection.**
More focus and resources should be placed on screening out illegal migrants who breach either the maritime borders of the SAR or who arrive by air or who seek to enter the city illegally from other border control points. This will materially influence the number of asylum seeker claims and help to ensure the focus is placed on genuine asylum seeker applications.

International approaches to border control and management should be studied and Immigration Department Officers should spend time becoming familiar with these. Examples from several European countries are provided in the Report.

**Recommendation 2: Human Smuggling/Trafficking**

- It has recently been shown in high profile cases that human smuggling for the purposes of illegal immigration is a feature of the Hong Kong landscape. It is a serious development and more proactive strategies related to Recommendation 1 must be taken to confront it. It would not be regarded as a ‘one-off’ episode but as systemic and in need of new legislative mandates, strong disincentives and constant monitoring.

- The role of immigration agents in different countries needs to be closely scrutinized by the HKSARG since many interviewees in this study reported that it was through such agents that they came to Hong Kong. Often these agents provided misleading information and engaged in dishonest practices. These agents may not be regarded as human smugglers *per se* but it is clear their role is far from constructive and often very damaging.

- Mainland China needs to be regarded as a source of Hong Kong’s illegal migrants from Africa and South East Asia. Border control points need to be alerted to this issue not only because of the incidence of human smuggling but also because of the regular movement of individuals across border control points.

- Policy discussions need to take place between Hong Kong and Mainland immigration officials. Southern China in particular appears to attract and support economic migration
whereas Hong Kong does not. These policy differences may well cause confusion in immigrant communities in places like Guangzhou and every effort needs to be made to ensure that potential immigrants are aware that the HKSARG has a different policy on this issue than the Central Government.

**Recommendation 3: Visa control**

- The Comprehensive Review is examining different aspects of visa control as possible mechanisms to prevent illegal migration. These are worth considering but their effectiveness needs to be closely assessed including the costs and benefit.

- A conceptual link needs to be made between visa waiver countries and countries considered to be ‘safe from persecution’. Asylum seeker applications from ‘safe countries’ can then be defined in different ways from applications that come from countries where persecution is a documented feature of state apparatus.

**Recommendation 4: Screening and assessment**

- Consider whether separate legislation for addressing asylum seeker and non-refoulement claimants would be more efficient than continuing to include such issues in omnibus immigration legislation. The Immigration Ordinance has been subject to many amendments and still reflects very much its colonial origins. The review of the Ordinance requested by the Chief Executive should not exclude the possibility of separate asylum seeker and non-refoulement legislation that can make a clear statement of principle and process and is well understood and endorsed by all stakeholders in the community.

- It is not always appropriate to use the same screening process with all asylum seeker applications. Accelerated screening processes can be used with some groups (e.g. those from ‘safe’ countries) and an example is provided in the Report of such processes taking just 48 hours. This does not mean abandoning procedural fairness but it does mean adopting a realistic approach to considering the validity of applications. There is no reason to believe that
a ‘one size fits all’ screening mechanism is either fair or efficient. The courts have required fairness and transparency and these are the only criteria that need to be considered in any screening mechanism.

- The purpose of screening and assessment is to establish the validity of claims. Yet in addition to this function, consideration should also be given to including psychological or mental health assessments. Many interviewees in this project referred to mental health issues associated with asylum seekers and their families. This is not surprising given the often traumatic situations associated with genuine asylum claims. Mental health assessments may obviate many problems in the future while meeting the individual needs of asylum seekers and society as a whole.

- A timeline needs to be established for declaring asylum seeker status. In many countries such declarations need to be made at border control points and in others immediately after entry. There are few jurisdictions that follow Hong Kong’s practice of allowing declarations to be made many years after entry or after illegal migrants have been apprehended by police.

- Training for Immigration Department Officers in screening and assessment needs to be enhanced. This recommendation has been made many times in other reports and reviews. A university should be asked to develop training that draws on legal, psychological, counseling, social work and measurement perspectives to equip officers with the necessary skills to ensure assessment is valid, reliable, fair and efficient. The community consensus at the present time is that current screening and assessment processes have none of these qualities.

**Individual Level**

Prison (2015) proposed solutions to the HKSARG for consideration. One is to give the asylum seekers a small amount of cash to return home so that they can repay debts that they might have incurred in travelling to Hong Kong. Another solution would be to help genuine asylum seekers resettle elsewhere. The third option entails helping those who have lived here a long time and can
speak fluent Cantonese to join the workforce. The following recommendations made in seven broad areas attempt to build on and extend this framework of proposed policy action.

**Recommendation 5: Identify positive contributions asylum seekers can make to Hong Kong to promote social inclusion and community stability**

- The negative framing and labeling of refugees and asylum seekers, including by public officials, creates a negative impact in the community. When all asylum seekers are framed as illegal immigrants and criminals, xenophobia, intolerance and stereotypes are created. These negative feelings create more problems than they solve and have the potential to lead asylum seekers to develop hostile feelings that may facilitate negative behavior and actions toward local people and society. By contrast, focusing on the positive contributions of genuine asylum reduces negative labeling, stereotyping and discrimination and will result in benefits to the community. Public officials, including LegCo members, should be made aware of the dangers of hate speech and vilification directed at illegal migrants and asylum seekers. The impact of society can be very negative and counterproductive.

**Recommendation 6: Create a policy environment characterized by collaboration of all stakeholders and enhanced communication**

- Multiple agencies, including NGOs and government departments, need to work together on asylum seeker issues. Collaboration, communication and unity are needed. NGOs and the HKSARG currently reflect different discourses concerning asylum seeker issues and in many ways have different agendas. Nevertheless better coordination and collaboration among NGOs, schools, the various government departments could lead to efficiency in provision of services and utilization of resources.

- There is a strong argument for including asylum seekers themselves (for example, the Hong Kong Refugee Union) in more collaborative arrangements for all stakeholder groups. The involvement of NGOs such as The Justice Centre and Vision First with line areas such as the
Immigration Department, the Social Welfare Bureau and the Education Bureau together with the Refugee Union can only enhance communication and lead to better policy outcomes

- The Inter Agency Forum represents a good start at interagency cooperation but government agencies must join in a cooperative effort in order to ensure efficient and effective service delivery.

**Recommendation 7:** Consider granting temporary visas to asylum seekers while their claims are being processed

- Temporary visas with the right to work are a part of the migration regime in a number of European countries (for example, the F Permit in Switzerland). Being able to work, refugees could be self-reliant and gain self-respect and human dignity which contribute not only to personal wellbeing, but also to the economic development of Hong Kong. The ultimate goal is their rehabilitation to an industrious and self-reliant life. It should be noted that in Switzerland claims that cannot be resolved within 10 years result in permanent residence status for the claimants.

- This will be a controversial recommendation since it will be characterized as a ‘pull factor’ that might result in greater numbers of asylum seekers. This is the wrong way to think about it. Efficient and effective screening mechanisms coupled with improvements in institutional mechanisms will result in a reduced flow of illegal migrants allowing Hong Kong to take advantage of the skills and talents of genuine asylum seekers. This will also reduce current costs of government payments. At the same time visas similar to Switzerland’s F permit will eliminate entirely illegal work and its associated problems.

**Recommendation 8:** Consider providing asylum seeker accommodation to genuine claimants in unused industrial buildings. This will avoid the slum-like conditions in which many asylum seeker
families are forced to live and which reflect so badly on what is often seen to be the lack of humanitarian values on the part the HKSARG

- As shown in this Report, but also in many other media and social reports, the living conditions of many asylum seeker families do not reflect basic living standards in Hong Kong. Current rental allowances can be used to offset the cost of providing accommodation in unused industrial buildings.
- It needs to be kept in mind that if illegal migration is reduced as result of the recommendations in relation to the institutional context of asylum seeker policy (see Recommendations 1-4 above), the numbers of genuine asylum seekers will be greatly reduced along with the costs of providing accommodation.

**Recommendation 9: Consider linking current allowances provided to asylum seekers to a cost of living adjustment mechanism**

- The HKSARG currently provides allowances and services (for example, food vouchers) to asylum seekers. These need to be linked to basic cost of living adjustments so as to provide a realistic standard of living for asylum seekers.
- If illegal migrants are quickly excluded from asylum seeker screening then the costs of increased allowances will be offset by the overall reductions in the number of claimants.

**Recommendation 10: Clear statutory, policy and legal frameworks are needed to support the education of children from asylum seeker families as well as timely payments of financial assistance**

- Many front line staff in the Education Bureau (EDB) and schools do not know whether asylum seekers children are entitled to education. This is despite the fact that some schools do an excellent job with such students. Nevertheless, clear policies are needed and a legislative mandate should to be provided to support both government workers and asylum seeker families.
• As asylum seekers children might have experienced traumatic or inhumane experiences in their home countries, EDB should not treat them as ordinary newly arrival students. Rather, EDB should consider issuing a specific guideline for schools and teachers on how to handle the special needs of refugee and asylum seeking children.

• The Education Ordinance should be amended to ensure asylum seeker children can enjoy the same right and obligation to education as local residents. Although most asylum seeking children in Hong Kong are successfully enrolled to schools, the amendment of the law will give them a formal and legal guarantee of educational provision which then cannot be taken away at the discretion of ill-informed government officers. This would also assist the HKSARG to meet its obligations under the amendment to the 1989 Convention on the Rights of the Child, which Hong Kong signed in 1994. This convention not only states that primary education shall be available free to all (Article 28) but also states that signed parties shall take appropriate measures to ensure asylum seeking and refugee receive appropriate protection and humanitarian assistance (Article 22).

• A package in the format of a booklet or pamphlet about the local education system should be made available to asylum seeker families and it should be prepared in multiple languages. List of schools which have vacancies could be included in the package. The information systems for monitoring asylum seeker children's enrollment should be established which could facilitate education program design, implementation and monitoring, and facilitate a more accurate data management.

• Sufficient and timely financial assistance should be given to asylum seeker students so that they can focus fully on their study without worrying about financial matters. Government financial assistance to asylum seeker students is retrospectively paid several months after parents have paid the fees and tuition (Beatson, 2015). This creates a huge financial burden for parents when they are not allowed to work in Hong Kong. Financial assistance should be given to refugee parents in advance after a careful assessment of the needs of individual students (e.g. transportation cost) by the SAFF and other relevant government departments.
The government and the SAFF should also study the feasibility of implementing a separate financial assistance scheme for school age children asylum seeker claimants.

- Asylum seeker families should be given access to the Pre-Primary Voucher Scheme. The early years of schooling are acknowledged as being the most crucial years for cognitive and social development. It is a technicality to require voucher recipients to have a Hong Kong Identity card and it can easily be removed by the government since such a requirements also exclude many ethnic minority families from pre-primary education as well as temporary residents holding student visas.

**Recommendation 11**: Teacher education should be enhanced to ensure that future teachers are able to respond to the special needs of asylum seeker children.

- Given the possibly of traumatic experiences, asylum seeker students may have special psychological and emotional needs. They may also have special needs in academic matters and language learning because they might be out of school for a long period of time and many of them will not familiar with Chinese and English. In view of this, teachers may need special training to support such children. EDB should organize professional development workshops and seminars to enhance teachers’ awareness of the special needs of asylum seeker students. Guidelines for good practice should also be developed to help schools and teachers become familiar with appropriate practices for these particular students.
CHAPTER 1
PROJECT OBJECTIVES AND RATIONALE: A ‘REFUGEE’ POLICY FOR AN INTERNATIONAL CITY

Project Objectives

1. To identify the main reasons refugees come to Hong Kong and assessing the implications for informing policy development.

2. To investigate and seek to understand the everyday experiences of refugees in Hong Kong.

3. To assess refugee family responsibilities and in particular the Administration’s responsibility for educational provision in relation to refugee children.

Key Questions

- Why do refugees leave their home countries and why do they choose Hong Kong?
- To what extent is the informal economy in Hong Kong a pull factor for refugees?
- How do the institutions of migration control in Hong Kong operate to facilitate or hinder refugee entry?
- How is Hong Kong’s social policy for refugees, especially as it relates to educational provision, connected to broader issues of social policy in the Territory?

Project Rationale

The project’s focus has been on refugee policy in Hong Kong. The issue of refugees is an international in scope whether it is “boat people” seeking to land in Australia, children from Latin America finding ways to cross borders and find a better life in the United States or African people willing to risk their lives on a Mediterranean crossing to enter Europe. As Haddad (2008, p.2) has commented “refugees represent a permanent feature of the international land-scape. They are the human reminder of the failings of modern international society”.

This international context is important to consider when it comes to a global city such as Hong Kong that has all the attractions of a developed society full of opportunities. Historically, Hong Kong’s approach to and attitudes towards refugees does not seem to have recognized either the international
context of the issue or how, over time, this context has been transformed. It will be argued below that current local approaches to refugees are colonial in nature, inherited from a regime that had little interest in Hong Kong’s international stature or its role as a leading city in a modern China. The research reported as a result of this project will argue that a post-colonial view of refugee issues needs to be developed for Hong Kong and consequent policy and administrative procedures need to be put in place to reflect Hong Kong’s new role in the national and international order. Not to do so will maintain the colonial heritage that currently masquerades as refugee ‘policy’ in Hong Kong.

This heritage has created a confused policy and administrative environment for refugee issues in Hong Kong. The Hong Kong SAR Government (HKSARG) continues to be criticized both locally (Justice Centre Hong Kong, 2014) and internationally (Committee on the Rights of the Child, 2013) for its approach to refugees. Even the most recent initiative, the development of a Unified Screening Mechanism (USM) for all refugees, whether they are torture claimants, asylum seekers or people who fear for their individual safety in their home country, has been described as ‘the bare minimum’ (Justice Centre Hong Kong, 2014) and its implementation strongly criticized even at this early stage. Of course, the USM was ‘forced’ on the HKSARG by the judicial branch of government reflecting yet again the inability of bureaucrats to advise government in a timely and accurate manner.

For the colonial regime ‘symbolic policy’, that was largely rhetorical in nature (Morris & Scott, 2003), was often a substitute for real policy. This was perhaps also a reflection of the so called colonial “non-interventionist state” as explained by Ma (2007). Yet in a city governed by the rule of law, committed to international standards and playing a key role in China’s development, this ‘do-nothing’ attitude to both policy and administration has been entirely counterproductive. A new spirit of proactive policy development is needed to protect the government and its citizens as well as to make sure that the refugee issue is well understood in the context of a globalized age rather than as a relic of the colonial ‘do nothing’ approach to policy development.
This rationale for a new look at refugee policy – the need for proactive policy making to reflect international standards consistent with Hong Kong’s status as China’s international city – is warranted because of changes in the broader international landscape. This case has been argued by a number of researchers.

A key issue to understand is that the way refugee issues are currently viewed internationally has undergone significant change. Historically, much of the discourse related to refugees has been, and continues to be, related to humanitarian issues concerning the contexts from which refugees come, the conditions in which they seek to survive and their aspirations and hopes for the future. Yet a number of writers has pointed out that humanitarianism frameworks are no longer adequate for understanding refugee-fueled migration. (now often referred to as ‘forced migration’ or ‘mixed migration’) takes place. Zetter (2007, p. 174) described the move from an “inclusive humanitarian discourse in the past” to a new “label which is driven by the need to manage globalized processes and patterns of migration and forced migration in particular”. Castles (2003, p. 17) has argued that “the task for a contemporary sociology of forced migration is to analyze the new characteristics of forced migration in the epoch of globalization”. The globalized context of forced migration gives rise to new issues and new questions that frame such migration. Drawing on Castles (2003) and Zetter (2007) these include:

1. The ‘securitization of migration’ in which security issues come to the fore in the movement of people from one national space to another;
2. The emerging construct of the ‘economic refugee’ not threatened so much by torture or incarceration but by lack of economic opportunities in his or her home country;
3. The development of enhanced bureaucratic processes designed to exclude refugees rather than include them;
4. The politicization of refugees who are to be ‘resisted’ rather than ‘supported’;
5. The impact of refugees on social transformations in the host society and in particular the way they reinforce and enhance social diversity.

These issues demonstrate clearly that refugees are not simply the subject of humanitarian considerations as set out in the United Nations 1951 Convention on Refugees. Indeed, signing this
Convention, as is so often urged by Hong Kong’s NGOs, will not help to address the kind of issues outlined above. These issues have suggested a new range of questions that need to be addressed (based on Castles, 2003, p. 28):

- Why do refugees leave their home countries and why do they choose Hong Kong?
- To what extent is the informal economy in Hong Kong a pull factor for refugees?
- How do the institutions of migration control in Hong Kong operate to facilitate or hinder refugee entry?
- How is Hong Kong’s social policy for refugees, especially as it relates to educational provision, connected to broader issues of social policy in the territory?

The current project has sought to address these issues. Yet it has done in in a fundamentally different international context for refugees than that which existed when the project was first developed. As indicated earlier, the focus of the project was on Hong Kong’s refugee policy with a view to identifying ways to change the policy to reflect Hong Kong’s status as an international city.

While the focus of this project has been clear, two key international issues have made any local policy development in this area subject to much broader considerations. These issues are:

1. A renewed focus on refugee issues within the region; and
2. Refugee issues in Europe where literally hundreds of thousands of people, largely from Syria, Iraq and Afghanistan have risked their lives to find ways out of their war torn countries.

A brief description of these issues will be described below and the possible implications for the current project will be discussed.

**Recent Regional Refugee Issues**
In May 2015, it was reported that boatloads of Rohingya refugees from Myanmar were off the coast of Indonesia and Malaysia (Sydney Morning Herald, 11 May 2015). The persecution of the Muslim Rohingya minority within the Myanmar is well known and will not be discussed further here. It seemed from multiple reports that these refugees were the victims of human traffickers in Thailand and Myanmar. It has been reported that these refugees “had been abandoned by their traffickers and left to drift at sea on packed trawlers without food” (The Guardian, 28 May, 2016).

From the point of view of this project, three key issues were raised by the event reported above.

First, similar to Hong Kong, neither Indonesia nor Malaysia is a signatory to the 1951 Refugee Convention. This created an immediate policy vacuum about whose responsibility it was to act on behalf of the Rohingya refugees abandoned off their coasts. Hastily convened regional meetings sought to deal with the problem but even today, over a year since the boats reached South East Asia, there are still refugees stranded off the coasts while other remain in detention centres (The Guardian, 28 May, 2016). An important lesson to be learnt from these events is the importance of having a well-defined and pro-active immigration policy that can deal with a modern and globalized regional landscape. This is particularly so where countries are not signatories to the 1951 Convention on Refugees. There is perhaps a mistaken belief that if the Convention has not been signed there will be no problems with refugees. The Rohingya case shows that such thinking is not sustainable. Refugee policies and regulations are needed in this globalized age, irrespective of the 1951 Refugee Convention, and this is seen as an important principle for the current project.

Second, it may seem coincidental that, like Hong Kong, the two countries most affected by the Rohingya refugees were also not signatory to the 1951 Refugee Convention. Yet the commitment of Asian countries to the Convention is more diverse than Western countries in general. India, Thailand, Malaysia and Indonesia are not signatories, where as Japan, South Korea and China are. Within China, Macao is a signatory, taking advantage of China’s endorsement, and Hong Kong is not. Researchers have even developed an “Asian rejection hypothesis” to try and account for the attitudes of many Asian societies (Davies, 2006). Thus Hong Kong’s decision not to endorse the Convention is
by no means unique; but this only highlights again the need for policies and strategies to deal with refugee issues outside of the Convention’s framework.

Third, the issue of human trafficking and people smuggling intersected with refugees as the Rohingya people sought a new life outside of Myanmar. This was not the first such occasion. Australia’s immigration policy, often characterized as ‘turn back the boats’, resulted from constant attempts by human traffickers in Indonesia to send boatloads of refugees to Australia’s large and very often unprotected coastline. Yet this did not seem to be a Hong Kong issue until early this year. At that time, Hong Kong and Mainland police were reported to “have smashed three cross-border human-smuggling syndicates and arrested nearly 3,000 illegal immigrants heading for the city” in order “to tackle the growing trend of economic migrants and bogus asylum seekers flocking to Hong Kong” (South China Morning Post, 30 March, 2016). Thus human trafficking has become an issue to be dealt with in the context of refugees and asylum seekers4. This was not the case at the beginning of this project but it is an issue that must be addressed if the project is to provide a complete picture of Hong Kong’s policy needs related to refugees.

Refugee Issues in Europe

In 2014 there were 280,000 asylum applications in Europe but in 2015 this figure grew to 1,321,560 with some 292,540 claims being approved (BBC News, 4 March 2016). The scope of what is commonly referred to as the “European refugee crisis” is obvious from these figures and there have been accompanying political upheavals as citizens in different countries express their often very negative feelings about the decisions taken by their leaders. The relevance of these events, totally unanticipated by the current project, is that refugee policy has been given a much higher priority in the international arena and much greater public exposure. This project report will take these events

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4 The terms ‘refugee’ and ‘asylum seeker’ require further definition in the context of this project and this will be done in Chapter 2.
into consideration because they provide a window on public policy formation in jurisdictions other than Hong Kong.

There are a number of key issues of particular relevance relating to this new international context. They relate to immigration policy areas such as migration control, border protection and human trafficking, not dissimilar to issues raised by the regional refugee context and referred to above. What this suggests is that issues of refugee policy cannot be divorced from broader immigration policy issues and this report will seek to address these broader issues as they relate to Hong Kong’s refugee policy.

**Conclusion**

After outlining the project’s methodology successive chapters will:

- Make an assessment of the implications of the regional/European contexts for Hong Kong’s refugee policy;
- Review Hong Kong’s current refugee policy;
- Address the issue of why Hong Kong is selected as a refugee destination;
- Refugee life in Hong Kong
- Educational provision for refugee children
CHAPTER 2
PROJECT METHODOLOGY

Introduction

The project used a mixed methods approach for the research reported here. These methods consisted of:

1. Policy review and document analysis. The purpose of using these methods was to gain an understanding of both local and international policies and approaches to refugee issues. These methods were used particularly in Chapters 2, 3 and 7.

2. Case study methods involving surveys, interviews and observations. The purpose of using these methods was to explore in some depth the lives of refugees in Hong Kong and their reasons for choosing the city as a destination and their daily living. These methods were used specifically in Chapter 4, 5 and 6.

The rationale for this methodological approach built on multiple research methods was to review refugee issues in Hong Kong from different perspectives and to try and assess the relationship between macro and micro issues. Multiple research methods helped to develop a broad view that took into account both the policy context that constructed the lives of refugees in Hong Kong as well as develop insights into the way those lives are lived. A detailed rationale for the methodology is provided below.

Rationale

Mixed methods research drawing on multiple research methods is designed to reveal phenomena based on an in-depth, real-time, or retrospective analysis of a phenomenon. The inclusion of case studies is designed to develop a more complex understanding of the phenomenon which in this case was the life of refugees and asylum seekers (Stake, 1994, p. 237), and subsequently for theorizing about them (Stake, 2000, p. 437). In describing the strength of even a single case study, Flyvbjerg
(2006) emphasized the importance of context dependant knowledge in the social sciences and how case study method is crucial for constructing this type of knowledge and argued that possessing deep context specific knowledge is the main requirement of being ‘expert’ in a certain discipline.

Case studies are based on in-depth interviews and observations. In-depth interviews provided a greater breadth to understand the life of refugees critically (Fontana & Frey, 1994, p. 365). Observation provides an opportunity to understand the refugees in their naturalistic setting as well as to ‘gather impressions’ about their surrounding world (Adler & Adler, 1994, p. 378). The in-depth interviews are unstructured in nature (Fontana & Frey, 1994, p. 365). Our access for observation was ‘overt’ (Silverman, 2001) meaning that participants were well informed.

In mixed methods research, qualitative data is gathered through interviews, observations, and school documents analysis. “The strengths of qualitative research derive significantly from this process orientation toward the world, and the inductive approach, focus on specific situations or people and emphasis on descriptions rather than numbers that this requires.’ (Maxwell, 2013, p.30). Its purpose is to understand the contexts that both shape the HKSARG’s approach to refugees, the reasons that bring refugees to Hong Kong, and the educational services available to children. As Denzin and Lincoln (2000, p.3) have pointed out, “…qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them”. Salle and Flood (2012, p. 143) highlighted the contribution that qualitative research design, and emphasis on stories”. This is particularly so in exploratory contexts such as the current project where there is very little previous research and baseline data has yet to be identified. The strengths of quantitative research provide data that can be expressed in numbers. With numeric form of data could apply statistical tests to provide descriptive statistic like the median, mean, and standard deviation.

While detailed case studies provide one perspective on refugee issues in Hong Kong, they do not tell the whole story. For example, they do not enable an analysis of the institutional context that influences not only refugees but all stakeholders. Weldon (2006, p. 331), among others, has argued
that while individual analyses are important it is also necessary to take into account “social and institutional contexts (that) shape … judgments”. He refers specifically to the importance of “citizenship regimes” and their characteristics and as Lai, Kennedy & Bhowmik (2015) have shown these have important implications for Hong Kong asylum seekers. Yet on a broader level the current study has focused on what might be called “migration regimes” defined as the regulations, policies and strategies adopted by authorities to regulate immigration flows. This broader “macrotheoretical framework” (Weldon, 2006, p.333) provides insights into the context that has influenced the cases reported here. Indeed it can be argued that the cases themselves are nested in that context and are influenced and shaped by it. Research methods that can be used to understand Hong Kong’s migration regime are referred to below.

Methods

1. Exploring institutional contexts, and in particular Hong Kong’s “migration regime”, as the macro context influencing refugees

Document analysis. HKSARG policy documents, ordinances, legislation, minutes of Legislative Council Committee Meetings and media reports were identified and reviewed to identify themes and issues. At the same time, international policy documents were also identified and examined in order to provide benchmarks for analysing Hong Kong’s development in relation to refugee issues.

Interviews. It was proposed to conduct interviews with civil servants and public officials in the Immigration Department. Officers at the Security Bureau, Social Welfare and Immigration Departments and Education Bureau, were sent letters of invitation for them to participate in the project. Letters were followed up with at least six phone calls. Some officers said that they sought permission from the Security Bureau, other officers said that they would not participate in this project. Officers from Immigration Department said they would arrange them; after five fellow-up phone calls, they did not confirm the date and the time for the interview. Such interviews were designed to provide insight to the daily operation of staff with specific responsibilities for refugee issues and identify issues from that perspective. Unfortunately these perspectives are missing from the research conducted for this project.
2. Understanding refugee motives and issues – moving beneath the surface and exploring perspectives at an individual level.

Much of the public reporting about refugees comes via the media and therefore understandings about refugee issues are largely media-constructed. This study, therefore, has tried to understand and report refugee issues not only from the institutional perspective as described above, but also from the individual perspectives of refugees themselves. A variety of data sources (such as in-depth interviews and observations with refugees and asylum seekers, in-depth interviews with various other stakeholders related to refugees, and document analysis) help to provide multiple perspectives on refugee issues. By examining both institutional contexts (i.e. Hong Kong’s “migration regime”) and the individual perspectives of refugees the project hoped to develop greater breadth to understand different perspectives about general policy and practices related to refugees as well as specific educational provision for refugee young people (Fontana & Frey, 1994, p. 365). We felt it was very important to understand the dynamics and interactions of different contexts in the lives of refugees.

The main focus of both interviews and observations with refugees was to explore what their overall life looks like. Both interviews and observations further sought to understand deeply what has made them refugees, what are their everyday experiences in Hong Kong, and what are the family (if any), social, economic and work (if any) contexts of their lives. This research intends to give voice to the people who have been historically silenced and marginalized (Brantlinger et al., 2005).

Also the research aimed to improve the condition of vulnerable (refugees) people in Hong Kong by generating knowledge from their perspectives, thus empowering their voices and communicating their voices to others (Adair & Pastori, 2011). Observations, in addition to in-depth interviews, have multiple advantages. First, observations of the lives of refugees helped us understand them more deeply and differently. Differently in the sense, by observing them in their original settings, researchers were practically exposed to everyday experiences of their lives. Second, it provided an opportunity for generating data in multiple ways to make better sense of the other data which ultimately strengthens the reliability of data. Third, observations help draw a full picture of these
refugees in Hong Kong. In order to conduct observations, researchers visited and interviewed refugee families at their home, and attended their refugee monthly meetings, and joined some of their activities (protests).

Document analysis was carried out to gather information about policy and practices concerning refugees in general and the educational provision for their children in particular. This provided a good opportunity to systematically review or evaluate documents (Bowen, 2009, p. 27). The policy documents related to refugees from all the government bureaus and departments as well as relevant LegCo proceedings were analysed in this regard.

Instruments were used to help answer research questions and discover the unknown phenomena. A 32-item questionnaire consisting of the following areas was developed in English: General Policy and Practices Related to Refugees, Hope for the Future, The Education of Refugee Children, and demographic information. Most questions (e.g. questions 1-2) are scored on a 4-point Likert scale, open-ending questions (e.g. 3.3. Could you describe your experience with the Unified Screening Mechanism? What has been your most positive experience in Hong Kong? What has been your most negative experience?) are included to let refugees to express their views. A few questions (e.g. question 6.1) used a dichotomous scale (see Appendix 1 for a sample of the questionnaire).

**Participants**

In selecting participants for case studies, ‘opportunity to learn’ was given the highest importance (Stake, 2000, p. 447). This means the participants to whom access could be gained through different networks and those who also showed their interest to participate in the research were selected. In addition, ‘balance and variety’ of cases were also considered important (Stake, 2000, p. 447) when making these sampling decisions. In selecting other participants accessibility to them and their willingness to participate in the research were main priority. For the case studies of refugees, a snowballing technique was used to identify asylum seekers’ and refugees’ family. Six refugees’ or
asylum seekers’ families were interviewed. These families were from different places (such as Pakistan, Philippine, Nepal, Africa, details shown in Table 1). For the case studies of school professionals, a convenience sampling technique was used. School professionals (including teachers, principals) from one kindergarten, two primary schools and one secondary school were selected for interview. For case studies of students, four students from one secondary school were selected for interviews. For case studies of NGOs, those working on behalf of refugees are well known. The CEOs, managers or relevant staff from different NGOs who work closely with Hong Kong’s refugees were invited to provide perspectives. The details of Interview participants are shown in Table 2.

Table 1

<table>
<thead>
<tr>
<th>Code</th>
<th>Sub codes</th>
<th>Total No. members in Family</th>
<th>Nationality</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee Family 1</td>
<td>Refugee Family 1-1: Father</td>
<td>3</td>
<td>Refugee Family 1-1: Sri Lanka</td>
<td>Daughter attends primary school</td>
</tr>
<tr>
<td></td>
<td>Refugee Family 1-2: Mother</td>
<td></td>
<td>Refugee Family 1-2: Philippine</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Daughter is born in Hong Kong</td>
<td></td>
</tr>
<tr>
<td>Refugee Family 2</td>
<td>Refugee Family 2-1: Father</td>
<td>6</td>
<td>All six family members are from Pakistan</td>
<td>Son attends primary school and daughter attends Secondary school</td>
</tr>
<tr>
<td></td>
<td>Refugee Family 2-2: daughter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refugee Family 2-3: Son</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refugee Family 3</td>
<td>Refugee Family 3-1: Mother</td>
<td>4</td>
<td>Mother is from Nepal, 2ND husband is from Nepal</td>
<td>Son attends primary school daughter attends kindergarten</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Son and daughter are born in Hong Kong</td>
<td></td>
</tr>
<tr>
<td>Refugee Family 4</td>
<td>Refugee Family 4-1: Father</td>
<td>4</td>
<td>All four family members are from Africa</td>
<td>Son and daughter attend secondary school</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refugee family 5</td>
<td>Refugee family 5-1: Father</td>
<td>5</td>
<td>Father is from Pakistan; mother is from Philippine</td>
<td>Two daughters are in primary school and one daughter is in kindergarten</td>
</tr>
<tr>
<td></td>
<td>Refugee family 5-2: Mother</td>
<td></td>
<td>All three daughters are born in Hong Kong</td>
<td></td>
</tr>
<tr>
<td>Refugee Family 6</td>
<td>Refugee Family 6: Mother</td>
<td>3</td>
<td>Mother and grandmother are from Philippine, daughter is born in Hong Kong</td>
<td>Daughter is in kindergarten</td>
</tr>
</tbody>
</table>
**Details of Refugee Families**

Table 2

*Interview Participants*

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Number of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Families of Refugees and Asylum seekers</td>
<td>6 refugee families</td>
</tr>
<tr>
<td>Non-profit organizations(NGOs)</td>
<td>11 NGOs (14 people)</td>
</tr>
<tr>
<td>School professionals</td>
<td>12 school professionals</td>
</tr>
<tr>
<td>Students</td>
<td>4 students</td>
</tr>
<tr>
<td>People from various government departments</td>
<td>0</td>
</tr>
</tbody>
</table>

**Data Collection**

For qualitative study, first, the letter of invitation was sent to various government departments, school professionals NGOs which work with asylum seekers and refugees to invite them to participate in this project from September 2015 to March 2016. The purposes of the research were described and conventional ethical considerations (neither the organization nor any individuals were identified to any outside party or identifiable to any third party in any report or publication resulting from the study) were explained. Second, the researchers made a follow-up phone call to explain the details of the study to them. If they agreed to participate, interviews would be arranged. The interview questions and consent forms were sent to interviewees or directly prior to the interviews. The details of the study, including the goals and ethical issues, were explained before the interviews. The interviewees were asked to sign the informed consent form, including a specific consent to audio-record the interviews. One interview with three school professionals and one interview with refugee family were asked not to record the interviews. The interviews were conducted in English, except three interviews, which were conducted in Cantonese because of interviewees’ preference. A time and location was scheduled (in most cases a private space at the interviewee’s workplace) to suit the interviewees and

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5The term ‘refugee’ was used here for analytical purposes but it is subject to definitions outlined in Chapter 3. In the text of the Report, these are referred to as ‘asylum seeker families’ since in Hong Kong the very large majority of them are asylum seekers or protection claimants rather than legal refugees.
ensure the privacy and quiet needed for conducting interviews. After confirming the interviewees’ understanding of the purpose and nature of the interview and their willingness to be involved, the interviews proceeded to cover the topics listed in the interview questions. The conduct of each interview was conversational and sought to follow pertinent points raised by the interviewees in each case. Each interview lasted approximately 40 minutes.

There were 13 focus group interviews (including six refugee families) and 12 individual, and both types are valuable to this study. Focus group interviews (FGIs) generate richer responses and creative thoughts through interactive dialogues among refugees and members of NGOs, school professionals, as opposed to individual interviews, which allow individuals to articulate their views freely. FGI refers to a group consisting of members of refugee families, school professionals and members of NGOs who met to discuss refugee in Hong Kong and educational provision to refugee for students. Compared to individual interviews, the disadvantage of FGI is the possibility that refugees and members of NGOs, school professionals might not express their honest and personal opinions about refugee in Hong Kong and educational provision to refugee for students because they might be hesitated to express their thoughts and avoided to give opposing views.

For quantitative study, due to the language barriers and refugees not being used to filling out the survey, the researcher attempted to administer questionnaires to refugees in many activities and places. The return rate however is still very low. The researcher distributed the survey to around 150 refugees through refugee monthly regular meeting on October 8, 2015, and asked them to bring completed survey back in next meeting. However, only six refugees brought completed survey back to refugee monthly regular meeting on November 2, 2015. In that day, the researcher distributed the survey to around 150 refugees and asked them to bring completed survey back in next meeting. The researcher only received about five completed surveys back. A church let the researcher distribute surveys in their fellowship services. The researcher attended fellowship services with refugees and distributed surveys from November 6 to 21, 2016. The researcher received only 20 completed surveys back. Around 200 refugees attended Engaging the Community Cum Fight Crime Seminar which was
hosted by Hong Kong police on November 28, 2016. The researcher distributed 200 surveys to refugees and asked them to complete the survey, and the researchers only received 25 completed surveys. A total of 56 completed surveys were collected.

Data Analysis

Sophisticated analytical conceptualization in the mixed methods design is needed in order to utilize the benefits of mixed methods. Mixed methods are concerned with combining numbers and texts to understand phenomena, and allow for the integration of two fundamental ways of thinking about social and educational phenomena. Quantitative data tests hypothesizes and addresses the relationship between independent and dependent variables, and qualitative methods provide meaning in a real-life context and enable the researcher to work closely with participants through interviews in a way that one-off surveys or secondary analysis cannot (Fielding, 2012).

For quantitative data, SPSS 21 was used to produce descriptive data showing distribution and frequency. The analysis of data was the most challenging aspect of the qualitative study process which was easy to understand but challenging to accomplish. There are not universal procedures for the analysis of qualitative data and procedures should be adapted to fit the specific situation of the study (Fok, 2002). Patton (1990) articulated the procedures for analysis of qualitative data as “the process of careful work going over notes, organizing the data, looking for patterns, changing emergent patterns against the data, crossvalidating data sources and findings and making linkages among the various parts of the data and the emergent dimensions of the analysis” (p. 379). Miles and Huberman (1994) suggested three major analytic procedures: summarizing and categorizing the data according to the research questions, aggregating the coded categories into patterns of themes, testing and constructing a deep structure of framework. In this study, the analysis of qualitative data followed similar procedures as suggested by Patton (1990), and Miles and Huberman (1994).
The coding framework (shown in Table 3 and Table 4) was guided by the theoretical framework, and emerged from themes in the interview transcripts. A list of codes was created with three major procedures. First, reading the interview scripts once, with references to research questions, conceptual framework and a list of codes. In this process, notes relating to the conceptual framework (i.e. What are the main reasons for refugees and asylum seekers coming to Hong Kong? Political reasons, Religious reasons) were marked. Second, generating categories and themes consisted of identifying subcategories and subthemes from a list of codes. Third, the procedures of confirming and disconfirming were adapted: As the patterns and themes emerged, they were used for confirming and disconfirming the conceptual framework (Fok, 2002, p.204) which consisted of triangulation, complementarily development, initiation and expansion of the quantitative findings and current literature. The interviews conducted in Chinese were directly translated into English texts. Some quotations were used directly with the language polished, while other quotations were paraphrased conversations, again, with language polished. The paraphrased quotations are indicated as such whenever they are.

To maintain confidentiality and protect the privacy of the participants, all were identified by pseudonyms (NGO, School Professional, Student and Refugee Family) to ensure anonymity. The number after NGO, School Professional, Student and Refugee Family to represent different NGOs, school professionals, students and refugee families.

<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Themes</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are the main reasons for refugees and asylum seekers coming to Hong Kong?</td>
<td>Political reasons</td>
</tr>
<tr>
<td></td>
<td>Religious reasons</td>
</tr>
<tr>
<td></td>
<td>Economic reasons</td>
</tr>
<tr>
<td>What are their everyday life problems?</td>
<td>No legal status</td>
</tr>
</tbody>
</table>
No right to work
Psychological problems
Language barrier
Accommodation problems
Discrimination problems
Unknown future
Other problems
<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Themes</th>
<th>Sub-themes</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are the roles of school stakeholders in the educational provisions for refugee and asylum seeker students?</td>
<td>HKSAR government</td>
<td></td>
</tr>
<tr>
<td></td>
<td>School/teachers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refugee parents and students</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NGOs</td>
<td></td>
</tr>
<tr>
<td>What are refugee and asylum seeker students’ needs?</td>
<td>Financial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Psychological</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Social</td>
<td>Integration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At school level</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At teacher level</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At student level</td>
</tr>
<tr>
<td></td>
<td>Learning</td>
<td>Admission</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Placement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Language difficult</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inability to access higher education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unknown future</td>
</tr>
<tr>
<td>What are Challenges and Issues?</td>
<td>Insufficient funding and resources</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Insufficient teacher experience</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and qualification</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 3

CHANGING POLICY CONTEXTS: TERMINOLOGY, EUROPE’S REFUGEE “CRISIS” AND LESSONS FOR HONG KONG

Introduction

The purpose of this chapter is to provide background information on the international contexts relating to refugee issues and to assess the implications for Hong Kong. The relevance of this chapter was highlighted in the course of the project when more than a million refugees fleeing from war torn countries such as Syria and fragile communities such as that of Iraq attempted to make their way to different parts of Europe. “Freedom of movement” is one of the core freedoms for citizens of the European Union. Yet faced with what has come to be called “Europe’s refugee crisis” many European countries questioned both “freedom of movement” for Middle Eastern refugees and the long term implications for settling such refugees within European borders. What started as a mass migration humanitarian refugee movement in mid-2015 ended as one of the most contested issues in the history of the European Union. The politicisation of refugee issues is now a key factor in Europe to the point where it played a major role in the so called “Brexit” (the withdrawal of the United Kingdom from the European Union) referendum and is a key part of the attraction of Europe’s resurgent right wing political parties. These issues will be discussed below. Initially, however, there will be a brief introduction to terminology in the field because it can be confusing. The terms “refugee” (used so far in this Report) has become almost generic in common usage but there are some important nuances that need to be understood.

Terminology – Meaning and Nuance in Understanding Refugees

The United Nations High Commission on Refugees (UNCHR) (2015, p.55) provided the following definitions:
Asylum-seekers (with pending cases): are individuals who have sought international protection and whose claims for refugee status have not yet been determined.

Refugees include individuals recognized under the 1951 Convention relating to the Status of Refugees\(^6\), its 1967 Protocol, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, those recognized in accordance with the UNHCR Statute, individuals granted complementary forms of protection,(1) and those enjoying temporary protection. The refugee population also includes persons in refugee-like situations.

In addition to these categories, UNCHR also identified ‘internally displaced persons’ as “persons or groups of persons who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or man-made disasters, and who have not crossed an international border”; and ‘stateless persons’ “defined under international law as those not considered as nationals by any State under the operation of its law. In other words, they do not possess the nationality of any State”. To these clear-cut definitions UNCHR adds ‘persons in refugee-like situations’ who are defined as “groups of persons who are outside their country or territory of origin and who face protection risks similar to refugees but for whom refugee status has, for practical or other reasons, not been ascertained”.

The important point to note about these various definitions is that refugee-status is a legally defined status that can technically only be applied after assessment by the rules and regulations of an asylum country (often referred to as Refugee Status Determination (RSD)). The European Parliamentary Members Service (2015) has described the international legal context for RSD:

\(^6\) According to the Convention a refugee is a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country…”
International refugee law or international human rights treaties neither articulate an explicit entitlement to asylum for the individuals concerned, nor impose an obligation on states to grant asylum. Individuals have a right to seek asylum, not to be granted asylum, and the states have the right to grant asylum, but no obligation. The Geneva Convention does not guarantee asylum-seekers the right to be granted refugee status, even if they fulfil the conditions to be considered refugees; this remains at state discretion. States have, however, to refrain from actions that would endanger asylum-seekers, especially from returning them to their country of origin. Each state is also free to establish the conditions for granting asylum. This situation is reinforced by the fact that nobody is entitled to interpret the Geneva Convention authoritatively, unlike most other international human rights treaties. The United Nations High Commissioner for Refugees (UNHCR) has the duty to supervise its application, but has no authority to provide mandatory interpretations. The task of interpreting the Convention has thus fallen to domestic law-makers and courts.

A crucial distinction, therefore, is between ‘refugees’ and ‘asylum seekers’. The latter are seeking protection from an asylum country whereas the former have been granted protection, although not necessarily in the asylum country in which they are living. Nevertheless the United Nations definition of a refugee, “a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country…”, is undoubtedly the way most asylum seekers view their own situation irrespective of any external assessment. What is more, the capacity to conduct assessments is not always available, “in the case of mass refugee movements (usually a result of conflict), the reasons for fleeing are evident and there is no capacity to conduct individual interviews, such groups are often declared prima facie refugees” (European Parliamentary Members Service (2015)).
These definitions will be returned to from time to time in the remainder of this report where it is necessary to make distinctions for the purpose of clarifying policy issues or other issues as they relate to refugees.

**Europe’s “Asylum Seeker” Crisis – Implication for the Current Project**

We have deliberately used the term “asylum seeker” in this heading since the crisis facing Europe from August 2015 was essentially one of asylum seekers requesting refugee status in multiple European countries. In 2014, there were 280,000 arrivals in Europe. In 2015 this figure was somewhere between 1.1 and 1.8 million with 1,321,561 asylum claims made (BBC News, 2016). As portrayed in the media this was a humanitarian issue of immense proportions as families sought to make their way to Europe away from their war torn countries seeking a better life inside the European Union. Germany was a popular destination with over 1 million asylum seeker applications. Yet countries like Hungary, Sweden and Austria, although receiving smaller numbers, saw their population to asylum seeker ratios rise to 1,799/10,000, 1667/100,000 and 1043/100,000 respectively (BBC News, 2016). Night after night the media portrayed the humanitarian nature of the plight of the asylum seekers who often had no accommodation and little food and water. The media also showed the ineffectiveness of border management and it did not take long before barbed wire was being erected along parts of the European Union’s extensive borders signaling the end of ‘freedom of movement’ within the EU, at least as far as asylum seekers were concerned, but also signaling a new set of issues that on the one hand were technical but on the other were immensely political.

The technical issues concerned border control and management, asylum seeker assessment, responding to human smuggling issues and complying with EU laws. It was clear by the end of 2015 that all of these issues were under threat and none was being dealt with successfully. This resulted in the EU reaching a deal with Turkey to take all of Greece’s “irregular migrants” in return for an equal number of Syrian refugees already in Turkey being sent to an EU country (Collett, 2016). This solution was designed to solve the immediate crisis since it was assumed that Turkey would not be as
attractive a destination as the EU. In addition, Turkey, as a non-EU country, was not subject to EU laws, although it did have domestic asylum seeker/refugee laws in place. While the EU-Turkey agreement has been criticized (Collett, 2016), it is too early to tell how successful has been in slowing down the numbers of asylum seekers coming from Africa to the EU. Eurostat (2016) reported that “the number of first time asylum applicants increased by more than 50 % in the first quarter of 2016 compared with the same quarter of 2015 but decreased by -33 % compared with the fourth quarter of 2015”. The EU-Turkey agreement was signed on 20 March 2016 so these figures cannot be related to it and it will be September before Eurostat updates the figures. Yet even if there is significant improvement in numbers, the technical issues remain unresolved.

Border control and management remains a serious problem within the EU since when borders are tested as with the influx of asylum seekers they cannot withstand the pressure of thousands of people seeking a better life. At the same time asylum seeker assessment has come under great pressure with Greece providing an example of where it was simply impossible to administer assessments in the context of the push from asylum seekers (Collette, 2016). But Greece was not the only country to have this problem. The resort to barbed wire across borders was also a sign that orderly assessment was not going to take place or even be contemplated. Human smuggling was acknowledged all along as a major problem both for asylum seekers and governments but very little has been done to deal with the problem at its source. Given the unprincipled nature of human smuggling there is little reason to believe that they would not continue to bring asylum seekers to Greece even though direct access to the EU was no longer an option. The EU legal system has come under great strain from both member countries and the action of EU members. A member of the Council of Europe claimed that the EU-Turkey agreement “at best strains and at worst exceeds the limits of what is permissible under European and international law (Rankin, 2016). Thus the technical issues remain to be solved.

Yet even if the technical issues were to be resolved, political issues remain. Immigration has become a populist issue in Europe with many right wing political parties mounting anti-immigration campaigns as part of their political platform. The Freedom Party in Austria, the National Front in
France, Alternative for Germany in Germany, the Northern League in Italy, the Danish People’s Party in Denmark and the United Kingdom Independence Party in the United Kingdom all attest to the politicization of immigration issues. A large part of the so called ‘Brexit’ campaign in the United Kingdom was built on an anti-immigration platform in which anti-asylum seeker feelings were played on with the use posters depicting thousands of such people heading for the United Kingdom (Stewart & Mason, 2016). The politics of immigration now features in debates on refugees and asylum seekers and it does so in the context of populist politics that plays on the fears of people about job-taking, the erosion of national identity and traditional values, and the costs of supporting asylum seekers (Greven, 2016)

While what has been described above as a European issue is also an international issue. In the United States populist politics is alive in well in the presidential campaign of Donald Trump, a campaign that has also take a strong anti-immigration stance. In Australia both major political parties support off-shore detention centres for irregular arrivals and people classified as “illegal asylum seekers”. This is a populist issue in Australia supported by many, although not all, Australians but it does reflect strong voices in the community calling for a curb on immigration and a tough stance on illegal refugees. The return to Parliament of Australia’s anti-immigration party, One Nation, in the recent elections is a testimony to the strength of populism in the Australian electorate.

What is more, links have been drawn between immigration and terrorism, not only in Australia but also in the United States and Europe. Collette (2016) has pointed out that “security concerns—notably terrorist attacks in Paris and Brussels—have shifted policy goals toward effective identification, registration, and management of those who are arriving, and not just on meeting protection needs”. Donald Trump has vowed to keep Muslims out of the United States. Surveys have shown that in the popular mind, at least across European nations, security is one of the threats posed by asylum seekers (Yeung, 2016). This kind of discourse plays on fears and stereotypes and is at best greatly exaggerated and at worst dishonest.
What are the Implications of Europe’s Experience for Hong Kong?

The scale and scope of Europe’s current experience with asylum seekers is way beyond anything Hong Kong is currently experiencing, although there may be some comparison with the influx of Vietnamese refugees in the 1970s. Nevertheless, there are some significant points of comparison:

**Border control and management** are a problem in Hong Kong. This has been highlighted recently where immigrants, tourists, and smugglers from the Mainland were apprehended. Securing borders is an aspect of immigration policy it needs attention.

**Asylum seeker assessment.** This was a problem before the USM and remains a problem. In Europe, assessment processes and mechanisms were overwhelmed by numbers. This is not a big problem in Hong Kong as the number of asylum seekers is relatively small when compared to Europe. Developing an effective and efficient mechanism, as well be shown in the following chapter, remains a priority for Hong Kong and there are some European examples that can be followed.

**Human smuggling.** Recently this issue has been associated with immigrants seeking to enter Hong Kong legally but it also appears to be a wider issue that is raised from time to time. It is a local immigration issue that needs to be addressed from multiple angles.

**Complying with EU laws.** Hong Kong, of course, does not have to comply with EU laws. Yet there is a need to be very clear about which laws are relevant in Hong Kong when it comes to asylum issues. This area needs to cover local laws as well as international laws and conventions.

All of these issues will be addressed in the following chapters and in the recommendations that accompany this report. The main point to note is that, for the purpose of this report, “refugee policy” is not confined to individual issues relating to asylum seekers, although these will be addressed in the report, but to broad macro level or institutional issues that are related to asylum seekers.
Finally, there is the issue of the politicization of asylum seeker issues. Just as populism has been identified as an emerging political trend in Europe and internationally when it comes to asylum seekers so too is the politics of populism an issue in Hong Kong. Just as the “Brexit” campaign used “save our country” as a slogan and just as Donald Trump wants to “make America great again” so too some pro-Beijing media and political parties in Hong Kong wish to capitalize on the so called “fake refugees” issue to draw public attention and support.

Singling out of the asylum seekers as a danger to Hong Kong and adopting the politics of denigration show clear links with European right wing political groups. These populist discourses cannot be overlooked in Hong Kong’s formulation of policies regarding asylum seekers as some commentators have already pointed out (Ng, 2016).

**Conclusion**

This chapter has described issues related to the European Union’s so called “asylum seeker crisis” that can be traced from mid-2015 onwards. The purpose has been to paint a broad canvass for asylum seeker issues and locate Hong Kong’s situation in that broad context. For both Europe and Hong Kong there remain a number of technical issues to be resolved. At the same time the politicization of immigration issues in general means that is an important consideration in formulating policy: the political context is not neutral on immigration issues. Right-wing populism in its different forms is a particular threat. The next chapter will focus on Hong Kong in particular and the policy issues that need to be addressed.

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7 The *Oriental Daily* produces a large number of news reports portraying asylum seekers as a threat to Hong Kong.

8 For example, the Liberal Party recently launched a campaign against what it calls “fake refugees” (non-refoulment claimants) in Hong Kong.
CHAPTER 4
HONG KONG’S CURRENT ‘ASYLUM SEEKER’ POLICY: BEYOND THE COMPREHENSIVE REVIEW

Introduction

In the previous chapter we attempted to show that asylum seeker issues have been very much part of the recent international context, particularly as it has related to Europe and the influx of asylum seekers in the summer of 2015. While Hong Kong is clearly not part of this geographic context Chapter 2 showed that many of the issues that confront Europe also confront Hong Kong. The use of the European example also serves another purpose: if solutions have been found to asylum seeker issues in Europe then Hong Kong can learn from these. Local agencies do not have to solve each problem as though it is unique to Hong Kong. Reference will be made to possible European ‘solutions’ throughout this chapter, especially in relation to the Comprehensive Review of the Strategy of Handling Non-Refoulement Claims (Legislative Council, 2016).

The focus of this chapter, however, is the Hong Kong context as it relates to asylum seekers. It will review the following issues:

- Hong Kong’s current policy framework for asylum seekers;
- Asylum seeker policy discourse;
- An integrated immigration policy to address the needs of the community and asylum seekers – response to proposals in the comprehensive review

Hong Kong’s Current Policy Framework for Asylum Seekers

The Hong Kong Immigration Ordinance (CAP 115) provides the focal point for Hong Kong’s immigration policy. Yet as Loper (2010, p. 2) has pointed out “Hong Kong legislation currently does
not mention asylum seekers or refugees – or other similar categories of individuals seeking protection from a return to serious violations of human rights - and the Government maintains a firm policy not to grant asylum”. Yet the Ordinance does make reference to specific groups of refugees, to torture claimants and to administrative processes related to these groups. It is important to understand this broad context in order to appreciate the essential features of current policy.

First, Hong Kong is not a signatory to the United Nations 1951 *Refugee Convention* or the 1967 *Protocol* (see [http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html](http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html) for the full text of these documents.) The history of this issue goes back to colonial times, but it was revisited after the return of Chinese sovereignty in 1997. At that time Hong Kong could have taken on obligations under the Convention on account of China’s having signed it. Hong Kong, unlike Macao, did not do this and it is clear the HKSARG has no intention of doing so. As Loper (2010) has pointed out the HKSARG has reiterated this position on a number of occasions. As far as this Report is concerned, it accepts that there will be no future engagement by the HKSARG with the Convention or its obligations.

Second, Part IIIA of the Immigration Ordinance refers specifically to Vietnamese Refugees. Loper (2010, p.6 ) makes the point that “this period (i.e. the early 1970s) remains fresh in Hong Kong’s collective memory and the concerns raised during that time are still reflected in Government statements which attempt to justify its current policy of non-extension of the Refugee Convention” . The politics and issues related to this period can be seen in a statement made by the British Refugee Council (1984, p.3) when it highlighted the poor conditions in the refugee camps and requested the British government to adopt more humanitarian approaches to the treatment of Vietnamese refugees in Hong Kong. The Council made some very direct criticisms, for example, of the “cramped conditions in Cape Collinson camp (that) are totally unsuitable accommodation for over 500 people”. Of course, these were criticisms of the British government and its policies in Hong Kong. Hau (1996)
has provided a sociopolitical analysis of the colonial government’s changing policy on Vietnamese refugees, policy that moved from initial acceptance of the influx, to internment camps (both open and closed), then screening and finally to repatriation. By 1998, the crisis had subsided and Part IIIA of the Ordinance was disapplied (Loper, 2010, p.7). The experience of Vietnamese refugees in Hong Kong has undoubtedly fueled both community and policy expectations with regard to refugees and asylum seekers in general. With the disapplication of Part IIIA of the Ordinance, there were no longer any legislative provisions for dealing with refugees or their claims in Hong Kong.

Third, Part V111C of the Ordinance deals with ‘torture claims’, having been added in 2012. While Hong Kong is not a signatory to the Refugee Convention referred to above it is a signatory to the United Nations *Convention Against Torture (CAT)* (see [http://www.hrweb.org/legal/cat.html](http://www.hrweb.org/legal/cat.html) for the full text of the Convention). For many years the HKSARG had relied on the UNHCR to make judgements on refugee and torture claimants’ applications for asylum. A unanimous decision of the Court of First Appeal, *Secretary for Security v. Sakthevel Prabakar*, ruled that such a process was not consistent with the procedural fairness required by the *CAT*. The HKSARG’s response was to develop a screening mechanism for torture claimants. It took some time to implement and was subject to criticisms, especially from legal circles yet it eventually resulted in the screening processes now outlined in Part V111C of the Ordinance (Loper, 2010). An important point to note here is that Hong Kong courts have played an important role in “shaping” asylum seeker/torture claimant/refugee policy described as “a patchwork of refugee-related policies ….. in response to a series of judicial review applications” (Loper, 2010, p.3). This means that the HKSARG has been reactive rather than proactive in formulating policy. This can be seen particularly in what may well be the final step in this “patchwork” approach to policy formation with the major issue being the development of a unified screening mechanism (USM) for all claimants seeking not to be returned to their country of origin. It was the courts that set the agenda for this most recent policy change that has placed more responsibility on the HKSARG for assessing protection claims.
The legal background to the issue is complex and has been well summarized by Daly (2014). In the case of *C & Ors v Director of Immigration* in question was the legitimacy of torture and refugee claims by the UNHCR with one member of the Court of Final Appeal noting that “the UNHCR’s immunity from legal process in regard to its official functions puts its refugee status determination beyond the reach of judicial review” (Daly, 2014). The result was the Court’s decision that the Director of Immigration “is required independently to determine whether the claim (i.e. torture claim) is well-founded, obtaining relevant information and materials and satisfying the high standards of fairness required” (Daly, 2014). This brought to an end any screening by UNHCR. It placed the burden on the HKSARG for screening all claimants who did not wish to be returned home for reasons of fearing torture or persecution of one kind or another. Out of this decision has come the Unified Screening Mechanism (USM) administered by the Immigration Department. While the USM broadened the HKSARG’s responsibility for the screening of asylum seekers it did not change its core policy position that “the commencement of the USM does not affect the Government’s position that the Refugee Convention and its 1967 Protocol have never been applied to Hong Kong and our firm policy of not determining the refugee status of or granting asylum to anyone” (Press Release, 2014).

While the USM was proposed as the solution to ensuring fairness and procedural justice for claimants its processes have been contested (Justice Centre, 2015) and currently there is a backlog of over 11,000 claims. At the same time the language regarding asylum seeker claims has changed so different groups in the community, as well as the government, refer to claimants in different ways: “protection claimants”, “persecution claimants”, “non-refoulement claimants” and from time to time NGOs will refer to “refugee claimants”. These terms refer to the same group of people: those who have entered Hong Kong and who, from fear of torture or persecution, do not wish to return to their country of origin. Whether or not they are refugees is an issue for determination by UNHCR which will use the screening results carried out under the USM to assist in making its decision.

The processes described above reflect the situation as it was when this project was initiated. In the course of the project the Chief Executive, as part of his 2016 Policy Address, announced that “the
Government will conduct a comprehensive review of the strategy of handling non-refoulement claims, including a review of the Immigration Ordinance. We will expedite screening of claims to address various acute problems such as illegal immigration and overstaying” (Policy Address, 2016, para 252, p.69). This review is currently under way, referred to by the Security Bureau as a ‘comprehensive review’. Already community responses have suggested solutions such as the reinstatement of detention campus for claimants, the establishment of such camps across the border in Shenzhen and calls for Hong Kong’s withdrawal from the CAT. None of these options is being given serious consideration by the HKSARG, but they indicate the depth of public feeling about the issue of refugees/asylum seekers/protection claimants. This issue will be taken up in the next section of this report. To finalize the current section, we feel it is important to make a statement about the “comprehensive review” that is ongoing as this Final Report is being prepared.

First, any policy review of refugee/asylum seeker/protection claimant issues is welcome to try and resolve the pastiche of processes currently in place to address the issue. This pastiche should not be mistaken for a comprehensive policy.

Second, the current focus of the review, as far as we can tell, is too narrow. Expediting USM screening deals only with the final stage of a series of concerns that, if addressed, would materially assist the management of the USM. These concerns were referred to in the previous chapter. These include human smuggling, border control and management, migration control, and the nature of the screening processes themselves. Unless these issues are addressed, tinkering with the current USM is unlikely to be successful.

Third, the issues referred to above were highlighted in a recent response by the Secretary of the Security Bureau to a question from a member of the Legislative Council (Press Release, 2016). This may suggest a broader and more comprehensive approach is being taken to the review. Yet there is a tendency in the Security Bureau’s response to suggest that the HKSARG’s hands are tied by the series of court cases that led to the USM (as described above). In our view, this is the wrong kind of
thinking to apply to the situation. Contrary to history and civil service practice, a proactive and creative approach is needed to resolve not just USM screening issues but the entire range of issues as outlined above so as to develop a more holistic approach to policy formation.

Fourth, unless a more holistic approach to policy formation is adopted then genuine asylum seekers and their families will continue to suffer in a system that appears more concerned to protect itself than those whose life is threatened and who turn to Hong Kong for support.

We shall come back to these issues when it comes to making recommendations for the future (placed prior to Chapter 1 in this Report) but we want to place these ideas here to foreground them and to indicate the direction the project has taken.

In the following section, we shall address the problem faced by the HKSARG in relation to community attitude and why developing a more holistic and proactive policy approach will always be difficult for any local Administration.

**Policy Discourse on Asylum Seekers - Progressivism, Populism and History**

Hawkesworth (1988, p.190) reminded us that policy analysis is not so much about discerning the one right policy answer but rather it is about “increasing awareness of the dimensions of contestation”. There is certainly contestation in Hong Kong in relation to asylum seekers. At least three different discourses - or socially constructed ways of thinking – can be identified when it comes to asylum seekers:  

1. The HKSARG’s discourse is always clear- it will not sign the Refugee Convention and it will not grant asylum even to officially recognized refugees. Nevertheless, it will comply with court rulings to perform its duties as a signatory to the CAT and the requirements of domestic legislation especially as they relate to the screening of torture or persecution claimants. This discourse is perhaps best understood at best as instrumental and at worst anti-humanitarian.
2. Within the Hong Kong community there is a strong coalition of NGOs, including members of the law fraternity, who focus on the human rights dimensions of asylum seekers. They are often in conflict with the HKSARG on processes and approaches to asylum seeker issues providing direct support to individuals who approach them. Successive legal decisions since 2004 have strengthened this group’s approach. This discourse is perhaps best described as progressivist or liberal.

3. Within the same Hong Kong community there are loud voices that see not so much refugees or asylum seekers as illegal immigrants, overstayers and criminals. These voices can sometimes be heard on the Security Panel of the Legislative Council or in the media suggesting solutions such as detention camps or withdrawal from the CAT. This discourse is perhaps best understood as populist drawing on the historical memory of Vietnamese refugees in Hong Kong or simply racist.

Each of these discourses is socially constructed representing a view of reality from the perspective of the groups and individuals supporting them. For the HKSARG, however, any policy solution must somehow navigate between them and around them. Whatever action it takes will be scrutinized by all groups in the community and inevitably there will be clashes of opinions since some of the discourses are diametrically opposed to one another. From the point of view of this project, however, it is necessary to be aware of these discourses and how they construct asylum seeker issues in different ways. The concern of this project has been to identify possible improvements in policy that will enhance the status of Hong Kong as an international city while at the same time meeting the needs of genuine asylum seekers who from fear of either torture or persecution can no longer return to their country of origin. Exactly how this might be done will be addressed in the following section.

An Integrated Immigration Policy to Address the Needs of the Community and Asylum Seekers - a Response to Proposals in the Comprehensive Review

So far it has been shown in this chapter that the HKSARG’s approach to asylum seeker policy has been reactive largely to court decisions and meeting the requirements of those decisions in a
minimalist way. Yet it is increasingly being recognized that issues to do with asylum seekers are not just concerned with screening and assessment systems but with a much broader set of issues that include border protection and management, human smuggling and trafficking, migration control and efficiency in pursuing these issues. Unless these broader issues are addressed as a matter of priority, assessment and screening will remain at the centre of public scrutiny and the situation of genuine asylum seekers will continue to be under threat.

The issues referred to above are not new ones and the Security Bureau has recognized this in its public reporting on the Comprehensive Review of the Strategy of Handling Non-Refoulement Claims commissioned by the Chief Executive (Legislative Council, 2016). Border protection, human trafficking, visa control and more efficient screening processes are all mentioned. Yet what is not mentioned are the strategies to be used. There are, however, many international examples that could assist the Immigration Department to move forward more quickly and more efficiently. In what follows we shall provide a response to the public proposals related to the Comprehensive Review. We shall outline some international examples of what is possible when policy makers are proactive rather than reactive. This assumes that the aim of policy is to resolve problems at source rather than waiting for them to happen, then responding to them. Key issues from the Comprehensive Review have been identified below along with our suggestions for further enhancement.

Border Management and Control: Open Migration, a human rights organization, has identified the management of Spain’s southern borders as a “political and technological laboratory for border surveillance”. Spanish authorities collect “… data from boat radars operating in the Mediterranean and the Atlantic, video (and) feed from watch posts along the coast, satellite and aerial signals. A form of capillary monitoring that has turned Spain into an example for many” (Open Migration, 2016). This has resulted in a very significant reduction in illegal migration but has not prevented the
Spanish government from taking its share of refugees since it is a signatory to the 1951 Refugee Convention.

**Human smuggling/trafficking:** This is an international problem that has been at the forefront of many country’s efforts to combat illegal migration. Recently it has been shown that it is also a Hong Kong problem, especially with human smugglers form the Mainland. In Australia, for example, “stopping the boats”, especially from Indonesia, has been the core of that country’s response to illegal immigration. In Europe there has been similar proactive policy approaches to deal with the problem at its source. The EU, in response to the asylum seeker crisis during the Summer of 2015, set up a military operation in the southern and central areas of the Mediterranean. The purpose of the operation was “to undertake systematic efforts to identify, capture and dispose of vessels as well as enabling assets used or suspected of being used by migrant smugglers or traffickers” (Frontex, 2016). Again, this is a proactive ‘seek and destroy’ that attempts to forestall problems before they happen rather than waiting for problems to happen then responding. Of course, in the EU case the influx of asylum seekers in the Summer of 2015 led to this response but nevertheless it was a proactive and targeted response to eliminate the problem of human trafficking at source.

**Visa control:** The Immigration Department advertises that Hong Kong has a very liberal visa regime with visa free entry granted to people from 170 countries (Immigration Department, 2016). The Comprehensive Review of Non-Refoulement Screening suggests the possibility of pre-arrival registration; strengthening enforcement against human smuggling and reviewing visa free arrival arrangements with selected countries (Legislative Council, 2016, p.5). Visa control is a common device to ‘protect borders’ and even the EU with its much discussed ‘freedom of movement’ value

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9 This comment is not meant to endorse the Australian government’s off shore detention programme for asylum seekers that is highly contested both within Australia and externally. Yet a great deal of illegal migration to Australia has been fuelled by human smugglers and traffickers in Indonesia and surrounding countries. As with Spain, the Australian government’s battle against human smugglers does not prevent it from taking refugees from different parts of the world through its regular program of refugee entry.

10 Frontex is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
within the EU has around 120 countries whose citizens require a visa for entry purposes (Francis, 2009). Yet visa control goes further than this – it often requires that the transport carrier takes responsibility for determining the validity of visas and other identification processes to ensure that only legitimate ‘travelers’ enter the destination city. It is akin to ‘exporting the border’ to ensure that potential illegal migrants (and asylum seekers!) do not get the chance to enter (Francis, 2009, p. 382). It is a highly contested set of processes with some arguing that it is not consistent with the spirit of the 1951 Convention, even if strictly speaking visa control does not breach the non-refoulement principle (Francis, 2009).

It is clear that visas in themselves are not a particularly strong mechanism to prevent illegal migrants since three of the four most prolific asylum seeker provider countries already require visas for entry to Hong Kong (Vietnam, Pakistan, Bangladesh) with India, a visa waiver country, being the fourth. Thus the issue is not so much visas themselves, that appear in the Hong Kong case not be to too effective. Rather, the issue is whether the HKSARG is prepared to enhance visa control by introducing legislation such as the UK’s Immigration (Carriers’ Liability) Act 1987 to place responsibility on transport carriers if illegal migrants are brought to the city and/or by posting Immigration Control Officers in international airports to screen travelers before they board their flights. Before embarking on these measures there is much to be learnt from the international experience of countries such as the United Kingdom and entities such the European Union.

Screening and assessment: The heart of the Comprehensive Review is improvement in the screening and assessment of asylum seeker applications. The target is to reduce processing time per claim to a maximum of 15 weeks (Legislative Council, 2016, p.4). This is in line with international practice. Yet there are other international practices that might also be considered.

In Switzerland, for example, there is what is called an “accelerated procedure” that can be completed in 48 hours. This procedure, with legal safeguards such as representation by a legal officer and appeal procedures, is used with applicants from countries where the reasons for application are likely to be
economic rather than persecution. For example, in the Swiss case, this could involve applicants for asylum from countries such as Kosovo and Georgia where the reasons are usually economic in nature. (Organisation Suisse d’Aide aux Réfugiés, 2016). Whether these targets have been met is open to question but the concept of identifying “safe countries of origin” is used not only by Switzerland but also Germany where the priority is to reduce the backlog of asylum seeker applications while also maintaining procedural fairness.

Much of the regulation in Switzerland assumes that asylum seekers will be identified at the point of entry to the country, that is, at a border control point. Yet the Hong Kong situation is quite different where “70% of claimants did not seek to lodge a claim until they were intercepted or arrested by the Police or ImmD outside control points. Overall speaking, claimants had remained in Hong Kong for 11 to 19 months on average before lodging a claim” (Legislative Council, 2016, p.2). Mr Justice Zervos commented on this situation in a recent case (HKSAR v Tarok Das) that “more needs to be done to weed out promptly the unmeritorious and unworthy claims” (Legislative Council, 2016, p. 3).

In the UK, for example, screening is handled by the UK Border Agency and applications for asylum must be made as soon as an asylum seeker enters the country and “if an asylum application is not made as soon as an asylum seeker enters the UK, the person may be denied welfare support and accommodation. The delay may also harm their claim at a later date” (Asylum Aid, 2013). Whatever mechanism is adopted, notification on arrival or early notification, the issue is, in the vein of Justice Zervos’ comment, to meet genuine needs while weeding out “unworthy claims” and in both cases maintaining procedural fairness.

In this chapter we have sought to provide the background to the Hong Kong context in which asylum seeker claims are made and to engage with the current Comprehensive Review of Non-Refoulement Assessment in order to suggest ways ahead. The purpose has been to examine strategies that can

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11 As at 30 June 2015 there were 237,877 pending asylum seeker applications in Germany (Informationsverbund Asyl und Migration, 2016).
12 The regulation of asylum seeker applications and assessment in Switzerland is done within a legislative framework – the Asylum Act and the Federal Act on Foreign Nationals.
benefit genuine asylum seekers but also help the system to conduct its responsibilities in an efficient and fair manner.

We believe an integrated policy process may well emerge from the Comprehensive Review but it should not be a ‘wait-and-see’ approach to policy action. Rather, it needs to be proactive approach that creates solutions to problems and prevents them from emerging. It is also clear that the HKSARG cannot do this on its own. There needs to be much more of a partnership with NGOs, the legal fraternity and the courts to address what is an important social issue in the Hong Kong community. We have addressed this issue in our Recommendations.

In the following chapters the Report moves from an analysis of the institutional context in which asylum seekers and asylum seeker policy is embedded (Chapters 3-4) to the individual context of the asylum seekers themselves. In doing so we wish to highlight that we are not talking about policy in the abstract or mere theoretical constructs. Rather, we are talking about the lives of individuals, families and children who deserve the greatest respect and who must be accorded the procedural fairness guaranteed not only by international law but by Hong Kong’s domestic legislation as well.
CHAPTER 5
THE MAIN REASONS FOR REFUGEES AND ASYLUM SEEKERS’ COMING TO HONG KONG

Introduction
In his chapter we begin to focus on the individual level – the actual lives of a sample of Hong Kong’s asylum seeker community. This chapter also addresses one of the key questions posed by the study: Why do asylum seekers come to Hong Kong?

According to Nowaczyk (2016), as part of globalization, migration is very common where people move from one country to another. “Although the causes for migration are diverse and vary from one person to the next, all reasons for migration can generally be divided into two categories: push and pull factors. Push factors are negative developments and circumstances that motivate or force people to leave their homes. Pull factors, on the other hand, are positive developments inducing people to move from their homes to someplace else.” Nowaczyk, (2016) further elaborated that push factors were referred to as unfortunate and unfavorable circumstances such as famine, and disease, natural disasters, and man-made push factors which include many things and one of which is abuses of fundamental rights. Pull factors referred to favorable circumstances such as freedom, safety and security of countries and places, job and study opportunities. Although many refugees and asylum seekers who participated in this study felt uncomfortable to reveal any details about the reasons for choosing Hong Kong, political and religious threats and persecution and economic problems were identified as push factors for asylum seekers to come to Hong Kong. Freedom, safety and security of countries and places, job and study opportunities are pull factors for asylum seekers to choose Hong Kong. Some asylum seekers and refugees mentioned that they chose Hong Kong because it was easy to get to Hong Kong because for some countries Hong Kong does not require a visa. Asylum seekers’ reasons for choosing Hong Kong, however, may not be consistent with the reasons for leaving their home country.
What follows is based on interviews with a range of stakeholders including asylum seekers and NGOs as well as existing literature.

**Political Reasons**

Political reasons refer to threats and/or persecution from a group, a company, a community or the government. Political asylum seekers are at risk and/or their personal safety is threatened. For example, one asylum seeker used to have a company, and the company ran well. A competitor tried to kill him/her through the Taliban, so he/she came to Hong Kong to avoid persecution. Coming to Hong Kong is not considered an option for some asylum seekers and they did not know that Hong Kong was not signatory to the 1951 Convention on Refugees. NGO 6-1 stated that coming to Hong Kong was often not a personal choice of asylum seekers and it is arranged for them.

*Coming to Hong Kong was not an option for some of refugees. They did not know that they were to come to Hong Kong. There were some cases that they did not know where Hong Kong was. For some of them, they escape and flee from their home countries – they went to an agent and paid a set amount of money to the agent. The agent would plan out a way for them to other country. Hong Kong was not their destination for a lot of them but somewhere else. However, they were just stopped here suddenly.* (NGO 6-1)

One asylum seeker stated:

*I thought Hong Kong has asylum. Because I did not know. Because if I know, I promise that I would never come to Hong Kong. Because I did not have any plan to come here. Some agent cheated me. I wanted to go to Canada at that time. Some people took my money and cheated me in China. They put me by boat to Hong Kong.* (NGO 2-2)

NGO 2 -2 further elaborated that his reasons for leaving home country were because of political persecution.
In Pakistan I am a business man. One day in 2006, one company (one group) was against me. They used Taliban and kidnapped me. Otherwise, I would be wealthy (NGO 2-2).

Similar to NGO 2-2, the family of student 3 and 4 were threatened by a group of terrorists while refugee family 1-1 were threatened by the civil war.

It was not economic difficulty. We had restaurant and hotel while we were in our home country, so we were rich and lived wealthy lives. It was the people . . . terrorists. They are not like those kinds of terrorists . . . like criminals. There was an attack on our family. People blackmailing our family.

(Student 3 and student 4)

I fled to Hong Kong before 1997 because there was civil war at his home country (Refugee family 1-1).

The researcher asked the students “Why did you come to Hong Kong?” Student 1 said: “My father had some problems”. The researcher: “Is it ok to tell me what the problem is?” Student 1 said: “I do not know.”

Religious reasons

Religious reasons are parallel to political reasons since religious asylum seekers are facing threats because of their religious beliefs. For example, Refugee family 1-2 came to Hong Kong because of the fear of the religious persecution. Refugee family 5-1 articulated that their problem was directly associated with the community rather than with the government because the community in which 93% of the population were Muslim did not accept them.

My problem is not directly link to the government. It is directly linked to the community. The community did not accept me because 93% is Muslim
Economic reasons

Economic reasons include unfavorable circumstances (such as unemployment rates are high, famine, and disease, natural disaster) and where the economy does not provide the opportunities people expect. Economic asylum seekers come to developed countries or big cities (such as Hong Kong) to find jobs, so that they would have better lives. According to NGO 7-1, there are no political issues in India, Nepal, and Bangladesh but in Pakistan terrorism and have political issues do exist. Countries such as Bangladesh, India, and Nepal are developing countries and have unemployment issue at this moment. Most people go to other countries for employment purposes. According to NGO7-1, in the past 10 years, countries such as Bangladesh and India did not have any political problems, and they come because they want to stay here13. Yet asylum seekers from Bangladesh indicated that the Bangladesh is having political problems and that they are seeking asylum in Hong Kong because of these political problems. Similar to most South-East Asian countries, there are brokers in these countries (such as Bangladesh, India) and they convince people that they could easily find jobs if they go to Hong Kong. The HKSARG should take border control seriously to stop this. According to NGO 8-1, many people from Pakistan and India chose Hong Kong as a destination because the economy is not good in those countries and some brokers would tell asylum seekers and refugees that “you could make a lot of money if you go to Hong Kong.” Refugee family 5-1 described its experience:

I came to Hong Kong with a travel visa in 1998 to ask someone to find a job for me. I came here through an agent. He got money from me and promised to help me find a job. I did not know that I needed a work visa to find a job in the beginning because it was the first time for me to be aboard. I was cheated by

13 As this Report was being prepared terrorist attacks in Bangladesh suggests that politically driven migration might now become more associated with this country.
him. I gave him money when I came here. He had my travel documents, my money, and my ticket. After that, he disappeared when I came here. So, I had no choice to live here without a visa. After that, I lived here. I could not find a job without Hong Kong ID card. (Refugee family 5-1)

Shum (2016) has argued that public perception and government policies mostly represent this migrant group as morally reprehensible and illegal economic migrants. The above findings indicated that economic stability and favorable circumstances of Hong Kong serve as pull factors to attract political and religious asylum seekers to flee from trouble but also attracts economic asylum seekers to come to Hong Kong for a better life.

Consistent with the qualitative findings, the survey results as shown in Figure 1 also indicated that religion and politics were the main reasons for asylum seekers leaving home country.

Figure 1

*Reasons for Asylum Seekers Leaving Home Country*
The reasons for leaving home country are the *push factors* as articulated above. The reasons for coming to Hong Kong are the *pull factors* which will now be described in more in the following chapter. *Push and pull* factors not only help understand why asylum seekers come to Hong Kong but they also help to have a better understanding of asylum seeker policy issues and can help to formulate better policies.
CHAPTER 6
BEING A REFUGEE IN HONG KONG

Introduction

Shum (2016) employed a marginalization-empowerment framework to understand asylum seekers and refugees in Hong Kong. Marginalization “refers to economic, cultural, political, and social inequality and exclusion, a state of ‘being underprivileged and excluded’” (Grabska, 2006, p. 290). Shum (2016) further elaborated marginalization needed to be considered as a three way dynamic: 1) being legally marginalized; 2) being discriminated; and 3) excluding oneself from the host society. Shum (2016) stated that “refugees are to be completely deprived of the basic human rights, they are being discriminated by the local people. But they do not exclude themselves from the host society.” Empowerment and survival coping strategies were employed by these asylum seekers and refugees to manage various difficulties. Shum (2016) stated “refugees in Hong Kong are social agents, but not passive victims. They actively find ways to cope with their lives in Hong Kong by developing various survival strategies.”

Empowerment is “the process of enhancing the capacity of an individual or groups to make choices and to transform those choices into desired actions and outcomes”. (The World Bank 2011). It involves power and power relationships between people (Poggi 2001). The findings of this project indicated that various NGOs provided different training activities for asylum seekers and the aim of this training was to empower asylum seekers so they would become self-advocates for their problems and issues. The HKSARG may not favor this empowerment approach, according to NGO 3-2, “the Immigration Department is very angry with the refugees now because the refugees did not know their rights before. The Immigration Department could do whatever they wanted to the refugees. But now, most of the refugees know their rights”. Due to this empowerment approach, things (such as humanitarian assistance) provided by the HKSARG have been improved. Asylum seeker students can
go school and they can use coupons to buy food from Wellcome. These are all improvements in the living environment as a result of empowerment.

**Most Positive and Negative Experiences in Hong Kong**

In the questionnaire, these questions “What has been your most positive experience in Hong Kong?” “What has been your most negative experience?” were asked. As shown in Figure 2, the most negative experiences in Hong Kong were not being able to work and discrimination. For positive experiences in Hong Kong, the results indicated that most asylum seekers expressed that Hong Kong is a safe place to live as shown in Figure 3. Consistent with the quantitative results, the qualitative findings indicated that Hong Kong is safer than asylum seekers’ and refugees’ home/origin countries. They appreciate how safe Hong Kong is and how convenient Hong Kong is. Although living in Hong Kong is difficult for asylum seekers, they prefer to stay in Hong Kong instead of going back to their home countries. According to NGO 6-1, it is very difficult for them to stay in Hong Kong for the long term not only because of government resettlement policy but also because Hong Kong is a cosmopolitan city and it is very expensive to stay here. Everything is so costly – everything people do and everywhere they go, involves money. The followings are few samples.

*I really like Hong Kong because it is governing by rule of laws. The policemen protect us.* (Student 1)

*I feel safe here. My son is happy and my family is with me. I am happy. It is very important.* (Refugee family 2-1)

*My father said that Hong Kong is a very safe city. If you compare other countries which have serious problems.* (Student 4)
My dad was a business man here before. He travelled to Singapore, Malaysia, and Hong Kong. He chose Hong Kong because he knew everything about Hong Kong. He felt safe here. (Student 3)

Many places in the world are like paradise for asylum seekers but Hong Kong does not really fit this category because they will never get resident status or be able to work. However, security and safety are important pull factors. (NGO2-1)

Figure 2.
Most Negative Experiences in Hong Kong

Figure 3.
Most Positive Experiences in Hong Kong
The Everyday Life Problems

No legal status

Not having any legal status leads to the marginalization of asylum seekers creating an environment of fear. These fears cause a lot problems (such as, psychological problems and health problems), and deprive them of their right to develop their full potential. Without legal status, asylum seekers are called illegal immigrants or “fake refugees”. According to Shum (2016), lack of legal status and negative labeling lead to social classification and marginalization. According to NGO 1-1, asylum seekers have denied and rejected their citizenship and now without legal status leads to their marginalization. NGOs which serve asylum seekers and in Hong Kong are not eligible to apply for funding from the HKSARG. Some NGOs, have had to cut down on services because they were running a financial deficit.

The refugees have encountered many problems daily. They need to do signing in mainly every two or six weeks. They might hide themselves and fear if they miss one signing at Immigration Department. They would not dare to go
signing again. We need to let them know that they don’t need to be afraid if they missed signing. In fact, it is not a problem if they show up for signing one week late. Officers at the Immigration Department might ask the reason but it is not a big problem. However, they get very afraid. They have no knowledge about it (NGO 2-1)

As humans, they value their identity based on their citizenships. They have no citizenship because their passports are taken away. They might hide themselves and fear if they miss one signing. They would not dare to go signing again (NGO 2-1).

According to NGO 2-2, the policy of assessing asylum seeker claims with little or no prospect of gaining refugee status is highly problematic for asylum seekers and not always well understood. There is considerable potential for breeding feelings of hatred towards the HKSARG and the people. This is an important issue that needs to be monitored very closely.

What identity those refugees are? They are not citizens and not illegal immigrants. They are here and the government doesn’t know what to do with them. They should give them an identity. Refugees are nothing in the society. They don’t know what they can do in society. The government should think about what identity the refugees should have. (School professional 1-1)

School professional 1-1 attempted to understand the concerns of the HKSARG for not giving refugees’ identity

I guess that it would be like the European countries. If you allow one person to come to Hong Kong, it would be million asylum seekers to come to Hong Kong. (School professional 1-1)
No right to work

There is a discrepancy between the HKSARG intention and perceptions of asylum seekers and regarding allowing asylum seekers to work. Asylum seekers view being able to work in Hong Kong as a win-win for themselves and the HKSARG. According to Refugee family 5-1, “The HKSARG does not need to pay the ISS, and we work and get salary. We do not need financial support for rent and food or anything from the government”. However, the HKSARG has their concerns. The HKSARG does not want to “open the floodgates” to job-seekers. In other words, “being able to work in Hong Kong” serves as pull factor for attracting asylum seekers and refugees to come to Hong Kong. NGO 2-1 argued that where asylum seekers provide labour and have contributed to the Hong Kong economy they should be given temporary working visa instead of having to become illegal workers. According to NGO 7-1, the issue of illegal work and its contribution to the Hong Kong economy requires further study.

A recent challenge before the Court of Final Appeal (CFA) on the prohibition of asylum seekers’ right was unsuccessful. The CFA unanimously dismissed the appeal. It was held that no constitutional right to work existed in favour of the Appellants. The court also held that there was no right to work at common law for the Appellants. Nevertheless there has been the rare occasion on which the courts have enabled the Director of Immigration to grant the right to work to a limited number of asylum seekers especially where their refugee status has been approved by UNCHR (McGovern, 2016). However, according to the Justice Center, the right to work is inherently intertwined with many other rights, such as the right to an adequate standard of living and to security of family life. It is also fundamental to human dignity. NGO 2-1 argued that (paraphrased by the researcher) it doesn’t make sense to have asylum seekers who have stayed here for over 10 years but are not allowed to work. The government should provide a human condition for the refugees, meaning they should have right to work, right to play, right to eat, right to have fun, and right to be educated. NGO 2-2 also argued that work is very important as human beings, even more so for asylum seekers, so they do not need to depend on others and the government.
As shown in Figure 4, the survey findings revealed that being able to work in Hong Kong was the most important goal of coming to Hong Kong while having sufficient financial subsidy was second in importance. Figures 5 indicates that the main issues and challenges for refugees in Hong Kong were not being able to work, financial and housing issues. The qualitative results were consistent with the quantitative findings. Being able to work in Hong Kong was mentioned by NGOs, school professionals, students, refugees and refugee families. According NGO 2-2, being able to work was critical for asylum seekers because it helps them to earn dignity.

They should let people to work. For example, we don’t need to worry about our finance if my mom and dad can work. Plus, the government don’t need to give money to refugees. We will have money to buy books and no need to go to the teachers. (Student 4)

According to NGO 1-1, the HKSARG can look into the refugee policy around immigrant visa or work permit for particular industries (such as metal workshop, construction, cleaning). According to NGO 2-1, there is a labour gap in Hong Kong and some local Chinese are not willing to fill jobs requiring lower skills (such as cleaning and dish washing). Instead of importing labour from other countries, the HKSARG could utilize asylum seekers who have lived here for over 10 years and know Hong Kong well. Why not let them take up these jobs? According to NGO 3-3, some asylum seekers are educated with many skills in different professions (such as engineer, nurses, lawyer). They would lose their skills or waste their skills if they do not use them for long time. Not being able to work has become institutionalized for asylum seekers and refugees when they are in Hong Kong for 10 years. Institutionalization not only takes their talents, skills and potential but means they cannot live a self-reliant life.

Asylum seekers would like to work and they have abilities and capacities to work. NGO 2-2 commented that the most important policy concern is relation to asylum seeker issues in Hong Kong is to enable them to work, so that they could have lives instead sitting there and have nothing to do.
Our big brother has a college degree from Sri Lanka. He could find a job or government job easily when with his college degree. We had to come here because our situation was terrible. So, we brought him. He was crying and wanted to do something. My mom was like “Sorry! We can’t do anything.” Our big brother is always mad because he cannot do anything and just stay at home.

(Student 3 and 4)

The asylum-seekers and refugees are suffering in Hong Kong because they are not allowed working. Second, they have nothing to do because people must have something in their lives, work or study. Otherwise, they just sit at home. How long they can sit? I talk about myself. Every day I wake up, I think of what to do. There is nothing to do. I don’t have work and don’t do anything. We don’t have work and just waste our lives here, although many of us are educated people. (NGO 2-2).

NGO 2-2 argued that asylum seekers are not allowed to work but the system forces them into illegal work because the government doesn’t give sufficient financial subsidy to sustain their lives and their children need to get to school. He further explained that policies in Hong Kong led some asylum seekers to commit crimes. For example, if asylum seekers work illegally, they would be put into prison for two years and if they sell drugs and they would be put into prison for three months. A Catholic priest, a native of Australia now based in Hong Kong, has observed that the city's asylum seekers "are getting into more serious crime", which he described as "bad for them and bad for Hong Kong society" (Lam, 2015). According to NGO 8-1, some asylum work illegally in Hong Kong. When they were caught by the police and they have to go to the prison for two years. In addition, if they are not allowed to work then illegal activities such as selling drugs become an option. If they are caught by the police, they will be put in prison for three months. This is a dysfunctional outcome of not allowing asylum seekers to work.
Figure 4.

*Most Important Goal in Coming to Hong Kong*

![Bar chart showing the most important goals for coming to Hong Kong. The goals are: Resettled, Residence in HK, Sufficient financial subsidy, and Be able to work in HK. The chart indicates that residence in HK is the most important goal.](image)

Figure 5.

*Main Issues and Challenges for Refugees in Hong Kong*
According to NGO 2-2, refugees have a lot of free time which leads them to commit crimes. Current policies in Hong Kong regarding the right to work are dysfunctional. For example if asylum seekers are put into prison, and they could work and they HK$600 per month. Asylum seekers want to work:

*If the HKSARG needs 100 people to work (to do laundry, to make furniture, to make T-shirt etc.) inside the prison, they call the police and police officers take asylum seekers and refugees on the road. My friends were on the road and now they are in prison. They did not do anything wrong just sat on the road because they wanted to relax. Police came and took them into the prison. You have a working life in the prison but you don’t have a working life outside. If refugees are in the prison, they earn HK$600 per month. If refugees are outside, they stop them to work, for what? (NGO 2-2)*

Some NGOs argued that asylum seekers provide labour and could contribute to the Hong Kong economy; they should be given temporary working visas instead of illegal work. Executive members from two NGOs have different perspectives regarding the availability of work for asylum seekers. According to NGO 7-1, asylum seekers receive some assistance for their living from the HKSARG. If they could find illegal jobs, they could earn $200 or $500 income every day. They are doing jobs
which local Chinese do not like to do. However, their labours are invisible and because it is illegal work it is not recognized as a contribution by asylum seekers:

*Many people come Hong Kong and apply as asylum seekers while their family are still in home countries. They had to send money to their family. They come here and HKSARG give them very little money for rent, food and transportation. In order to survive, they work illegally in Hong Kong. Asylum seekers and refugees realized that they would be kicked out of Hong Kong someday and go back to their original countries. So they don’t care about the dignity and beauty of Hong Kong. They are selling drugs and having their lives but they don’t care about Hong Kong. (NGO 8-1)*

The current policy is therefore counterproductive. Professor HANS-Werner Hess stated (at the Roundtable “The Migration Crisis in Europe: Implications For The EU Project and Beyond” organized by the European Union Academic Programme, held at Baptist University on 29 February 2016) that Europe should look at refugee issues in positive light, and refugees could be resources for workforce instead of a burden. He argued that migrants, including refugees, are good for Europe because population and workforce are decreasing. Labor shortages could affect social security. Migrants would be good for economic development because they could fill jobs to maintain prosperity. According to Professor Hess, upfront investment (such as training and education) are needed for migrants so eventually they can support the EU. This may also be important advice for Hong Kong.

**Psychological Problems**

Many factors contribute to asylum seekers’ psychological problems. First, no right to work contributes to their poor mental and psychical health, affects their self-dignity, self-esteem and self-confidence and prevents people from developing their potential. They have to depend on ISS for their basic need (such as food, housing). However, if they could work and become self-reliant this would lessen psychological issues.
Not having the right to work really stops people from developing and contributing, really has a sense of routine which feeds to poor mental health. (NGO1-1)

Financial needs contribute to the psychological aspect. They don’t have the right to work and depend on limited financial assistances. Especially, males, it does give them some burden to actually identify the solutions. Usually, males are the dominant roles of the household. He supposed to be the bread winners, and make money and look after the family. However, he doesn’t have the right and power to do anything once he is in Hong Kong. It is not only the changes of his role in his family but also how he sees himself too. It might take away his dignity, self-esteem and self-confidence. (NGO 6-1)

Second, the long wait process contributes to poor psychological health which is destructive for asylum seekers.

I think of the challenge is the “long wait” that they need to endure here. It is a limbo situation. It takes years and years. People have been here for 11 years. That has a dramatic affect not only on their physical health but also on their mental and social health as well. It really is the number one contributor to their poor health and well-being. (NGO 1-1)

Although, psychological support is needed for asylum seekers and refugees, according to NGO 6-1, general health services, including mental services for protection claimants in Hong Kong are limited. These services are important for this population, many of whom struggle to cope with the trauma they experienced in their countries of origin and depression from the futility of their existence in Hong Kong. According to refugee family 2-1, single asylum seekers and refugees would have more
problems than those asylum seekers who a have family in Hong Kong because they have no emotional support from their family.

Though the mental health services are accessible, claimants have reported long waiting times particularly for specialist health care appointments. According to NGO 6-1, currently only one NGO is active in providing psycho-social services to this community. Therefore, lack of support causes psychological problems.

*We are talking about a group who are very traumatized with high levels of trauma, anxiety, depression and so on but there is no screening and provision for mental support either outside of the NGO sections at the moment.* (NGO1-1)

*I have suggested to have an initial screening when asylum seekers first arrive in Hong Kong. A lot of European countries, also the U.S, and Canada, I think what they are doing is very beneficial for refugees. All incoming person must go through physical and mental health assessment and screening.* (NGO1-1)

Some NGOs provide counselling and therapy, psychological support to asylum seekers although only to members of their NGOs:

*Our donors support psychological counselling and therapy, with about 15 pro bono counsellors. Donors will pay for transportation for clients to seek psychological support. For psychiatric support, we work with some private clinics, also pro bono. We cover the transportation costs as well as services. We can only provide this limited support?*” (NGOs1-1)

Survival coping strategies for asylum seekers are very important as is access to information about services that are available. It is very important to expand the social networks of asylum seekers so they know which services are available from different NGOs or government departments.
Many asylum seekers do not know how to use survival coping strategies:

*Somebody has PTSD for instance. The way refugees and asylum seekers express their depression and anxiety is they lock themselves in their homes. They don’t want any social connections whatever. (NGOs1-1)*

*Many people are going to be psychos and a few have committed suicides last year. Who is responsible for those people? (NGO 2-2)*

Third, according to NGO 4-1, asylum seekers can only be concerned with themselves because they do not have to work, they have a lot of time and they easily become depressed. It needs to be recognized that sometimes asylum seekers become psychologically unhealthily in the way they see their environment. They think the HKSARG should be doing everything for them but they come from a country where the government has done nothing for them. NGO 4-1 said “I don’t think it is a right way to push Hong Kong local people to say ‘give me more.’ They need to say – ‘I come to your country and you are not sending me back to the situation’”. NGO 4-1 elaborated further “*they complain about Hong Kong constantly. If they do get resettled in Canada or the U.S, they will need to work extraordinarily hard to cover just their family insurance and education.*” Therefore, NGO 4-1 suggested that some training to understand things in context should be provided to asylum seekers and refugees to help them beware how negative attitudes and perspective affect their health and contribute psychological problems. Psycho social education is also provided to asylum seekers which enables them to understand what is happening to their bodies.

*Refugees and asylum seekers have a tendency to want more and get so introverted. They just ruminate constantly about the situation and become quite angry. Everyone else to blame. However, they are not interested when people say to them about poverty issues of local Chinese or people raise other issues happen in the world like humanity demands. They will like – what about me? They don’t get the perspectives or put things in context. Refugees and asylum seekers only concern about themselves, they get depressed. The system ensures*
that they focus on themselves (NGO 4-1) because they could not work, and they have nothing to do (NGO 2-2). Maybe if they are allowed to work and they would be healthier (NGO 4-1)

According to refugee family 2-1 and NGO 4-1, families have each other. Psychologically they are stronger because they have family bonds. They have children to focus on, get them into school; they have all the time to focus on their children. For singles, however, there are different stories.

For young men and women, they leave families and partners behind. They have no support and they have no future for them. They fall in love and want their family but it is not open to them. Housing is the basic. Also the sense of future. What is hard for them is to hang onto a sense of hopefulness. I think often they feel quite hopeless. That’s difficult. (NGO 4-1)

**Language Barrier**

According to NGO 2-1 and NGO 4-1, misunderstanding occurred often between officers from the Immigration Department and ISS and asylum seekers because of the language barrier.

It was complicated for refugees and asylum seekers because they do not understand language...language issues, there was lack of translation between asylum seekers and refugees and staff at EDB and schools, consequently, miscommunication or misunderstanding occurred (NGO 4-1).

Asylum seekers and refugees feel very powerless because they are negotiating in the language they don’t really understand. They feel very anxious about being exploited but at the same time faithless and vulnerable. (NGO 4-1)

In refugee family 3-1’s situation, for example, the letter from the Education Bureau told her that she had to contact the school directly. She got the letter in September, 2015. But she did not know that she
has to contact the school directly, and she does not know how contact the school due to the language barrier.

**Accommodation Problem**

The survey results indicated that housing is one of the main issues and challenges which asylum seekers are facing in Hong Kong. Consistent with these results, the qualitative findings indicated that housing is the biggest difficulty for asylum seekers in Hong Kong. Poor living conditions dehumanize asylum seekers. Asylum seeker family 5-1 suggested that a decent living condition should be provided for asylum seekers so that they could live like human beings.

*The renting for an apartment in Hong Kong is very expensive. Asylum seekers and refugees only get HK$1500 per month for housing. Especially for young men, they often end up having to share with another young man a room in very small size with a double bed. They have found they are sharing with men who are quite traumatized and upset. They face personal safety issue all the time when they have to share with other people that they don’t really know. They would sleep with their things like their documents. That is horrible! (NGO 4-1).*

*This is the living situation for refugees which it looks like a slum. People would be homeless because they cannot find a house with HK$1500 in Hong Kong. (Refugee family 5-1)*

*Some asylum seekers and refugees live in a big chicken farm. There was fire in the slum; one refugee died in the fire because of poor housing condition. (Refugee family 5-1)*

Regarding housing, there are many problems (such as agency fee), however, asylum seekers do not know the local language to negotiate with the agent and the landlord.
Agency fee for housing is still problematic. They get one deposit and they move out after one year. The landlord/landlady keeps part of the deposit. They feel very powerless because they are negotiating in the language they don’t really understand. (NGO 4-1)

**Discrimination Problems**

According to NGO 6-1, six months ago, the language from the government (such as press releases and reports) completely changed, linking asylum seekers to criminals, illegal immigrants, drug users and so on:

They are portrayed to be lazy, stay in a room, alcoholic, and drug abusers. They are not like that, only small portion of them like that. However, the media is making the small portion to a bigger picture. In fact, they are talented, they are professionals, and they are not lazy. (NGO 6-1)

Recently media have portrayed the refugee community so negatively. There are negative labels such as thieves, and rapers. There was a case yesterday about an old lady almost got raped by a protection claimer. The focus was on his status. There are a lot of negative images happening now. I feel there is a lot of hatred in the community between the locals and this population. (NGO 6-1).

Recently, there are lots of negative press about refugees which describe them as thieves and, illegal immigrants. The press and the government would like to blow up, magnify, and manipulate something like what happen in Jordan MTR (such as fighting in Jordan MTR). What we try to say is – that is real and frightening but it needs to put into context and it is very unusual. We try to
address it and not saying it doesn’t matter or that is not true. We are just trying to be a voice to balance up for this population because it is unfair (NGO 4-1).

According to NGO 1-1, when negative labelling was used by the HKSARG, the media picked it up. This framing created negative feelings toward asylum seekers which reinforced prejudices against them. In return, these would create hostile attitudes toward Hong Kong people and the HKSARG:

*Now there has been increase in discrimination from the local population against not just the refugees but also the ethnic minority. It can cause a lot of social conflict…* (NGOs 1-1)

*Chinese students are kinder than the local people.* (Student 3)

*Although Hong Kong always names itself as an “international city” or “Asian world city” but in reality we understand it is “No”. Not only for refugees, but also for ethnic minorities, they face discrimination and lack work opportunities. For the refugees, if they are from Africa, the black people, the situation must be even worse.* (School professional 1-1)

Terrence C. T. Shum (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education) stated that refugees live in Hong Kong but do not have a life in Hong Kong. “Discrimination” is one word to summarize their condition. Refugees and asylum seekers have a very low status in Hong Kong. They have no rights to work, no access to health care, or education, and treated as strangers who would create trouble to Hong Kong. Local people lack of involvement and awareness regarding refugee issues. Some of the local newspapers use stereotypes about refugees in Hong Kong such as they are always abusing local welfare system. Dr. Rizwan Ullah (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education) further elaborated that stereotypes are created from this negative labeling, and stereotypes would become prejudices.
Dr. Isabella Ng Fung-sheung (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education) stated Hong Kong society (e.g. the Liberal Party and the pro-establishment parties) are hostile to the acceptance of the asylum seekers.

According to NGO 6-1, such negative perceptions nonetheless affect these asylum seekers in many ways, such as accessing certain services and securing rental accommodation. According to NGO 6-1, one of the challenges is the misconceptions about asylum seekers and the need to be more culturally sensitive. This is especially true for the medical profession. Some of the medical professionals know where they come from and have a little stereotype – “You are from this country. You must be like this.” It is largely misconceptions of what they should be like.

We are working on more educational works in the up-coming time. We do more educational works with the students. In terms of the media, we are in touch with the media on a regular basis. We are aware of the current negative picture on the community. We will continue collaborating with the local NGOs. (NGO 6-1)

Dr. York Chow from Equal Opportunities Commission says “We are seeing xenophobia, intolerance and unjust ethnic stereotypes evidently on the rise, sometimes fueled by biased and sensationalistic media coverage, such as linking asylum seekers to increasing crime or conflating illegal immigrants with genuine protection claimants” (Chow, 2016). Dr. York Chow Yat-ngok (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education) stated “We should also be aware of discrimination faced by refugee family and their children in Hong Kong, disability, kids bullying, parents being discriminated in school and society when acquiring civic service or due to their absence of understanding. Many cases of discrimination are a result of misunderstanding and lack of awareness. The government is exempted from the Racial Discrimination Ordinance. But we should do more to enhance racial equality in Hong Kong”. Dr. Chow further elaborated Hong Kong is an international developed society. We cannot tolerate any kind of discrimination:
The Equal Opportunity Commission enforces the four anti-discrimination laws in Hong Kong. According to the Anti-racism Ordinance, refugees should live with dignity in Hong Kong. The application of refugee status should be processed as fast as possible. There should be policy and procedures to ensure cases of asylum seekers determined in shortest time, since delay will generate social problems. (Dr. York Chow Yat-ngok)

Discrimination creates social injustice and local people’s perceptions toward asylum seekers need to be questioned:

*Local people probably think that asylum seekers and refugee are low educated, poor, not skills. However, many of the refugees or those seeking to be refugees are professionals. They are lawyer, doctor, political assistants, work for the government, and highly educated such as PhD. Not all of them are low educated and come from rural poor countries. That is not true (NGO 6-1).*

*Because of skin colour, the locals just back off. It is quite sad to see this. It supposes to be a cosmopolitan city in the world. Why are we not willing to accept them? Other people accept us as a Chinese when we travel to other places (NGO 6-1).*

According to NGO 6-1, there should be a focus on the positive aspects of asylum seekers who are with hopes and wishes and would like to contribute to the local society. For example, some refugees could actively be involved in the community, such as interpreters, accompanying other asylum seekers to appointments:

*Some of them are very good in public relations and good at speaking with the students. They are confident and skilful. Unfortunately, the commercials tend to focus on one side of them – poor and financial helps. I don’t blame them but*
there is another side. Some of them are professionals. Some of them have hope and you will get inspired by them. They have skills to contribute Hong Kong too. (NGO 6-1).

The refugee community is small but they do help each other out. For example, they do for the new arrivals or new families . . . there are some passionate refugees seek to provide help . . . they know English and they will be the interpreters, to help them, to accompany them, to show them around Hong Kong, sort of like a mentor and let them know what Hong Kong is like. (NGO 6-1)

When the researchers interviewed students from the Canadian International School who are helping refugee children with their homework and English. They told the researchers that members from the Refugee Union were invited to come to their school and let students and staff know their situation in Hong Kong. This kind of sharing enhances people’s understanding about asylum seekers and increases the awareness of the general public about refugees and asylum seekers. Various NGOs attempt to provide sharing about asylum seekers in Hong Kong. The following are a few examples.

We raise the awareness of general public regarding refugee issues through working with local community. (NGO 4-1).

Asylum seekers and refugees just need a temporary stop - but we tend to label them as refugees instead of seeing them as human beings. (NGO 6-1)

Unknown future
Unknown futures contribute to emotional and psychological problems, according to NGO 6-1, it is very difficult to have endless waiting. According to NGO 4-1, what is hard for asylum seekers is to hang on to a sense of hopefulness. However, asylum seekers do not know whether their dreams will come true:

For this population is just waiting. Hong Kong has a big airport and they are just waiting to start their lives somewhere else. I don’t know what situation they will be forced to go home (NGO 4-1).

 Refugees and asylum seekers have been here in Hong Kong for 6 or 7 years. They want to have a life. They are young and they want to work or study. They still do not have the results of their claim. In a way, they are stuck because they cannot work. The HKSARG processes their cases and gives them a decision and an opportunity to appeal – but that is all. (NGO 4-1)

Other problems

NGO 2-1 stated (paraphrased by the researcher) Asylum seekers have $1200 worth of Wellcome coupons each month. The basic needs of their daily lives are covered but actually there are problems. They have no diapers because they cannot buy diapers with $1200 coupons. Asylum seekers can employ survival coping strategies to get extra support from various NGOs. However, it is still hard for single men and women, and single mothers.

Some families are very good going to different agencies. They may get extra $4000 a month from various NGOs. If you have children, it is easy to raise people’ sympathy. They can do OK. They get extra financial support for their children. However, it is very difficult for single men. People think that “you are a young man. You will be fine.” (NGO 4-1)
Some situations will involve single mothers and women coming to Hong Kong with their kids. She has to take the lead in their household. It is a little challenging and big changes, like how to make decisions, how to plan out your daily life, how to seek for assistances, how to take your kids in this large city. It will be challenging (NGO 6-1).

The above has articulated the main challenges and issues which asylum seekers and refugees are facing in their daily lives. Relying on minimal humanitarian assistance (e.g. food coupon, rental and transportation allowances) from the HKSARG, employing survival coping strategies, they can become self-empowering.

The issue of educational provisional for children in asylum seeker families will be discussed in the following chapter.
CHAPTER 7
EDUCATIONAL PROVISION FOR REFUGEE CHILDREN IN HONG KONG: POLICY, PRACTICE AND BENCHMARKS

Introduction

Children’s education is one of the major concerns asylum seekers in Hong Kong. In fact, education for asylum seeker children is recognized as a human right according to a range of international human rights conventions. For example, Article 26 of the 1948 Universal Declaration of Human Rights states that “everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.” Article 22 of the 1951 Convention Relating to the Status of Refugees states that “the Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.” The 1989 Convention on the Rights of the Child not only states that primary education shall be available free to all (Article 28), but also specifically mentions that “States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee…receive appropriate protection and humanitarian assistance” (Article 22).

Apart from normative human right requirements, education also meets many practical and psychological needs of asylum seeker children. For example, children who are in school are less likely to encounter human trafficking, sexual exploitation, and forced labor (UNHCR, 2016). Psychologically, school education can help mitigate the negative effects of traumatic experiences of children as it helps them to return to normal life (Demirdjian, 2012). Education can also equip children with the necessary literacy, knowledge, and skills which help them better settle into their new lives in the host countries (Demirdjian, 2012; Walker, 2011).

Despite the importance of education, education is only available to limited number of asylum seeker and refugee children around the world. According to the UNHCR, 50% of primary school age refugee
children and 75% secondary school age refugee children worldwide are out of school. These figures
are five times higher than those of non-refugee children (UNHCR, 2016).

Current Policies and Procedures for Getting Refugee Children into School

After providing a general overview of asylum seeker education, this section introduces the current
education policy of the HKSARG. In June 2015, there were 9,940 non-refoulement claimants
(asylum seekers for convenience) and 504 of them were under 18 years old. Many of them are school-
age children (Carvalho, 2015). According to the current education policy of Hong Kong, all Hong
Kong residents must receive nine years’ free and compulsory primary and junior secondary education.
Free education was extended to senior secondary education starting from the 2008-09 school year
although it is not compulsory (Information Services Department, 2015).

However, under the current policy, the government has no obligation to provide free education to non-
local students, including asylum seeker children (Education Bureau, 2015). Schools registered under
the Education Ordinance are also not allowed to admit these children until they get the permissions
from the Immigration Department and the Education Bureau (EDB). If asylum seeker parents want to
send their children to school, they should approach the EDB directly or apply to the schools they want
their children to enter and their applications will be referred to the EDB. On receipt of the applications,
the EDB will seek the comments from the Immigration Department on whether the children should be
allowed to attend schools in Hong Kong (Education Bureau, 2015). The Immigration Department will
consider every application on a case by case basis. If the Immigration Department considers that the
children are unlikely be removed from Hong Kong in the near future, it will consider allowing them to
receive education temporarily (Education Bureau, 2015; Legislative Council, 2015). Upon receipt of
the decision of the Immigration Department, the EDB will inform schools to admit these children or
identify school places for them (Education Bureau, 2015). Figure 7 shows the procedures for getting asylum seeker children into school.
According to our research on asylum seeker families and non-governmental organizations helping them, most asylum seeking children did get the permission to attend schools (including kindergarten) and parents faced no great difficulties in finding schools for their children. Most of these schools are experienced in educating non-Chinese speaking students. For example, a Sri Lankan refugee told us...
that he did not encounter great difficulties in finding a primary school place for her daughter. She said the EDB gave them a list of English speaking schools to choose from and her daughter is now studying Primary 2 at an English speaking primary school which has many non-Chinese students. Another two refugee school girls from India told us that they were quickly enrolled in a secondary school specifically catering for non-Chinese students after they arrived in Hong Kong. Representatives from Vision First, a non-governmental organization which aims to improve the livelihood of asylum seekers in Hong Kong, said that education for asylum seeker children is generally available. They are allowed to attend school. However, the head of the Hong Kong Refugee Union told us that there are still cases where schools did not accept children as places were full. Apart from enrolling most asylum seeker children to schools, some children also get fee remission (for kindergarten) from the EDB and financial assistance (for primary and secondary school) from the Student Financial Assistance Agency (SAFF) (Beatson, 2015).

Although most refugee children were successfully enrolled in kindergarten and schools and get financial assistance from the government, many parents of refugee children still encounter difficulties. The most critical one is the financial problem. Although many children get financial assistance from the EDB and the SAFF, the money is retrospectively paid several months after refugee parents paid the fees and tuitions (Beatson, 2015). This creates a huge financial burden for parents especially when they are not allowed to engage in any employment in Hong Kong. Moreover, our interviews with people from the Vision First and Hong Kong Refugee Union found that although there is no tuition in primary and secondary schools, many parents find it difficult to pay for other costs of schooling such as school uniform, books, transportation, and lunch boxes. Some asylum seeker students have to share books with classmates, use second hand uniforms, and walk long distances to school instead of using public transport. Vision First representatives also mentioned that some students encountered discrimination and bullying at schools.
Nevertheless, there are also some positive cases. For example, a Sri Lankan refugee told us that her daughter received a subsidy from the Social Welfare Department for school uniform and school bus fee although they still have to pay for books, stationery and other fees. Sometimes they also get financial assistance from the Catholic Church of Hong Kong and he has managed to get used textbooks for their daughter. In addition, his daughter received a scholarship from the school to cover most of the schooling expenses as she is one of the top 2% students of her Form.

In the following paragraphs we use two refugee family stories to further illustrate the situation of education for asylum seeker children in Hong Kong.

Significant stories

Story 1

NGO 2-1 perceived that some parents may not value education.

There are some parents who don’t care much about their education. I have one case of a 7 years old Nepalese child who has not gone to school. We are worried and trying to find a school for the child. However, how to find one since the child is already 7 years old without any education at all? Therefore, you can see there are extremes between parents. Some refugee children are very smart while some parents ignore and don’t care about their education (NGO 2-1)

For kindergarten, children of asylum seekers and refugees were not eligible to receive vouchers. According to NGO 2-1 not all kindergartens accept children without vouchers. Children without vouchers could face difficulties finding a kindergarten.

According to asylum seeker family 3-1, from Nepal and she chose Hong Kong because she thought Hong Kong is a safe place. She met her first husband in Hong Kong. He is also from Nepal and has
HKID. They have two children together, a son and a daughter. The daughter is a Hong Kong resident because her father is a Hong Kong resident. The seven year old son is not a Hong Kong resident. When asylum seeker family 3-1 applied for the birth certificate of birth for their son the father did not go to the government department that day because he took a drug and was sick, and he slept three or four days. Therefore the father’s name was not on her son’s birth certificate. It was hard for her because she needed to pay for the hospital.

Her four year old daughter goes to kindergarten. Even though her son is seven years old he had not been to school when the researcher met them in December 2015. Her first husband was taking drugs and did not work. Money was the main reason she did not send her son to kindergarten. Her son told her that he would like to go to school because all children are going to school.

Another reason her son had not gone to any school was because they did not know the school admission procedure. They had approached some schools near where they live (Yuen Long). These schools told them that there was no school place for her son. She also went to EDB, and later she received a letter. The letter told her that she had to contact the school directly. She received the letter in Sept or October, 2015. But she did not know what to do, perhaps because of the language barrier. The researcher read the letter and contacted the Delia Mei Fu School for her. The researcher told her that she had to fill out the application form, and bring all supporting documents with them when they went to the school for the interview. Asylum seeker family 3-1, NGO 2 and her son went to the school for the interview. The researcher negotiated with the school and asked the school to reimburse their transportation fees. After the interview, the school accepted his application. However, he still could not go to school because he did not have school uniform and she could not pay transportation fee for him. Asylum seeker family 3-1 contacted a case worker and left message. But the case worker did not respond right away. Her son did not go to school until February, 2016. After Initiation Program, her son was accepted by a primary school.
According to asylum seeker family 3-1, her son likes to go to school but the admission procedure is very complicated. According to NGO 2-2, she cannot find a school for him. One school in Mei Foo has made an offer, but the school is very far from where they live. She cannot afford the transportation because she doesn’t have any money. The transportation is very expensive. She wants to find a school around where they live but she cannot find one. Many schools said they were full already. There is another problem because he has not gone to kindergarten. That’s why admission to primary school is difficult and why he has to go to the Initiation Programme. Even though he was born here he has never been to school and he was considered as a new arrival.

According to the mother, she had wanted her son to go to kindergarten but his father did not work and they had no money. She didn’t know there were people such as the NGO organizations who could help. But the problem was basically lack of money and a husband who didn’t work, took drugs and was abusive and the people. In the end the mother left the home because of the poor behaviour of the father.

This family experienced domestic violence. Her first husband beat her and her children:

\[I \text{ got so stress out before and got depression also because he beat me so much,}\]
\[\text{badly on my head and he kicked me. He beat me like biting. He beat up my bones,}\]
\[\text{and my face also. I did not like it.}\]

She and her children ran from him and moved from Jordan to Yuen Long. She met her second husband, and he treats her and her children well. A friend and the Chairman from Hong Kong Society for Asylum-Seekers and Refugees helped her to start a new life.

**Story 2**

Students A (student 3) and B (student 4) are brothers, and they are from Sri Lanka. There are five people in their family: an older brother as well as the parents. Student A is 19 years old and Student
B is 17 year old. They have been in HK for 6 years and have studied at Delia (Hipwo) for more than 5 years. They are doing well in academic performance and sport.

When they were in Sri Lanka the family was rich owning a restaurant and hotels. They were attacked by others in Sri Lanka and they were and people were blackmailed. They chose to move to Hong Kong because their father was businessman, and travelled to Singapore, Malaysia, and Hong Kong. He knew everything about Hong Kong and felt that it was a safe city with no criminals. The biggest challenge was financial difficulties. For example, they had to buy the textbooks and uniforms first. These fees would be reimbursed later. They pointed out that they were not reimbursed all the money. Financial difficulties also affected other aspect of their lives; they would like to hang out with their friends but they cannot go because they don’t have money. They suggested that the government should let asylum seekers have a work permit so that they could work and rely less on government assistance.

Student A and B described their best experiences were related to achievements in sport. Their pictures taken from basketball games were published in the newspaper for basketball. Their teachers were happy and proud of them. For their worst experience in Hong Kong, student A was lost when he was looking for Kowloon Park. Because of the language barrier, the local people could not help him how to get there, and he had to walk two hours. Student B’s worst experience happened in second term of Form 1. The teacher asked students to do a project. With the help of his brothers, he finished the project. The teacher said that all students had to present the project in front of the class. The teacher asked one by one to come up. He could not read anything and struggled badly. He did not know how to pronounce the English when he tried to read out his report. He felt very embarrassed.

Their dreams were to become personal trainers. Student A was taking a course called “Sport and fitness coaching” as part of Applied Learning. They are not sure whether they could go to university; even worse, they are not sure whether they could take the DSE examinations. However, Wang Sir at Delia was telling student A that he could focus on his study as well as balance his time for training.
Wang Sir said that student A was one of the good athletics in Hong Kong now and he might have a position in Poly U. They mentioned that their mother has a great influence on them in terms education. Their mother told them that they should work hard and embrace all the opportunities which presented to them. Their oldest brother received his university degree from Sri Lanka.

Neither student feels discriminated at this school. Their fellow students love and support them when they play basketball or whatever they are at the school. Their fellow students are kinder and respect them more than local people. Most of their fellow students and classmates do not know that they are asylum seekers.

They feel shy when teachers ask them to present a HKID in front of class. Most students would have their HKID, but they present their immigration paper to teachers. They feel shy. Other students are looking at the paper asking “what is it?” Some teachers would also ask “what is it?” They don’t know what to say and they just cover the paper.

**Benchmarking with Selected Western European and Asian Countries**

How is Hong Kong benchmarked with other countries in terms of its education provision for asylum seeker children? This section examines the education policies and practices of five selected Western European (Germany, United Kingdom) and Asian countries (Japan, Malaysia, South Korea) and then compares them with Hong Kong. Western Europe is selected because almost all countries within the region have joined the 1951 Refugee Convection and integrate refugee and asylum seeking students to national education systems. The Asian region is selected because of its geographical proximity to Hong Kong. In all selected countries, refugees and asylum seekers are living in urban areas instead of refugee camps, the same as the current arrangement in Hong Kong.

**Western European Countries**
Most Western European countries are signatories of the *1951 Refugee Convention*. As Table 5 shows, most of them, at least legally, offer refugees and asylum seekers the same rights to education as citizens and integrate them to national education systems. In the following we will examine the policies and practices of Germany and the United Kingdom (England).

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Table 5

*Legal Frameworks of Refugee Education of Selected European Countries*
England

The United Kingdom is a signatory of the *1951 Refugee Convention*. In England, the government has a legal obligation to provide education to refugee children from 5 to 16 according to the Education Act 1996, Immigration and Asylum Act Education Act 1996, and the Children Act 2004. Children of refugees and asylum seekers have the same rights to education as citizens of the United Kingdom. They are also entitled to free school meals and school uniform grants. Under the current system, Local Education Authorities (LEAs) are the institutions responsible for providing full-time education for asylum seeking and refugee children ([Department of Education and Skills, 2004; Walker, 2011](http://www.asylumineurope.org/)). Refugees and asylum seekers who have school age children can directly submit an application for admission to school to the LEA, which is responsible for finding a suitable school place for the children (Rutter & Alexandrova, 2012). However, children may be put on waiting list if the schools they choose are oversubscribed. They are usually allocated to less popular schools if they arrive in England outside the normal admission dates. Moreover, many refugee/asylum seeker families are unfamiliar with the education system of England and some schools are unsure about their obligation to refugee education (Rutter & Alexandrova, 2012). Some schools even refuse to enroll refugee children for fear of a drop in average student grades, which are inspected by the government (Bourgonje, 2010). Another barrier to education is the refugee dispersal policy. Under this policy, asylum seekers/refugees do not choose their accommodation, it is allocated by the government. This
may disrupt or delays children’s education when the government asks them to relocate from one place to another (Bourgonje, 2010; Walker, 2011).

Despite these barriers to accessing education, the UK government offers a range of programs and schemes to support the education of refugee children. For example, the Home Office and several other government departments developed the National Refugee Integration Online Platform (NRIF) to provide professionals with information and guidance about good practices in refugee education. The New Arrivals Excellence Programme (NAEP) provides guidance to schools on how to support immigrant students (including refugee children) through school planning and teaching and learning strategies. The Ethnic Minority Achievement Grant (EMAG) provides funding to local authorities and schools to help raise the attainment of ethnic minority students, including refugee children (Rutter & Alexandrova, 2012).

Although some programmes are in place, asylum seeker/refugee education still encounters a range of problems. A major one is insufficient resources. For example, the limited financial resources that schools get from the EMAG make it difficult for them to provide some types of English language education services to refugee children. There is also lack of teacher training to help teachers to deal with the psychological needs of traumatized refugee and asylum seeking children (Bourgonje, 2010).

**Germany**

Germany is a signatory of the *1951 Refugee Convention*. It received the highest number of new asylum seekers in the European Union in 2015 (BBC News, 2016). In Germany, school age children of recognized refugees and asylum seekers are entitled to the same rights and obligations for education as ordinary citizens. They can gain access to primary, secondary, and tertiary education. According to the Asylum-Seekers’ Benefits Act, asylum seekers also enjoy the same status as German
citizens in terms of social welfare. They are entitled to child benefits, child-raising benefits, integration allowances, and language courses as well as other forms of integration assistance (Federal Office for Migration and Refugees, 2011). However, since Germany is a federal republic, education is the responsibility of individual federal states. So the laws and practices regarding asylum seeker/refugee education vary from state to state. For example, compulsory education ends at the age of 16 in several states. Therefore children in those states do not have the right to enter schools when they are 16 or 17 years old (Asylum Information Database, n.d.).

Taking the State of Thuringia as an example, children of refugees and asylum seekers from the ages of one to six are eligible to enroll in day care center and kindergarten after they have been transferred from the initial reception facility to one of the districts of Thuringian. The social care staff can help parents to find and apply for a day care center. If parents are unable to pay the tuition, the government (Youth Welfare Office) can also help (Thüringen Ministry for Economic Affairs, Science and Digital Society, n.d.). Asylum seeker/refugee children in Thuringia at ages between 6 and 16 are required to attend primary or secondary schools three month after their arrival. Local social care staff and the education authority can help parents to find and apply for a school. Moreover, additional German language classes can be provided for children who are not proficient in German until they are able to follow the lessons. Depending on the type of secondary schools they completed, asylum seeker/refugee children who have completed their secondary education are eligible to go for vocational training or attend a university in Germany and there are no tuition fees at state universities in Thuringia (Thüringen Ministry for Economic Affairs, Science and Digital Society, n.d.).

Despite the legal requirement of providing free and compulsory education to refugee children, there are still barriers for them to get access to education. Some parts of the education system are insufficiently prepared to address the specific needs of asylum seeker/refugee children (Asylum Information Database, n.d.). For example, refugee children did not gain access to school in some districts of Berlin due to lack of resources (Sax, Ammer, & Mandl, 2012). Moreover, asylum seekers
may find it difficult to get access to vocational training because of the “priority review”, which means asylum-seekers can get training only if no applicant with a better residential status has applied for that same course. The six-month-period of asylum seeker's residence also makes it difficult for asylum seekers to enter vocational training which usually lasts for two or three years (Asylum Information Database, n.d.).

Asian-Pacific Countries

The refugee protection regimes of Asian countries are much more diverse than their counterparts in Western Europe. Table 6 shows that only some Asian countries are signatories of the 1951 Refugee Convention and not all countries are legally required to provide refugees and asylum seekers with the same rights to education as national citizens. Currently no East and Southeast Asian countries provide free and compulsory education to the children of both recognized refugees and asylum seekers. South Korea and Japan only provide free education to recognized refugees, whose numbers are extremely small (Domínguez, 2014). Malaysia, Thailand, and Indonesia are not signatory of the 1951 Convention and their governments provide no education to both refugees and asylum seekers.

Table 6

Legal Frameworks of Refugee Education of Selected Asian Countries

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<tr>
<td>South Korea</td>
<td>1,313</td>
<td>5,102</td>
<td>✓</td>
<td>Only refugees</td>
</tr>
<tr>
<td>Japan</td>
<td>2,419</td>
<td>10,705</td>
<td>✓</td>
<td>Only refugees</td>
</tr>
<tr>
<td>Malaysia</td>
<td>97,573</td>
<td>54,400</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

101
Thailand 110,372 8,166
Indonesia 5,277 7,911
Hong Kong - 10,755
(non-refoulement claimants)

Note. From UNHCR (www.unhcr.org) and authors’ research.

South Korea

As mentioned earlier, South Korea, Japan, and Malaysia were selected for more detailed description. South Korea is a signatory of the 1951 Refugee Convention and it is the first East Asian country to enact a refugee law. According to the Refugee Act passed in 2013, school age children of asylum seekers and recognized refugees receive different treatment in terms of education. For asylum seekers, they may receive primary and secondary education at the same level as that of Korean citizens only at the discretion of the government (Article 43). But for recognized refugees, they shall receive primary and secondary education identical to that provided to Korean citizens and the government may also provide them with social integration programs such as Korean language education and vocational training (Article 33). Although recognized refugee children enjoy the same rights to education as Korean citizens, their number is very small given the extremely strict refugee screening mechanism (Domínguez, 2014). For example, 4,186 asylum seekers came to South Korea in 2012, but only 271 (6.5%) were recognized as refugees (Kim, 2012).

A feature of refugee education policy in South Korea is its special treatment of asylum seekers from North Korea. Since South Korea (Republic of Korea) aims for eventual unification with North Korea (Democratic People's Republic of Korea), North Korean asylum seekers are immediately considered South Korean citizens as soon as they arrive. Upon arrival, North Korean refugees will receive a 12-weeks educational course at a resettlement center which includes basic vocational training, Korean
history and democracy, market economy, and psychological counseling (Sung & Go, 2014). School age children are then integrated into the national education system. The Ministry of Education organizes academic assistance programs such as extracurricular activities and mentoring programs to help students adjust to school. The Ministry of Gender Equality also organizes similar programs to assist North Korean students (Sung & Go, 2014).

Despite the generous assistance from the government, North Korean refugee children still face difficulties in education. For example, most assistance programs only last for five years but the special needs of refugee students frequently continue to exist beyond that period. Many North Korean students also find it difficult to catch up academically with their South Korean peers and suffer from lower self-esteem, which have led to higher school drop-out rates (Sung & Go, 2014).

**Japan**

Japan is a signatory of the 1951 Convention. However, unlike its West European counterparts, it does not provide any social services to asylum seekers. Therefore, school age children of asylum seekers have no access to education except Japanese language classes provided by NGOs (Kingston, 2014). Asylum seekers who have been recognized as refugees receive better treatment. They can join a six-month Settlement Support Program free of charge. The program includes Japanese language education, guidance on life in Japan, and vocational counselling service. School age refugee children are integrated into the national education system as primary or secondary school students (Refugee Assistance Headquarters, 2014). The biggest problem for asylum seekers in Japan is the extremely low recognition rate. In 2013, only 6 out of 3,260 asylum seekers were recognized as refugees and the rest are staying in Japan without any social services from the government (Ito, 2014).

**Malaysia**

Malaysia has a very large number of urban refugees. In 2015, it had 151,770 refugees and asylum seekers, of which 15,380 were school-age children (6-17) (Rajaendram, 2015). However, it is not a
signatory of the *1951 Convention* and it officially treats refugees and asylum seekers as illegal immigrants. Therefore, refugee children are denied entry into state schools. They are in principle allowed to enter private schools, which are unaffordable for most refugees (Crisp, Obi, & Umlas, 2012). Currently refugee children mainly receive education in refugee schools run by UNHCR in partnership with NGOs, churches, and refugee community associations. In 2012 there were around 75 such refugee schools or learning centers in Malaysia. Most of these schools are at primary level but some schools have also organized vocational and skills training for older asylum seeker children. It is reported that the facilities and equipment of these refugee schools are generally adequate (Crisp et al., 2012) and the school enrollment rates of asylum children has increased significantly from 4% in 2006 to around 40% in 2014 (UNHCR, 2016).

Despite the rapid growth of enrollment rate, asylum seeker children still face difficulties and barriers in education. For example, there are only a few refugee schools offering secondary education to asylum seeker children. Moreover, many teachers lack training in teaching asylum seeker children (Crisp et al., 2012). Some schools are still suffering from overcrowding and the lack of basic teaching facilities (UNHCR, 2011). In addition, refugee schools organize their own examinations and issue their own certificates and diplomas, which are not recognized by the government. This may negatively affect the further education of the refugee children (Crisp et al., 2012).

**Benchmarking with Hong Kong**

How does Hong Kong compare with these European and Asian countries in terms of education provision for asylum seeker children? Overall, we argue that Hong Kong is not doing badly. It performs better than Japan and Malaysia and is only slightly lagging behind Germany and England. The biggest difference between Hong Kong and Western European countries such as Germany and England is that the latter allow asylum seeking children to enjoy the same rights and obligations to
education as national citizens. In Hong Kong, however, education is neither a right nor an obligation for asylum seekers and is in principle up to the discretion of the government. Nevertheless, according to our research most school-age asylum seeking children in Hong Kong successfully get access to free school education with government financial assistance. The second difference is that England has designed specific schemes and programs such as NRIF to help asylum seeking and refugee students. There are no such programs in Hong Kong apart from the Initiation Programme for Newly Arrived Children, an academic and social adaptation program for all newly arrived students, including asylum seekers.

Compared to Japan and Malaysia, Hong Kong performs better because the governments of Japan and Malaysia provide no education to asylum seeking children but Hong Kong provides most with free school education, although both do not set it as their legal obligation. Like Hong Kong, South Korea also treats education for asylum seekers at the discretion of the government. There is, however, insufficient information on the number of asylum seeking children enrolled in schools.

Despite the differences between Hong Kong and other countries in terms of asylum education, they share many challenges. For example, lack of teacher training on the needs of asylum seeker students is found in both Hong Kong and some countries included in this report. Another common challenge is the lack of resources to provide special support to asylum seeker children. Moreover, there are refugee parents in both Hong Kong and England who are unfamiliar with the education system and the ways of getting their children into schools.

At the broad policy level, therefore, educational provision for asylum seeker children in Hong Kong meets and in many cases exceeds international standards. Yet the ‘lived experience’ of both providing that education as well as being a recipient of it still has many challenges for policymakers, schools, teachers, NGOs and asylum seeker families. The remainder of this report seeks to highlight issues that in an important sense lie beneath the surface of what otherwise is a positive approach to the education
of asylum seeker children. Such issues, unless addressed, can often undermine the original policy intentions.

The Roles of School Stakeholders in the Educational Provisions for Refugee Children

In Hong Kong, there are about 500 school age asylum seeker children. Many children are from Southeast Asia (such as Sri Lanka, Philippine, Vietnam, India, Malaysia, etc). As shown above, protection claimants under 18 years of age can enroll in school and have their tuition waived by the Education Bureau and receive financial assistance. However, this is granted not as a universal right. According to NGO 6-1, the government financial assistance only covers the cost of textbooks, transportation, but not does not cover many essential expenses, e.g. school uniforms, educational activities, school bags and stationery. Because all kindergartens in Hong Kong are privately run and require tuition fees, many asylum seeker children cannot go kindergartens.

If we receive request, and we try to help. It works case by case. If we solve one case, we have another one and then another one if the policy doesn’t change.

Though I can cooperate with some other agencies. For long term, we have to rely on the HKSARG. Church can help this year but I cannot guarantee for next year. They get some help from different churches but this support is temporary. The government has to step in and may have a better policy in place.

(NGO 6-1)

According to NGO 6-1, in terms of educational provision for asylum and refugees, Hong Kong has done a better job than mainland China. Of course, there is room for improvement, such as, in term of financial and psychological support. In the interviews with asylum seeker families and students, they were satisfied with the quality of education in Hong Kong. Asylum children are treated well with no discrimination at school. They are doing well in terms of academic performance and sport. For example, student 3 said “A lot more than staying in Sri Lanka. We came here and we know English
now. If we stay in Sri Lanka, we won’t know English, we do not regret to come to Hong Kong. We learn much more.” The only concern for asylum seeker families and children is whether they could go to college after secondary school.

School alone cannot cater for complex needs of refugee students. As Figure 6 shows, a clear policy needs to be put in place with the combined efforts of different school stakeholders including the HKSARG and NGOs, asylum seeker parents and students. Together issues and challenges could be addressed and better learning experiences and more learning opportunities could be provided to refugee students. The roles of different school stakeholders are set out below.

Our observations are not all-rounded because we only know what they need from their school lives. These students need to go to immigration, lawyer, or other organizations regularly. There might be some supports from the government which we do not know about. Some might have no money to buy stationeries, to travel, to buy food, to buy books, to buy socks, or to buy underwear. All we know are they needed to go to various organizations, but we don’t know the results of those visits and don’t know the purposes. (School professional 1-6)

Figure 6

Different School Stakeholder Working Together
The HKSARG does not see that it has a moral obligation to provide education for asylum seeker children and it does not see that it has to enforce compulsory education for asylum seeker children. It leaves the choice of education to parents. This often leaves a view in the minds of asylum seekers that the government does not care:

*The HKSARG supposed to help us. However, they don’t want to help. We pushed the HKSARG to sign 1951 United Nations Geneva Convention. They are not helping from their hearts. (Refugee family 5-1)*

Although providing education to asylum seekers and refugees is not out of moral responsibility, the HKSARG did a good job in educational provision for asylum seekers and refugees. Some refugees and asylum seekers come from a country that their children never have education before. Quality of education in Hong Kong is better than in some asylum seekers’ and refugees’ home countries. They might come from a country that their children never have
education before. It is a huge benefit for them to be in Hong Kong. They get good education. (NGO 4-1)

The HKSARG provides an Initiation Program for all new arrival students (including asylum seekers) for 6 months before joining mainstream schools. Olivia Lo Tin-oi from EDB (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education stated refugees) stated that the objectives of the Initiation Program are to strengthen students learning experiences for the real classroom situation, to enhance their standard in the English and Chinese languages, and to foster their social adaptation and personal development. Target students for Initiation Program are newly arrived children aged from 6 to 18, from Primary 1 to Form 3. The class size is around 20 students per class and its arrangement is whole-day program. The Initiation Programme is fully supported by the government, and free of charge. After that, students will be assessed and put to different grade level (or main stream classes) based on their academic and language abilities. Almost half of them are English classes. There are also some basic Chinese classes in the Initiation Program. There are five schools in Hong Kong (such as Delia English Primary School & Kindergarten, Fanling Assembly of God Church Primary School) that provide Initiation Programmes.

According to NGO 4-1, compared to Singapore, Thailand, Malaysia, UK, China and many places of the world, the HKSARG is doing much better by providing an Initiation Programme (sometime referred to the Induction Programme) for newly arrived asylum seekers. The Induction Programme provides opportunities for them get used to the system and to be assessed. The assessment looks at individual needs, and then places students in different grade levels. According to school professional 1-6, the biggest challenge of the students in the Initiation Programme is the language barrier.

Some school stakeholders (such as NGO, refugee parents and school professional) provide counter views on the HKSARG roles. NGO 2-1 stated (paraphrased by the researcher) that the educational
provision for refugee students is not friendly. For instance, money is needed for kindergarten. The HKSARG does not approve all applications for subsidy. The kindergartens claim that they only accept students with Pre-primary Education Voucher. Many asylum seekers do not have the voucher. It means they could not go to kindergartens. NGO 2-1 further elaborated (paraphrased by the researcher) that helping asylum seeker children to go to kindergarten is mutual benefit for them and the HKSARG and teachers at primary schools. If asylum seekers cannot go to kindergarten later on, they will put a burden on primary school teachers. A clear policy on how to provide support for asylum seeker students is needed.

*Not giving Pre-primary Education Voucher to asylum seekers’ and refugees’ students actually is harmful to Hong Kong citizens because these people are living in Hong Kong. The government shouldn’t feel not giving money is good but actually it is creating many problems. The refugees do not have kindergarten’s education and problems will come one day. Later these refugee students attend primary schools, they could need extra supports which could be provided by primary teachers. (NGO 2-1)*

We are not really satisfied with the government. I think the government can do much more. The government should have a clear policy how to deal with them and at least treat them like humans. How many of them they will accept? What kind of support they will give? Can you not accept them but treat them like rubbish in the society? The government thinks that they are just a burden. (School professional 1-1).

*The policy is insufficient and the HKSARG is not doing minimum for them. We cannot say the government is not doing something. They do but little, it won’t help the students much in a long run. (School professional 2-1)*

Regarding the educational provision for refugee students, the roles of Education Bureau are to assign refugee students to schools, provide a list of school to refugee parents, and explain the admission
procedures. According to school professional 1-6, the government assigned refugees and asylum seekers to their school. “We must receive refugee students who were referred by EDB when they applied the Initiation Programme”. School professional 2-1 echoed that refugee students are sent from EDB to their school through the central allocation. “We have no reasons not to accept these students from EDB because we are government funded schools and we need to accept these students from EDB”.

EDB provided a list of school to us, and then I approached the schools.

(Refugee family 5-1)

The government department has correspondences about how we can get the support, which departments to apply for fees for textbooks. The school doesn’t treat us as refugees but same as local Chinese students. So I needed to approach SFAA (student financial assistance agency) for all the procedures.

(Refugee family 5-1)

According to NGO 4-1(paraphrased by the researcher), the following are problems regarding educational provisions for refugee students. First, the frontline workers at EDB and the schools do not know whether asylum seekers are eligible for attending kindergartens, primary and secondary school. Staff at ISS did not know anything about education processes. The admission procedures and application for financial assistance with various government departments are complicated. It is even more complicated asylum seekers because often they do not understand language and they suffer high levels of anxiety. Second, miscommunication or misunderstanding often occurs because of language issues. There is a lack of translation and materials are complicated:

I have found it difficult to comprehend how they can really support a population when they don’t provide interpreters. Even if EDB would provide information in different languages is a wonderful step. That will make a huge different (NGO 4-1).
The HKSARG should provide beyond the basic needs by reviewing the actual situation and look at the actual needs of the asylum seeker students.

*The HKSARG can consider going beyond the basic needs. Refugee students cannot attend school and learn if they do not have the school uniforms and the textbook which would affect their school performance. They would feel humiliated and ashamed, and get upset for not having the school uniforms and the textbook because they are basic things for every student in school.*

*The HKSARG needs to review the actual situation and look at the actual needs of the children and parents. Some changes are needed, so they should lose concentration in school because of the essential needs such as costs of uniforms or other activities. (NGO 6-1)*

*The HKSARG provides little financial support for school fees or books. Beside this basic financial help, the government does nothing. They just leave it to the schools to do it. It is a very big problem because refugees not only need to go to school. They also have many other needs for their daily lives. (school professional 1-1)*

School professionals mentioned that there have been changes in terms of educational provision for asylum seeker students. Previously, the HKSARG does not provide any financial support to those schools.

*Before, the schools did not get any fees to help these groups of students at all. The government pays for a seating for these groups of students starting last year. For the past two years, the government took out some money and extra budget to support these groups of students. So it is a little more helpful than before. (School professional 1-2).*
Dr. York Chow (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education) argued that it was important that people in Hong Kong shall not just do things according to laws, but do things which are right. Support should be given to people who are not legal Hong Kong residents even though this may face political pressure from all sides.

School/Teachers

Compared with the HKSARG, schools and teachers pay more attention to moral obligation in educational provision for refugee students. According to school professional 1-1 (paraphrased by the researcher), his school has been catering for asylum seeker students for more than five years even before receiving any financial support from the government. According to school professional 1-1, school professional 1-2 and school professional 1-3, (paraphrased by the researcher) after placing asylum seeker children in mainstream classes, social workers would follow up with them. Extra help would be provided to them for coping with language or new environment.

Some professionals remain concerned about whether admitting asylum seeker students is legal. There are no clear guidelines on the admission of asylum seeker children. The letter issued by the Immigration Department appears confusing to some professionals:

*In the letter, it states that the Director of Immigration does not object any admission of refugees to school. What does “does not object” mean? It doesn’t say it is OK to admit these refugees. EDB also states that students must be Hong Kong residents in order to be admitted to schools. Then, EDB send these students to our schools. Therefore, I wonder if it is OK to admit these refugee students. I don’t want to commit crime. (School professional 2-1)*

School professional 2-1 was afraid that if their school cannot accept students of asylum seekers the money for textbook and school uniforms would be wasted.
If we accept them after they have bought books, uniforms, and paid everything. Then, HKSARG say “No. They cannot go to school.” What can we do about these books and uniforms? It is a waste of money. Our students are from lower class in Hong Kong society. Hence, money is important to them. I ask the authority if it is ok to accept these students, they told me to read the letters from the authority for the refugees. The letter says “doesn’t object them to be admitted to schools.” In the letter, it states if the government rejected their application as asylum seekers, they would be removed from Hong Kong, and students would be removed from school. I really don’t know what it means. I called EDB and EDB said “Go ahead to accept them. It should not be any problems.” (School professional 2-1).

Usually, schools do not have particular mission for accepting refugee students a school professional states below. School professional 2-1 mentioned that one refugee student from Vietnam is in his/her mainstream school. This refugee student was sent by the EDB through the central allocation system. School professional 1-1 also mentioned that their school accepts students of asylum seekers because their school has the Initiation Programme.

We did not accept this student on purpose, and this refugee student was sent to this school. This school does not have special mission and vision regarding helping refugee students to get quality education. We know this student is able to study in mainstream schools before admission. This student understands Cantonese. I think as long as the student speaks Cantonese and without any other problems. (School professional 2-1)

Because our school has the Initiation Programme which is under EDB. Only several designated schools in Hong Kong have the Initiation Programme. If any newly arrival students come to Hong Kong and talk to EDB, EDB will send
them to these designated schools. Our school is one of them. (School professional 1-1)

School professional 3-1 did not mention that their school has a particular mission (equality education for all). She/he said that “I realized that I accepted a refugee. I felt good because it was hard for them to find a school. I opened my eyes and hearts after refugee parents told me that they have hard time in finding schools for their children”.

Schools employed various strategies to cope with issues regarding students who cannot pay for textbook, school uniform.

We do have some emergency funds from school to help these students. We will buy those things for them. Sometimes, teachers will buy their school uniform for them first, so that they can come to school. We get our money back when EDB pay them back. (School Professional 1-2).

We also coordinate with certain NGOs. We have found that some of them are already in touch with some NGOs before they apply to our school (School Professional 1-3).

At least four school professionals from different schools mentioned that schools maintain good relationship with asylum seeker parents. According to school professional 1-1 and school professional 1-2 because teachers speak French, Tagalog, Hindi, India and Urdu and some senior students speak Vietnamese, French, Tagalog, Hind and Urdu they can serve as interpreters for ethnic minority students’ parents. Therefore, there is no problem in communication with asylum seeker students’ parents.

For sure, we invite them to come to parents’ night to talk to the class teacher, to know more about the school, and for PTI (report card). After the first term, we invite them to come to review the academic performances and behaviours of the students (school professional 1-2).
Just in case they don’t speak English at all. We have a lot of international teachers in our staff, interpreters to interpret for us (school professional 1-3). At the beginning, we needed to have English for them or explain the Chinese notice to their parents. The students understand but the parents don’t so we explain to them in Primary 1 or 2. However, students can tell their parents in primary 3-4. No big problems at all. (School professional 2-1)

According to school professional 2-1, when asylum seeker students do not speak Cantonese, mainstream school would consider their academic ability rather than race.

I seldom consider their nationality or other things because they are similar to the rest of the students except their skin color. The race is not a big deal. We allocate students according to their academic ability rather than race. If the student only knows English, it doesn’t mean we don’t accept. They might obtain a very high score on English subject. If they have good scores in English and Math but not Chinese, I probably would allow the student to be in the same grade. Then, I will allow them to catch up Chinese. I look at their academic ability rather than if they speak Cantonese. Children can adjust to school life once they are attending school (school professional 2-1).

According to school professional 2-1, some mainstream schools might not like these groups of students, because they have special needs, such as language. School professional 1-4 elaborated that many schools are not willing to admit asylum seeker students because staff do not want to be bothered with the problems involved handling them. Therefore, they might have choice bias in their admission policy.

Parents and Students of Asylum Seekers
NGO 2-1 perceived that some asylum seeker parents may not value education. However, this perception was not always true and most parents valued education. For example, asylum seeker family 3-1 would like to get her son to school, and she had not get her son to school because she was facing physical abuse by her previous husband. Afterwards, with the help of NGOs, she was able to put her son to school. According to school professional 4-3, asylum seeker parents focus on the academic performances of their children and also get involved with the school.

Some parents ignore and don’t care about their children’s education. I have one case of a 7 years old Nepalese child who has not gone to school. We are worried and trying to find a school for the child. However, how to find one since the child is already 7 years old without any education at all. (NGO 2-1)

Asylum seeker parents in general not only value their children’s education, but also are very involved. According to family 1-2, they attend their daughter teacher and parent day, and they were even involved in “food taste” for choosing different catering company for students’ lunch at their daughter’s school. International studies indicated that parental involvement is an influential factor for immigrant children’s learning (Yuen, 2014). Fan and Chen’s (2001) study measures differences in parental involvement among the major ethnic groups and reveals that parental aspirations/expectations for children’s academic achievement have the strongest effects on their learning outcomes.

The father has just been voted to be on the parent teacher association board. He is the parent teacher association representative. They voted him on. He is a very involved father. NGO 4-1

If parents don’t know their children are OK they will approach the class teacher. The parents also value their academic results, they talk to the class teacher. (School professional 1-5)

The above findings were consistent with current literature; parents and children identify education as “one of their highest priority concerns” (UNHCR, 2016). Most refugee parents and students value
education. They realized that education could be the only hope for better future. Therefore, refugee parents could employ survival coping strategies to find extra resources from various NGOs and church to cover different fees (such school uniform, textbooks and stationaries, etc.). NGO 2-1 stated (paraphrased by the researcher) that children of asylum seekers are very smart! They are fluent in both Chinese and English. Similar to Hong Kong parents, most asylum seeker parents are anxious to apply to schools for their children and seek tutoring because they could not help their children with homework. NGO 2-1 stated that asylum seeker parents would let their children attend some tutoring centres if they were free. Parents are happy that their children are enjoying their education experiences in Hong Kong. They are learning something rather than staying at home and doing nothing (NGO 6-1).

Most asylum seeker students embrace learning opportunities and they have good academic records. Different factors (such as parents’ encouragement and aspirations) motivate refugee students to work hard for their academic performance and sports. Even though some asylum seeker parents were not well educated, student 3 and 4 mentioned that their parents encouraged them to work hard for their study and sport. Their parents are so supportive of them and pushed them to go further and further. The following are some examples.

“Our parents keep reminding us how we were in Sri Lanka, they would say something like that, “look we don’t have anything. We bought you to Hong Kong. It is the chance to do your best.” So, we don’t want to give up and my mom is expecting us to do the best at school. She wants us to have better future. Therefore, she pushes us to do our homework and study (student 3).

“Just go! You don’t have to be scared! Either lose or win. Just go and face it.” She tells us everything. “Do it. You will have a better future. If you choose to be a Rugby player, you will be a Rugby player in the future”. She tells us things like that. She always pushes us. My mom is very powerful! (Student 3)
Everything should be better. We have opportunity and should not let it slip away (student 4).

I have parents who were teachers in their countries. They came here and can’t work. The only thing they do is to make food for their children so that they can come to school. (School professional 1-2)

At the same time, it is hard for parents to teach them or go over the homework with them. For the English schools, some parents understand English a little and can help out a little (NGO 6-1).

The findings of this study indicated that some asylum seeker parents and students cannot see the future and not knowing where they would be resettled affects their attitude toward education, some so some may drop out of school. According to NGO 9-1, a lot of asylum seeker parents don’t speak Cantonese so cannot help their children with their homework. Younger children who have not much homework come to the tutorial sessions. Students from an international school help asylum seeker children with their homework, they read books and do worksheets with them in the subjects where they need help.

NGOs and school professionals mentioned that a number of asylum seeker children remain out of schools which is consistent with global findings. Asylum seeker children and adolescents are five times more like to be out of school (UNHCR 2016). This number has implications for the future of asylum seekers but also has implications for the future of countries. According to NGO 4-1, no matter what situation we are in, education is never wasted because education makes better people and helps people to learn about the world and about themselves:

It doesn’t affect children who are in primary very much because they don’t really know. Education values are not going to change even if these refugees were resettled in other places. Education is never going to be wasted.
Education is education. It is wonderful. It is a gift. You should embrace it. It is free and it is good. NGO 4-1.

Non-Profit Organizations (NGOs)

NGOs serve as links to help refugees negotiate with new a system and its gatekeepers, overcome other barriers, and increase asylum seekers’ confidence and self-esteem. Different NGOs provide different assistance to students, such as, financial support, tutoring support, high quality learning experiences and helping with Chinese. The following provide some examples.

An NGO held playgroups and kindergarten classes for children of asylum seekers and refugees at a kindergarten borrowed from a kindergarten school. A group of students from a high school tutor children of asylum seekers with homework and teach another group of children of asylum seekers English. A student from one of the higher institutes of education taught them Cantonese. According to NGO 5-1, NGO provides good quality summer school and curriculum day for asylum seekers. “Every academic subject (such as geometry and Putonghua, English, art, music therapy, basketball, badminton, swimming) is included in the Summer School. After parents and students of asylum seekers finish Summer School, our NGO provides school bags with every possible piece of stationery, writing equipment, lunch box, drinking bottle, and geometry sets to them. Everything they need to start a new academic year”. According to NGO 5-1, summer school was not only for children, but also for their parents. Parents were taught how to read to their children. Everything this NGO does is to build self-esteem and to offer hope and to empower refugees. NGOs also provide various activities (such as learning about history of Hong Kong Trams, education field trips: Martine museum, history museum, boat museum) for asylum seekers. This kind of activity helps asylum seekers to learn about local culture and history. While other NGOs provide different services to parents and students:

I helped refugees’ parents to fill out form and went to EDB with them, so that their kids could go to schools. Many asylum seekers and refugees do not know
the procedures and they do not have the money to send their kids to school. (NGO 2-2)

I help refugees learn how to negotiate with the system. In terms of who to speak to and what are their rights. Often they don’t know and come to ask “can my child go to kindergarten?” I help them get in touch with the education department and help them with letters. To help them talk to teachers. They need to apply for financial assistance from (WFSFAA) for different fees (such as transportation). Then, I usually email the ISS worker and say kindly that “it is your job and are you going to help them?” Usually when I write, they do respond and say “yes. We are trying to help this client.” (NGO 4-1)

He is trying to get his son to kindergarten and the ISS worker has not been very helpful. So one of our social workers has physically gone with him. She was gone with him, translated for him, and helps him. That is often the problem as well as the translation. (NGO 4-1)

According to asylum seeker family 5-1, however, some NGOs might use them instead of helping them so she has concerns about some NGOs’ practices:

This NGO helped my first two daughters, but they withheld their support from my third daughter. The staff at the NGO said that once we are involved with certain NGOs we already have a deep knowledge about their purposes and how they do their business. Sometimes, for example, they use fake names to show sponsors and we can’t talk directly to sponsors (Refugee family 5-1)

Various NGOs involved in serving asylum seekers have problems of sustaining themselves. One of the reasons is because these NGOs could not get the funding from the HKSARG. The funding from the HKSARG only could support NGOs that provide services to Hong Kong ID holders. According to
NGO 7-1, their NGOs is receiving funding from the HKSARG, so their NGOs cannot entertain refugees.

Our association may not allow asylum seekers and refugees because the association registered with the Hong Kong government. The association is only for Hong Kong residents. It is under a memorandum of article. Executive members of the association have duties to maintain this association. They cannot allow refugees to be members. Refugees can participate as audiences but they cannot participate as a member because they are not allowed. Some asylum seekers and refugees come to the association and seek for help when these asylum seekers and refugees might be injured in accident. They need to see a doctor and need financial help. Members at the association might collect some donation for them to see doctor. The association does not say that the children of asylum seekers could not join Saturday class (or religious class), but none of them come. (NGO 7-1)

Despite levels of support from NGOs, schools and the governments students from asylum seekers are still facing many challenges.

The Asylum Seeker Students’ Needs

Financial

Financial assistance is available, provided by the Student Financial Assistance, but it does not include school supplies, uniforms or fees for school activities and snacks for kindergarten class. The funding model for asylum seekers is was problematic. Parents and families need to pay fees (such as textbook and school uniform) first, and then they would be reimbursed by the government after a few months. According to NGO 6-1, it is difficult for asylum seekers and to provide school fees upfront. NGO 4-1
echoed that the problem is that asylum seekers and refugees need to pay for bus fees, textbook and school uniform first, and they get reimbursement from Working Family and Student Financial Assistance Agency.

They don’t even have $100. How can they pay $6000 for school, right? We went to the welfare department. They said that the refugees pay first and they will refund them. I told them that “I don’t even have $1. How can I pay first?” Many children are going to stay home because they don’t have money. They have a policy that we need to pay first and they will refund us. (NGO 2-2)

Asylum seekers and refugees are required to pay some fees (such as books, school uniform and bus) first, and then they would get refund or reimbursement from Social Welfare or Working Family and Student Financial Assistance Agency. However, it is very difficult for them to make payment first because they do not have money. NGO 2-2

According to NGO 5-1, financial problems are the most significant for asylum seeker students. School uniform, shoes and socks and transportation fees are not provided. Families have no cash. How can they supplement and pay for costs first? After school activities and personal development activities fee also were not provided to them. Transportation for adults who come with young children to school also were not covered. Various NGOs try to supplement these costs.

Some kindergartens claimed that they only accept students with Pre-Primary Education Voucher. Refugees and asylum seekers don’t have the voucher which means that they could not go to kindergartens.

For kindergarten, it is worse because kindergarten is not included in the free education system in Hong Kong. Though they can apply for kindergarten but they are not eligible for the voucher. They are eligible to the subsidy but
subsidy doesn’t fully cover the tuition and fees. In terms of uniforms, textbooks, lunch, and transportation are all on their own. The cost is quite expensive (NGO 6-1).

Financial problems are mentioned by most asylum seeker students and their families. They Ado not money to pay for travelling fees, books and stationery, extra-curriculum activities. Besides going to school, students of asylum seekers and refugees have some essential needs. For example, they need to get textbooks, uniforms and extra-curriculum. These are not free. They can seek help from the HKSARG but it is a minimum support. They provide textbooks and transportation only. They provide the internet fee but what about the uniforms? (NGO 6-1).

Asylum seeker families employ survival coping strategies (such as going to different NGOs and churches for money). However, student 3 explained how his parents sold their personal property: to get money for school fees.

We have financial difficulties. First, we had to buy the textbooks ourselves. That was the difficult situation we had to face. Books for Form 5 cost about $3000 - $4000 per year. If our uniforms are damaged, we have to buy new ones. My mom found a way to find money. She has a gold chain and deposited it to exchange money. She also asks friends. Sometime, she feels guilty to ask people. (Student 3).

Some schools have funds (such as emergency fund and principal fund) to support asylum seeker students. Social workers and teachers would coordinate with certain NGOs to help them solve problems.
We have paid for fees (such as school uniform, textbook) for refugee students first because their case workers can successfully obtain different financial assistances but it might take a while. We cannot wait for 2 or 3 months to allow them attending school or without school uniforms. Our students assistances paid for their books and school uniforms first and the welfare department paid our school back later. (School professional 1-6)

We have an “emergency support funds” in school. It is managed by the student welfare association. It is for some emergency matters. For example, they don’t have school uniforms for school tomorrow or no lunch. We will use these funds. However, we don’t want to abuse it. Therefore, we will coordinate with the social workers or ISS first. We will apply the funds if social workers cannot help or it will take some time. (School professional 1-5)

We do have funds if they join the sport teams and they need to buy uniforms. We do support them with our funds because we have emergency fund. We are paying these things for them. So they can continue to join basketball, football, athletic teams and any teams. (School professional 1-2)

We have a protection system net. We have financial assistances and scholarships. In the past, students obtained it from the beginning of school year. The fees for books and uniforms were covered. It was not a problem. I have a principal fund; I can buy them uniforms with my fund if they tell me about their financial problems (school professional 2-1)

Some schools do not require asylum seeker parents to pay in advance because their older daughters were studying at that school before.

After two of our daughters were attending the same kindergarten, principal and teachers know us, so we don’t need to pay in advance for our third daughter.
They said that we know your children are supported by the government. We know we can receive money and no need to worry. School can wait no problem.

(Refugee family 5-1)

In some schools, students need to pay a fee for extra-curriculum activities. Usually the refugees won’t able to pay for those activities. For example, asylum family 1-1 mentioned that their daughter could not attend some extra curriculum because these activities required fee. Refugee family 1-1 advocated EDB to pay for extra curriculum activities, so that refugee students would have more access to different things.

There are some extra-curriculum activities. For example, basketball. We need shoes for them. We don’t have money to buy them. The government asked the school and they buy for us (student 4). I am in Track & Field HK team. Our PE teacher would pay for us because he loves us a lot. (Student 3)

Our school uniform (such as shoes, pants) cannot last for one year and they might break. But the HKSARG don’t take these in consideration. (Student 3). If our shoes broken, this school would help to pay for our sport shoes (student 3).

My mom would come to the school and talk to the teachers about that when we have problems like that. School would help solve these problem. (Student 4)

School professionals however mentioned that extra-curriculum activities at their schools are free or the schools would help to pay for them.

For our school, we don’t charge anything. We also have a lot of field trips which are also free of charge for students. (School professional 1-3)

The extra or tutorial lessons provide by our school are free. (School professional 1-1)
Our activities fees are not much. We also have many sponsors such as “The Hong Kong Jockey Club Life-wide Learning Fund”, financial assistance from welfare department, and financial assistance for newly arrived immigrants. Therefore, our school waives most of the students who participant in the activities. It is very few who cannot participate due to financial hardships. (School professional 1-5)

All of our extracurricular activities are sponsored. The standard for our extracurricular activities are 100% attendance rate and no missing homework assignments. Then, they can participate in the activities. It is almost free for them to participate in extracurricular activities. (School professional 2-1)

Although, the activities are not free, it often seems that school professionals would make sure that they were able to pay for them.

Refugee families do not have difficulties HK$290 fees for snack. They might get reimbursement from social welfare department. (School professional 3-1)

The fieldtrip was sponsored by the cable car company. Each student only had to pay HK$10 for transportation. We asked parents to pay HK$10 to ensure their attendance instead of the need to cover the cost. The payment for transportation gave them a self-worth instead of saying “Thank you” all the time. It will be worse if they don’t want to take it anymore. Too much self-respect is not good but giving them respect and value are good. It also develops their sense of responsibility. (School professional 3-1)

Even though, fee for extracurriculum activities may not always be a problem, there are still other limitations for asylum seeker students:
We received a notice from school this month. The notice is about the Hong Kong Jockey Club Life-Wide Learning Fund which is an oversee program. Jockey Club will sponsor my daughter and pay for her expenses. This experience helps her to learn to be independent. The school, Education Bureau and SFAA have no objections. However, we get objections only from the Hong Kong Immigration Department because of our refugee status we cannot leave Hong Kong. Even if the students are refugees, they still have the right to go out of the country. Why the Immigration Department does not allow them to go out? Why do they put in their mind that they are refugees and cannot travel? We are refugees as parents, but children can enjoy their lives. Why? No one knows them (as refugees). (Refugee family 5-1).

On the surface, it is financial problems for refugee students. Yet financial issues contribute psychological problems, affect personal development (self-confidence) social and cognitive development and school performances. Financial insecurity and fear for the unknown future make them ignore the daily necessaries:

When teachers ask where our books are, we cannot say that because we cannot pay for it (student 4) because this causes embarrassment in front of other people.

Children of asylum seekers and refugees will not understand the complicated situation. They don’t even think about it because they are children. It is should not become the problem that causes them not concentrate on studying. This is just for primary and secondary school children. (NGO 6-1).

It is cold now but it was also cold couple weeks ago. Teachers saw them going out after tutorial class. Usually, they walk home and don’t take bus. The teacher found out that they did not have clothes. The parents wanted to wait
until it got cold to get their children clothes. Plus, they did not know when they might be deported. One of the parents had already been deported, usually the father first. Many of them are only here with their mothers. They felt insecure and did not want to spend money. It was the first time this year, the temperature dropped to 14 degree last month. Then, they went to get clothes. They did not have blankets. Hence, we shared our resources with them. (School professional 3-1)

Psychological

The findings of this study indicated that in terms of psychological and emotional support, younger asylum seeker students may less influenced by their status and some of them are even born in Hong Kong. Older asylum seekers experienced different things, and the unknown future and their status have great impact on them. School professional 2-1 mentioned that special psychological and emotional support were required for older refugee students. According to school professional 4-1, most of their students have no need of psychological support because they are still young. They are happy and focused on their learning. However, school professionals at school 1 mentioned the opposite a few times:

If refugee students arrive in Hong Kong when they are young, their problems are fewer. Their status or identity may not have great impact on them because they have no idea what was going on in their lives. They can integrate into the society very fast even their family might think differently. If refugee students get to Hong Kong when they are a little bit older, it would be harder for them to adjust to the changes. The older refugee students need more help (such as psychological counselling) to adjust Hong Kong schools. (School professional 2-1)
For students, it depends on their age. If they are a little older, they know what is going on. For the younger ones, they may not know what happened to them because they come to Hong Kong as a baby. They don’t have much memory of the past. The secondary students are more aware of why they are here in Hong Kong. They don’t need to talk about their refugee status (NGO 6-1).

The supports the refugees need is psychological counselling because they leave their home and their families might pass away. They really need some emotional support. Then they would need some support for their daily lives. If more and more refugee students have no food, how much can teachers bear? (School professional 1-5).

If the HKSARG has accepted the refugees, the supports should not be too little. Beside financial assistance, psychological support is more important. (School professional 1)

They seem not very confident based on my observations. Their social skills (communication skills) are weak. They scream or lose their temper sometimes. They don’t know how to control their tempers and their emotions. If they have a normal family life such as going out, be loved, more living spaces, they might be better in their tempers and emotions. They affect each other emotionally. Of course, I don’t think they are very smart because their views and the contact with the outside are limited. (School professional 3-1)

These children have behavior problems but I can understand. They see many toys but cannot play with them. They need these things at their ages for their development. They will go crazy, make a mess, and spoil the toys. However, I
Asylum seeker status affects students’ personal development, and influences their self-esteem and identities.

Only few of my classmates and close friends know because I told them. They told me everything. I am not ashamed to tell them about my refugee status. (Student 3). Some people will look down at us and I don’t like it. (Student 4) I feel shy when a teacher asks me for a copy of my ID. When I give him the immigration paper, I feel shy. I need to give my ID at the time, people are looking at my ID. They are like “what is it?” I don’t know what to say and I just cover the paper like this. (Student 4)

Some asylum seeker students do not have parents, and they are under guardians. According to school professional 1-1, “these cases will be more complicated” and they need extra psychological support because of their circumstances and their past experiences.

But some cases are that their parents are not in Hong Kong. They may have passed away in their own countries. They are under guardians of organizations when they arrived in Hong Kong. The guardians are local Chinese. One guardian may take care of 30-40 refugees’ children from organizations. These cases will be more complicated (school professional 1-1).

If they are asylum seekers, EDB tells them that there are programmes like this and they can apply. Usually, social workers help them. Many refugees and asylum seekers have no families here; hence their guardians are social workers. Social workers bring them and apply school here. (School professional 1-6)
Most of refugee students are taken care of by ISS. ISS has a shelter in Tuen Mun for those refugees who are under 18. These refugees must move out of the shelter when they turn 18 years old. (School professional 1-6)

Social

Supportive and caring social environment at school would help minimize the psychological problems of asylum seeker students. Because of the implementation of inclusive education there are several asylum seeker children in mainstream schools. Educating local Chinese children to be socially responsible and have compassion and mutual respect for each is an important goal. Teachers play critical roles in advocating no discrimination. Dr. York Chow Yat-ngok (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education) said that the educators should pay more attention to stereotypes. Teachers should think more about what they can do to improve the situation. They can take time to ensure that refugee children are well integrated into the schools. They can also educate children of Hong Kong to get a better awareness of the situation of asylum seekers in Hong Kong.

According to school professional 1-6, in Initiation Programme, the main purpose is act as a bridge course for newly arrived children. There are many different activities to help them adapt to Hong Kong. The contents of Chinese, English, and Mathematics are mainly Form 1 or below. Therefore, they can transfer to mainstream classes later. Social workers also have some activities to help them with adaptation. For example, they have activities during lunch break. The benefits of Initiation Programme are better care from different groups of people and more activities about getting to know Hong Kong. Social workers also take them to different places and show them how to take public transportation.
There are not difficulties for the refugee getting along with other students. They get along with other students very well. As normal, they are close to those from the same country. (School professional 1-6)

We also have many clubs and teams. There are more bridges for the non-Chinese and Chinese students to do things together because non-Chinese and Chinese students are in different classes. Therefore, they can do something together through activities. (School professional 1-6)

**Integration**

According to school professional 4-3, most of the asylum seeker students have been in Hong Kong for a while or they are born in Hong Kong and went to kindergarten in Hong Kong, so they do not problems with Chinese and adjustment. There are preparation courses to cover language and academic objects currently. It was important to get along with local people. Refugees must get along with local students in order to learn well. Language is essential. It is much harder for them to integrate if they only speak English and their mother tongue. Some local people might not be patient to try to understand them. They could communicate better with local people if they can learn Cantonese. Then local people could understand their needs better, and could help them better if they speak Cantonese. Hong Kong people cannot help it if they cannot communicate with asylum seekers. Naturally, it will be harder for older refugee students to integrate into the society. As they grow older, it is even harder because of self-respect.

School professionals have different perspectives regarding the designated schools. Some school professionals supported designated schools and believed these kinds of school would be beneficial to asylum seeker students while others argued these kinds of schools would create segregation:

*By sending refugee students to designated schools, it seems it is segregation. In contrast, the society might be better off if they are integrated with other local*
Chinese students. Is having designated schools for ethnic minority students “Integration” or “Segregation” policy? Many mainstream schools might not like to accept ethnic minority students (including refugee students) but if mainstream schools could provide them some pre-lessons to learn Chinese culture then, it should not be such a big problem to admit them into mainstream schools (school professional 2-1).

They integrate well because . . . many of our students have low socioeconomic status. The strength of low socioeconomic students is no discrimination about their background. I am just guessing about schools with many middle class or high class students, they might think their skin is dark and ugly. Our students with low socioeconomic status have no feeling for different skin colour. They don’t consider there are dirty. They just treat them as classmates and play together. The tolerance is greater here because we have students with different learning disabilities. (School professional 2-1)

Schools employ various strategies to integrate asylum seeker students with the local students. For example, they give asylum seeker students responsibilities to help other students. By doing that, students can cultivate self-confidence. The school culture is the key to integrate asylum seeker students with the local students.

Some refugees are good at English and their Cantonese is really bad. They would pair up with local Chinese students. Refugee students could help local Chinese students with English while local Chinese students could help refugee students with Chinese (school professional 1-1).

At this mainstream school, most students are also from low socioeconomic status. They don’t think “I am so poor” when they compare the students next to them. Actually, most students do not go to the tutorial lessons after school. The refugees feel much better about this. If they go to other mainstream local
Playing sport together was identified as a good way to bring people from different countries and ethnicities together. Student 3 and 4 are in various sport teams at their schools. The fellow teammates are very supportive to them. Student 4 said “we play basketball together. Chinese, Nepal, Pakistan, they are from everywhere.”

There are many Chinese people are friendly to us. If we need help, they will help us for Chinese translation. If we ask them, they will tell us. They know English a little bit. They try to explain like that. They are very friendly and kind (student 4).

In school, we do not feel discrimination at all. They love us a lot and support us when we play basketball or whatever (student 3). When we pass by them, they say “hi” to us each time (student 4).

Refugee students and local students play sport (such as football) or join musical contest together, it is easy to integrate these two groups (school professional 1-1)

According to school professional 2-1, it does not need designated schools for primary because younger refugees adapt the culture and learn Cantonese easier and faster than older ones. School professional 2-1 was concerned that assigning asylum seeker students to designated schools could create segregation.

Having designated schools for ethnic minority students is “Integration” or “Segregation” policy? I know many mainstream schools might not like to accept ethnic minority students (including refugee students) but if mainstream schools could provide them some pre-lessons to learn Chinese culture. Then, it
should not be such a big problem to admit them into mainstream schools (school professional 2-1).

During kindergarten years, they came to learn our extracurricular English class. We had an idea how each one was and taught the parents that their children must be taught in Cantonese because they needed to adjust so much here in our school. They knew that they needed to prepare in advance. Children learn fast. They integrate very fast and they don’t even think about their nationality but they belong to 1A class. It could be due to the small ratio and we don’t emphasize the race differences. Be honest, we accept any students as long as they meet the requirements and are smart. (School professional 2-1)

There is only one at this school and we have six ethnic minorities. All of them know Cantonese. People know they are not from Hong Kong because of their appearance. We don’t see many differences from the rest of the students. We don’t need to create any spherical integration policy for them. (School professional 2-1)

However, the advantage for having a small ratio of ethnic and asylum seeker students at mainstream schools is that it forces asylum seeker students to interact with local students. If asylum seeker students only interact with other ethnic minority students it would be hard for them to integrate with local students.

The ratio of ethnic minority students at this school is small and many of them speak Cantonese before admission, so they integrate very fast and they don’t feel a difference between them and the rest (school professional 2-1).

They cannot integrate with local students no matter how many years they have been here if they only interact with people from same ethnic group. The younger asylum seeker students can integrate with local students easier.
**However, a plan for integration is important for the older refugee students.**

**Buddy program, ethnic minority students would have buddy program, and they would be integrated with local culture and community. (School professional 2-1)**

Whether there should be designated schools for asylum seekers who are going to attend secondary schools needs further examination. Designated schools, no longer identified by EDB, provide a multicultural learning environment which makes it easier for asylum seeker students to get used to it. School professional 4-1 suggested having a designated school might help these students because the teachers could have training and experiences to teach students from different ethnic backgrounds. It might also help students to get along with each other because the students might have hard times to adjust in mainstream schools. They might have difficulties to catch up leaning other subjects in Chinese. On the other hand, the teachers also pointed out that designated schools might create segregation for the students which hinder their integration in the future:

*Designated primary schools or secondary schools might be good for older refugee students because they have been around their same ethnic groups. If they need to be in main stream schools, they might be seen as strange and hard to adjust in school, they might feel be labelled by others (school professional 2-1).*

*The school has advantages in catering asylum seeker and refugee students because of multiculturalism with student population from different ethnic backgrounds (school professional 1-1).*

Asylum seeker students attend local kindergarten which will be helpful when they are promoted to mainstream primary and secondary:
Refugee students have arrived when they are very young and they might have studied in Chinese kindergarten. They are around with different ethnic groups since kindergarten and they are used to mainstream schools’ cultural and environment and they have already integrated with local kids. Then, they could participate in the central allocation system for local mainstream schools. Primary schools don’t need to have a special policy for them. They won’t feel rejected at local mainstream school because of their kindergarten experiences. (School professional 2-1)

At school level

The above has articulated various activities and program to integrate ethnic minority students (including asylum seeker students) with local students. Refugee families, refugee students, NGOs and school professionals have reported that there is not discrimination at school, teachers and student levels. Refugee family 5-1 said “My daughters are treated well at their school and they do not experience discrimination.”

According to school professional 2-1, special supports to asylum seeker students could create positive discrimination which creates stereotype that they are less capable. Therefore, there was no special arraignment at their school “If so, the rest of the students might think these group of students are different and less capable which creates a negative impact on refugee students.” Students and school professionals made similar comments, and the followings are some examples. School professional 1-6 commented that school professionals understand asylum seeker students’ concern regarding their identities. Student 3 and 4 mentioned that such students might not want to disclose their identity, so special support or assistance might not be a good idea.

We don’t label the students as refugees or asylum seekers. They are treated as the rest of the non-Chinese students after being promoted to main stream
classes. As for support, for example, we have higher forms of students who have better academic abilities to help Vietnamese with English. We also have two social workers in the school. We will open cases to deal with them independently if they have problems with their lives. (School professional 1-5)

In order to avoid labeling affect, there are no special attention and treatments given to refugee students.

Teachers explained concepts very well and clearly. They did not pay special attention to you because of your refugee background. (Student 1)

We don’t have any special actions for refugees and asylum seekers. We don’t do special things for those who are refugees. We treat them as the rest of the parents. If parents face difficulties with their children and ask for help, we will help them if the school is able to help out. We also refer them for assistance if they have financial needs. Parents might not know what they are eligible for and social workers might not be aware of their needs due to many cases in their hands. (School professional 1-5)

We did not do anything purposely. We have never emphasized race differences. We are all students at this school and the treatment is the same. Very equal! We can go down later when school ends. All parents are talking to each other and chat about their daily lives. They don’t group with the same race. (School professional 2-1)

Special attention and treatments given to asylum students was seen to create a negative affect and make it hard to integrate these groups of students with local students.

There is positive discrimination but we don’t even have this. We don’t have special care for these students. It is easy for them to integrate because the other students won’t think they are different, only the skin colour. For example, their
English might be even better. Many of them studied in Sun Island Kindergarten. Many of them are like that and no significant differences. No special label for them. No special treatment for them either. We treat them the same and quickly they integrate completely in a couple months (school professional 2-1).

Do you think the positive reinforcement of the differences actually helps them?

“Too much positive discrimination . . . no need to have special assistance for them but allow them to integrate naturally is much easier. It might cause side-effects if we have much special assistance. For example, other students might think, “why doesn’t this student need to take dictation but all of us do?” It will be difficult for the student to integrate. We can provide some obscure help to build up their self-confidence. Once they have self-confidence, they can integrate themselves into the society. ” (school professional 2-1)

School professional 2-1 said that his school used special ways to integrate asylum seeker students and parents with local students, parents, and teachers. In and out group relationship could have profound effects on students. Asylum seeker students and parents are better integrated with local students and parents which would create positive influences not only for asylum seeker students and parents, but also for local students and parents.

It might cause them to think that they are a different group when we have special care for them. For example, we have 5 -6 of them. The notice should have English translation but we don’t do it on purpose for them. Of course, the class teachers needs to explain to parents sometimes. It creates more interactions between teachers and parents. They feel more like the same as the rest because we don’t do it for them. Then, they need to find ways to integrate quickly. I think it is a way of adjustment if we don’t label them and provide them more care. (School professional 2-1)
Some parents see these students have no parents there for them after school. They will take these students with them and take care of them. They know they are students of this school. They are all from low socioeconomic backgrounds. They help each other out. Sometimes, they forgot to write down some homework assignments and call each other. They will help out. There is no grouping or segregation because of different ethnic groups here. (School professional 2-1)

Such an approach might work when the school is welcoming but not all schools welcome asylum seeker students:

Refugee kids are not fully welcome in consideration of enrolment of kindergarten. Therefore, they are not able to go to school. (School professional 3-1)

School professional 1-4 (paraphrased by the researcher) said many schools are not willing to admit refugee and asylum seeker students because staff do not wanted to be bothered by the troubles involved handling these group of students. Staff and teachers in many schools use only one goal and one curriculum and they don’t want to admit different groups. They don’t accept different kinds of students:

It costs more and adding more workload for having two refugee kids at this kindergarten. There are two separate accounts for asylum seeking students and the others. We need someone to handle the account for Student Financial Assistance Agency (SFAA) for these two students. Hence, we have more work. (School professional 3-1)

However, this is certainly not the case in all schools most of whom regard asylum seeker students as students rather than according to their status:

We don’t care about the status of the students. Children should not suffer because of their adults’ problems. (School professional 3-1)
At teacher level

Teachers play an important role in helping asylum seeker students integrate into school and society. Teachers need to be patient and tolerant, and they need to treat asylum seeker students as other local students. Treating asylum students differently is seen to potentially affect their identity development:

*Teachers won’t see the difference between ethnic minority students (including refugee students) and local Chinese students. Teachers will only ask if they would study hard. For example, my records show these students hardly miss turning in homework, or only once or twice. Teachers will not care about their skin colour or nationality. If they think they are part of the school rather than seeing them from the perspective of their identity or their status (school professional 2-1)*

*It is more important in terms of tolerance. All discrimination is from attitudes or intolerance. It will be much better if we can be more tolerant. For example, we had a graduate student who did not tell teachers after soiling his pants when he was in Primary 1 or 2. It was normal for the student but not OK for HK people. We need to teach them something about it. Therefore, tolerance is very important. If teachers can be more tolerant and accept them as a normal student, they will be easier to integrate into the society and school. Children can feel it if we treat them differently. Students could really feel it when teachers treat them differently (School professional 2-1).*

According to school professional 4-2, most of the teachers at their school don’t know who the asylum seeker students are. Only a few administrators know about their status because they don’t want to create a labelling effect, and they strive to treat the asylum seeker students equally.

At student level
Student 1 did not experience any discrimination in her school. She did not have any interactions with local people outside of school. School professional 1-2 is in-charge of student discipline. Most asylum seekers ando not have discipline problems and they behave well. There were not major problems, although may be one or two sometimes would skip classes. They felt frustration because of the new environment and language barrier. Nothing was too violent and there were no drug problems among these students.

*It is very lucky that our school is very multicultural. We have different ethics from all around the world in classes. We suddenly have 2 refugees from Southeast Asia in my class; none of the students were surprised. It is so normal. They get used to this multicultural environment. No one will be surprised with any skin colour in class. It is a little different from accepting refugees in local schools (school professional 1-1).*

*In school, students are willing to make friends as I have observed so far. No one is discriminating against them so they make friends. They are quite happy in school. I feel like they worry a lot about hostel/home when I talk to them. They worry about everything, clothes, dinner, and everything (school professional 1-1).*

According to asylum family 1-1, their daughter likes her school because she has friends and teachers treat her well without discrimination. Student 1 mentioned that she has many friends at the school where she studies. Most of their friends are Indians, Pakistani and Filipinos. There are also one or two Chinese. Interactions with the local Chinese students help asylum students get used to Hong Kong, understand the local culture, and integrate to the school. If there is discrimination among students school professionals would handle the problems:

*I cannot say there is no discrimination. They might not hang out with Chinese students all the time, but they respect each other. There are few cases about*
racial problems, maybe couple cases per year. However, the majority of the students get along well. (School professional 1-5)

It depends upon the seriousness of the racial conflicts. If it is not serious, teachers will talk to the students about respecting each other. If the case has involved 2 big groups, we have experience dealing with the issue in a large group meeting. We will inform parents according to the level of severity. (School professional 1-5)

According to asylum seeker family 2-2, teachers and classmates at their daughter’s school treated her well. She does not feel discriminated against. The best thing that happened to her was that she and her family could go to Ocean Park. According to refugee family 2-3, their son liked Hong Kong better than Pakistan because the quality of education and living conditions are better in Hong Kong than in Pakistan. So he mentioned that it would be better to be a refugee in Hong Kong because it is safer in Hong Kong than Pakistan.

Learning

According to school professional 1-4, asylum seekers should be recognized as human first rather than according to their status. Everyone needs to have the chance to develop to meet their life needs. Therefore, learning is very important to people, particularly for asylum seeker students. “Most children in UNRWA schools perform as well as, or better than, those in host county schools in Jordan, Gaza and the West Bank (Abdul-Hamid et al., 2016).”(ANERA, 2014; Palestine Ministry of Education and UNICEF, 2012). Consistent with current literature, according to school professional 2-1, ethnic minority students (including asylum seeker students) were doing well academically. These students handled their homework and assignments well. School professional 2-1 had the same academic expectation for them as for local and other students. High expectations from teachers and principals would influence all students but is particularly important for asylum seeking students because this would facilitate their personal and cognitive development:
Often we might suppose these refugees and asylum seekers have poor academic results and are not literate. However, it is not true. For example, we have 2 Form 4 students who have very good English. In fact, their academic abilities are better than other students’. (School professional 1-5)

I have the same academic expectation for refugee students as local Chinese students. I might offer them more help privately so the others won’t see they are different. They will see their identity as their academic performances improve. (School professional 2-1)

There are 2 refugees students in my class. They have changed my perspectives. Usually, the refugee students have lower ability in self-management and academic. However, these 2 students have good academic abilities, very polite, mature and care for their classmates. It makes me very happy. In Form 5, there are 2 students from Sri Lanka. They have poor family background but they study very hard. They are placed in the highest academic standard class. One of them even obtains many athletic awards in competitions of Hong Kong. It doesn’t matter what their background is, they can perform well if they find their strengths. They excel when they find their strengths, self-recognition, and other’s recognition. (School professional 1-5)

In the past, refugee students might need a lot of help from other. However, the 2 students from last year were very sharp in the Initiation Programme. They knew how to take care of their classmates. They are also searching for a way out in Hong Kong. I always tell them that it is a very precious opportunity even we don’t know if they can be admitted to universities. At least they have a purpose and motivation for 6 years here in school. (School professional 1-6)
School professional 1-3 mentioned that there were two extremes in terms of academic performance. Some of asylum seekers were doing well, while others struggle badly. According to refugee family 1, in term of academic performance, their daughter is in the top 10 in her class. According to asylum seeker family 2-1 she could speak and read in Chinese and she is doing well in term of academic development and sportsmanship. Asylum seeker family 2-3 said “I am the fastest in our class. I am running relay races.” Student 4 studied eight months in primary school, and primary school is very easy. He joined Form one in second term. At first, he struggled because subjects were more difficult than primary school. Student 4 said “I did not understand what they said when I got here. The terms they used were very difficult to understand. I struggled a lot. I kept asking my big brother how to do this and that”.

There are differences between schools in Hong Kong and schools in India. Maths is more difficult in India with longer questions than in Hong Kong. Students could not use calculator in India. Teachers are very strict (Student 1) and students have a lot of assessments in India (Student 2).

Big brother of student 3 and 4 got his a university degree in Sri Lanka, and he helped student 3 and 4 a lot in their study. Student 3 said “big brother helps a lot. He is very educated and he is smart as well.” Student 3 said that his big brother is doing nothing in Hong Kong and just is staying home.

We keep improving in our academic performance. We are going higher and higher since Form 1 to Form 5. I failed math in Form 1 and 2 and passed Form 3 & 4 (student 4). There were 134 students in Form 4 last year. I ranked 21 among 134 (student 3).

We are confident to perform well at Hong Kong Diploma of Secondary Education (HKDSE) Examination. Student 3 said “but a little scared of
Chinese. We need at least a “C” to pass level 2. We just don’t want to only focus on sport. It is not a good thing. We would feel so embarrassed if we get low marks in core subjects. So we try our best” (student 3 and 4).

Some asylum students are not only doing well in terms of academic performances, but also they are performing well in sport:

I get junior champion. No. 1 in Hong Kong. For non-academic (such as Track & Field), we are doing the best. We work hard for it and go for training no matter raining or not. I keep myself fit all the time. We work out maximum 3 hours at school or in Kowloon Park. (Student 3)

I am also good at sport. I am in the basketball team. We had 3 games and won 2. (Student 4) Our teammates are local students, and student 4 and I are refugees. (Student 3). Student 3 is the 1st for Physical Education and I am the 2nd among 256 students since Form 1. (Student 4)

I played cricket for 5 years in Sri Lanka and participated in different games. Cricket was my favourite sport. I won all the time. (Student 4) Student 4 was very good at cricket. Student 4 and I got scholarship from one of the best schools in Sri Lanka. My mom could not accept it because we moved to Hong Kong. While we are in Hong Kong, I got a scholarship in Hong Kong also in basketball to go to YMCA school. My teachers at this school didn’t want me to go and I felt bad if I leave my teachers here. I decided to stay and refused the offer. (Student 3)

In Sri Lanka, if students did something wrong, they would be beaten by stick (student 3) and if students did not do their homework, their hands would be hit by stick. If students said something bad, they would be beaten. (Student 4).
*Hong Kong is not like that (student 3) and teachers in Hong Kong cannot hit students.* (Student 4)

*In terms of academic problems, they are similar to other non-Chinese students.* (School professional 1-5).

According to NGO 4-1 (paraphrased by the researcher), academic achievement is always a challenge for most asylum seekers:

*Some of them feel detached because of the poor academic result. For example, they don’t feel satisfaction and don’t come to school. We will handle cases like that separately.* (School professional 1-5)

*Some refugees and asylum seekers have never shown up to school after applying due to the travelling distances or the school system. We also have some withdrawals.* (School professional 1-5)

*That’s why they skip school sometimes because they need to report to the Immigration Department. That is another problem. Every 2 or 3 weeks, they will skip school for 1 or 2 days. We need to let them go. We still let them go to Immigration even if it is in exam period.* (School professional 1-1)

*The difficult part is we don’t know which day they are going because every month has different schedule. Even we ask but they don’t know.* (School professional 1-3)

Most refugee students and families mentioned that the extra tutorial supports were provided to them. Student 3 and student 4 mentioned that there was no special after school classes for asylum seekers or
ethnic minorities to help with their homework but they could go to their teachers whenever they need help. According to one asylum seeker family, their daughter could get help for her homework because there is a homework class after school and she also gets free lunch from the school (Asylum seeker family 5-1). According to my knowledge, most Form 1 and 2 students have tutorial sessions after school. Hopefully, they will be able to catch up academically. (School professional 1-6)

Asylum seekers and their families also have capacity to help others, which helps to show their personal values. NGO 4-1 mentioned similar things. Asylum seekers need to have different perspectives about their situation. They need to be grateful for whatever and whoever helps them. This attitude would help them have stronger psychological health. According to school professional 2-1, (paraphrased by the researcher) in order for asylum seeker students to stop thinking about their unpleasant experiences, teachers and principals at this school gave them opportunities to serve and do things on purpose. It enabled them to see that they were not the worst and they were not alone through volunteer works. Through volunteer works, they could find their role and value and create happier moments. Volunteer works gave them an identity and helped them not to focus so much on differences. It is harder for them to integrate with others students if they always think about the differences between them. Volunteer works could bring local Chinese students and refugee students together, and strengthen their relationships.

Well, the point is you are learning and that is life. It is a gift. I think they have a legitimate sense of not knowing but it has nothing to do with the education provision in Hong Kong. It is an element of uncertainty about their world because of their status. However, there is nothing HKSARG can do to change that feeling. (NGO 4-1)

Admission

Most refugee students are motivated to study hard. However, they encounter many difficulties. According to NGO2-2, “many parents do not know the procedures to get their children to schools. It
is the basic problem. Asylum seeker parents use survival coping strategies to learn the application process by talking to other refugees:

> I learned from others that I needed to apply through the Education Bureau. I submitted the application to Education Bureau; they responded me with a list of schools and locations. (Refugee family 5-1)

Employing survival coping strategies, asylum parents approached different NGOs to ask for support to pay for children’s school fees:

> The church gives HK$1000 to us which is a big help. I think the church is very good. In 2012, I did not have a home. It was very small and I was looking for a place. ISS did not pay for the deposit. I told my problem to the British Father from the church. He gave me $4000 to get the home. (Refugee family 6-1).

An NGO lent us money first to pay school fees (such as school uniform, textbooks). We paid back to this NGO when the government reimbursed us the money. (Refugee family 5-1)

> I planned for my daughter to attend this school. So I have asked someone who have experience. I applied at Education Bureau in Kowloon Tong before I bought her to school. I asked Social Welfare Department for a registration letter for her. I have the documents when I arrived at the school. (Refugee family 6-1).

The transition from kindergarten to primary school seems smooth as mentioned by many asylum seeker families. According to asylum seeker family 1-1, their daughter is now studying primary 2 at a designated school for non-Chinese speaking students. The parents said they did not encounter great difficulties in finding kindergarten and primary school for their daughter. With regard to primary school, the government (EDB) gave them a list of designated schools from which to choose.
The transition from kindergarten to primary school for my daughter was smooth. (Refugee family 1-1) EDB provided a list of schools to us, and then I approached the schools. The government department has correspondence about how you will get the support, who will pay, who need fees, you need to buy books. The school doesn’t treat you as refugees or not but same to all. So I needed to approach SFAA (student financial assistance agency) for all the procedures. (Refugee family 5-1)

My daughter visited some primary school before she graduated from K3. She told me that she liked Po Kok Primary School. An Indian teacher helped my daughter to find a place at the school. This teacher said “don’t worry” and this taught us where the school bus stops. (Refugee family 5-1)

If the students are promoted from the Initiation Programme, I will talk to their new class teacher and their situations such as a little of their family background and their current circumstances. Therefore, the transition will be smoother for the new class teachers. (School professional 1-6)

Placement

According school professional 1-2 (paraphrased by the researcher), teachers determine asylum seeker students’ level and places them in different Forms. They attempt to place students in the Form that matches their ability. According to school professional 1-3 (paraphrased by the researcher), after the Initiation Program, they were placed in mainstream classes, they still had trouble in terms of language and coping with the new environment. Social workers’ support was needed.

The misplacing of some of asylum seeker students is one problem. For example, some of them are 18 years old. If teachers place them in a Form 1 class, they stand out in that class (their academic abilities
are better than that). They won’t be willing to come to class. They would miss class with different excuses:

- They will be promoted to other classes according to their abilities after the Initiation Programme. They might be transferred to other schools as well. It will depend on the discussion with parents, schools, and related parties. It could be their own decision. (School professional 1-6).

- We don’t know if they will be placed in Form 1 or Form 4 or different schools after the Initiation Programme. Our school might not be suitable to some who want a school closer to their homes. Then, they will go away. (School professional 1-5)

- We have tests throughout the term to determine in which Form they should be placed. We will collect the wills of parents and the academic results for the allocation of Forms meeting. (School professional 1-6) We also need to see if there are any seats in certain Forms. For example, students want to be placed in Form 3 but we might not able because there was not seat. (School professional 1-5)

- Academic one is the most challenging one. We just talked about the adaption period, the first few months. We mainly judge their language ability. If refugee’s language is quite good, they will be in Form 4 but all other subjects are not because they lack of foundation. For example, they did not learn much about junior science. It is the no. 1 challenge. Second, the other students have a few years of Cantonese and Chinese education but the refugee’ Chinese is extremely basic. It must be very difficult for them academically. What about the other parts? (School Professional 1-1)
We don’t know if they will be placed in Form 1 or Form 4 or different schools after the Initiation Programme. (School professional 1-5)

Language Difficult

Ms Olivia Lo Tin-oi from EDB (at “Educating Hong Kong’s Refugee Children: Policy and Practice” held on November 6, 2015 at the Hong Kong Institute of Education stated refugees) stated that they have policy with NCS and asylum seeker children who are treated in the same way as Chinese language speaking students. Yet they have special treatment for asylum seeker children as long as they are eligible to have education in Hong Kong.

*There are 2 classes in Initiation Programme. One is for non-Chinese students and another one is for Chinese students. The contents of Chinese, English, and Mathematics are similar but they are divided into smaller groups by their abilities. For example, some of them might have P1-3 English while some might have S1-3 English, so they are divided into smaller groups. As for Chinese students, we have Cantonese class on Saturdays for them as special support to promote their Cantonese. For non-Chinese students, we have a subject called “Chinese for non-Chinese speakers” to help them with their Chinese and Cantonese. The contents and activities are mainly similar only Chinese class for mainlanders focus on Cantonese while the focus for non-Chinese is not the main stream Chinese. (School professional 1-6)*

According to school professional 4-2, teachers at their school encourage asylum seeker students to learn Chinese, and they learn Chinese very quickly. The teachers shared good stories. One of the asylum seeker students was Tuna who studied P 4 or 5 at Wun Tsuen. At the beginning, Tuna refused to learn Chinese but the teachers encouraged her. In P5 & 6, not only was her English good, but her Chinese was also much better and she was able to write and speak. She has now been promoted to a mainstream secondary school now. She is doing well in the main-stream school according to the teacher’s sharing.
Student 1 and 2 mentioned that learning Chinese is difficult. Particularly, writing the Chinese characters. Student 1 would like to improve her study (including Chinese, English) while student 2 particularly would like to improve Chinese. Student 1 only could use simple Chinese (such as thank you and how much) in her daily life. Student 4 “We struggled a lot with English when we first get here. We worked hard to acquire it”. Student 3 “When we first arrived Hong Kong, we did not understand English at all. We did not really talk with people. We stayed quiet. We did not talk with people before going to school. They asked us questions but we did not even know what their questions were. We joined here and got improved. He was in primary school.” Student 3 said that student 4 was quite good at Chinese writing, better than student 3. Student 4 said it was because he studied it every day.

Since this refugee student went to local Kindergarten, she/he knows Cantonese and she integrates well with other students at this school. (School professional 2-1).

In this school, English is taught in English and Putonghua is taught in Putonghua but other subjects are in Cantonese. Because this student understands Cantonese, we don’t think there is a big problem (school professional 2-1).

According to school professional 1-1 (paraphrased by the researcher), this school has 2 streams of Chinese classes. One stream is for non-Chinese students. Basically, the asylum students will be placed in that programme instead of the mainstream for local Chinese. But they still cannot handle it even it is far easier than the mainstream.

Younger asylum seekers adapt to the culture and learn Cantonese easier and faster than older ones:

This student has an older sister in secondary school. The older sister doesn’t speak as clearly as this student. It might be because this student is younger. She
was a little more introverted as a girl but she speaks more clearly. For example, yesterday morning, her older sister said that they needed to review their status. However I did not understand what she said. The younger translated for me that they needed to sign in at Immigration. I asked if she told the class teacher. She said “yes.” Then, I said “then you can go.” I don’t know which level her older sister is in but she has not adjusted as quickly as her younger sister (school professional 2-1).

They have learned Cantonese through their interactions with local kids in kindergartens (school professional 2-1).

Student 3 mentioned that some of fellow asylum seeker students might think that there is no point to learn Chinese because they were going to be resettled and would study in another country. Student 4 said that some friends like to learn Chinese and they attend the mainstream school. They are fluent in Chinese. Some friends cannot read and write Chinese but they can speak and understand Chinese

We love to learn Chinese, but it is difficult. If subjects are taught in Chinese, it is very difficult for us because we don’t understand Chinese. (Student 4)

Educational Provision for Refugee Students: The Challenges and Issues

Insufficient funding and resources

According to school professional 1-4, their school has accepted/admitted asylum seeker students five years ago. At first, their school did not receive any extra funding from EDB for admitting these students. They started to receive extra funding from the EDB for these students two year ago.

Insufficient subsidy from government is the biggest challenge. We can do more if we have money. (School professional 1-4)
May be schools with many refugees’ students have more assistance . . . but it is not much for our schools. We don’t receive extra resources because this school admits refugee students. We have only 1 or 2 students, the assistance is not much. EDB might ask us to think of ways to assist them instead. (School professional 2-1)

In fact, it is not very helpful. For example, they only get $1000-$2000 for a year. What can you do with it? I don’t know. Application for assistance is not very open or public. Maybe schools with many of refugee students should have more support and their school policy might be different as well. (School professional 2-1)

In consideration of whether to admit asylum seeker students, school professional 1-4 (paraphrased by the researcher) stated that the child should go to school first, instead of any money. Subsidy is not really the issue. A student might be pulled away from the school at any time so the issue is to see how long the student will stay.

According to school professional 3-1, their school does not receive any extra financial support from the HKSARG to cater for asylum seeker students. They rely on our limited resources and experiences to help them and often this is not sufficient. If the schools receive financial support for admitting asylum seeker students, then, schools won’t hesitate to accept them because the school needs to hire a person to manage an account for asylum seeker students. There will be financial assistances to hire one more teacher if a school accepts a certain percentage of non-Chinese students.

The suggestions for providing extra financial support to schools when they accept refugee student would not be difficult for the government. It is also very meaningful. We always talk being an international city. However, we are so far
behind in this issue. We are not a poor city. The government has financial ability to do that. (School professional 3-1)

Insufficient teacher experience and qualification

Migrants have shaped politics and societies, and have led to significant demographic changes in student populations. Hong Kong is not immune from this trend that includes increasing numbers of ethnic minorities as well as asylum seekers (Kennedy, 2015). Ethnic, cultural, and religious diversity is increasing in schools which present both challenges and opportunities for nations, schools and teachers. Similarly, the need for multicultural education in Hong Kong is observed by different scholars and educators (Jackson, 2013). The participants and the speakers of seminars (“Inclusive and Equitable Education for All” and “Educating Hong Kong’s Refugee Children: Policy and Practice” held on October 30, 2015 and November 6, 2015 respectively at the Hong Kong Institute of Education) argued the need for multicultural education for in-service and pre-service teachers in Hong Kong because they not equipped with adequate expertise and knowledge in teaching in multilingual and multicultural settings. The following are some samples.

With the number of ethnic minority children increasing, in the future every teacher may encounter cultural diversity - it will become a norm in Hong Kong classrooms. Have we done enough in our teacher-training to prepare our teachers? (Holing Yip, Hong Kong Unison)

We cannot rely on just textbooks for teaching ethnic minority students. Training is needed for teachers to understand the cultural sensitivities of the ethnic minority students in Hong Kong. Teachers should be trained how to value the cultural knowledge of the ethnic minorities in the classroom and outside of the classroom. (Chura Bahadur Thapa, former teacher)
We recognize the need to embed diversity in the curriculum, but not just ‘show’ culture. Culture is actually how we ‘do’ life every day, not just how we dress up for festivals or the traditional songs, dances and dishes we have. As teacher educators, we should enhance cultural sensitivity in the teaching profession.

(Bob Adamson, Chair Professor of Curriculum Reform, HKIEd)

Teachers should be given some sensitivity training. They should be sensitive and alert to these students and know how to deal with parents too. They should also know special features of the children, and be aware of the sensitiveness.

(Dr. Rizwan Ullah, Teacher, Delia Memorial School (Hip Wo)

The teachers should have been to more training about cultural diversity and cultural sensitivity. In fact, refugees usually attend certain schools (such as Delia). A lot of asylum seekers’ and refugees’ students attend non-Chinese schools. The teachers there might be more familiar with different cultures. The students, really can’t attend the mainstream schools with classes taught in Chinese. It doesn’t work for them (NGO 6-1).

We don’t have any high standards for refugee students. However, we know how to handle refugee students from our experiences. For example, we will talk and ask to the class teacher to take care of the refugee students. It means to pay attention to their needs and their requests but no specific policy. (School professional 1-5)

As for teachers, they need to have a spirit of acceptance. School professional 1-4 (paraphrased by the researcher) explained that some teachers in some school might think it is troublesome because this
group of students has different cultures and they are often seen to be rowdy. Teachers play an important role in reducing bias and rejection:

*These trainings might focus on academic subjects. Some counselling training programmes will mention “non-Chinese student but this will not be the focus.”*

(School professional 1-5)

*Our majority is non-Chinese students. Our Chinese students are a minority. Hence, our profession is teaching non-Chinese students. For those schools that have mainly Chinese students might need trainings on helping non-Chinese students. We have counselling training for teachers for both non-Chinese students and Chinese students. We don’t have any for teaching non-Chinese students specially. We are trained by the students every day (school professional 1-5)*

*Beside trainings, we have club meeting for both Chinese and English class teachers every other week. For example, teachers from English classes will share some challenges with all. I personally think it is also training. These sharing are the most precious. (School professional 1-5)*

On top of professional training, educators and staff in Hong Kong have to examine and clarify their racial and ethnic attitudes and have a sophisticated grasp of the concepts, theories, principles, and practices in order to develop multicultural education curriculum which could respond to diversity creatively and effectively (Banks, 2014).

Finally, there needs to be greater cooperation among all those concerned with educational provision for asylum seeker. There are so many points of contact for these families and so many regulations and forms to be completed that a single service point should be established. The recently established Inter Agency Forum is a good starting point but government agencies need to be involved in this. This
is as much about efficient service delivery as it is about meeting the needs of this specific group of families. Perhaps more importantly, however, it needs to be recognized that educational provision is in the best interests of the government even when asylum seeker families may be transitioning in Hong Kong. Education has medium and long terms effects and benefits so the asylum seeker student educated in Hong Kong today may well be the foreign businessman, politician or academic of the future. Education is an investment for the government not a cost – an investment in the future as well as an investment in the health, well-being and success of individuals. Hong Kong can only benefit from an intelligent international citizenry and where it can contribute to that through asylum seeker education it should do so and it should do so willingly and without reserve.
CONCLUDING REMARKS

“Being a refugee may be a defining moment in the lives of those who are refugees, but being a refugee does not define them. Like countless thousands before them, this will be a period—we hope a short period—in their lives. Some of them will go on to be Nobel laureates, public servants, physicians, scientists, musicians, artists, religious leaders, and contributors in other fields. Indeed, many of them were these things before they lost everything. This moment does not define them, but our response will help define us” (Kearon, 2016).

Asylum seeker policy may not be at the centre of the HKSARG’s policy agenda and that is understandable given the myriad of issues facing the city. Yet given the pace of globalization and the increasingly easy movement of people across the globe, legislation, policies and legal frameworks are needed to frame any government’s response to a fast moving world. Reliance should not be placed on old colonial legislation to meet the needs of a modern state. In the same way old attitudes formed by colonial experiences such as Vietnamese asylum seekers in the 1970s should not continue to frame attitudes and responses in the 21st century. New thinking is needed in the HKSARG, in the Legislative Council Security Panel in civil service departments with responsibility for asylum seeker issues and in the community when it comes to asylum seeker issues. Leadership must be provided by the HKSARG in this small but indicative policy arena. This is the only way its aspirations to be regarded as an international city can be fulfilled. It can start to set the pace in developing just and fair policies to support those who are the most marginalized. If such people are treated fairly, they can become advocates for Hong Kong in whatever part of the globe they are finally settled.
References


Crickley, A. (2016). Human rights advocacy at the UN: The current European Refugee Crisis. Seminar held on February 25, 2016 at Baptist University, Hong Kong.


Daly, M. (2014). Refugee and non-refoulement law in Hong Kong: The introduction of the Unified Screening Mechanism. The Hong Kong Lawyer, October. Retrieved on 15 July 2016 from


Shum, T. (206). Marginalisation and empowerment of refugees in Hong Kong. Paper presented at Comparative Education Society of Hong Kong, April 15 16, 2016, Hong Kong.


UNHCR. (2016). *No more excuses: Provide education to all forcibly displaced people*. Geneva, Switzerland: UNHCR.


Appendix 1: Questionnaire

Towards a Refugee Policy for an Inclusive Hong Kong: Enhancing the Status of China’s International City

Dear Participants

I am pleased to share with you that the Central Policy Unit of the Hong Kong SAR Government has supported a project that will provide advice on new policies for Hong Kong’s asylum seekers and torture claimants. We proposed this project.14

Our project has three broad objectives:

(1) identify the main reasons refugees come to Hong Kong and assess the implications for informing policy development,

(2) investigate and seek to understand the everyday experiences of refugees in Hong Kong,

(3) assess refugee family responsibilities and in particular the Administration’s responsibility for educational provision in relation to refugee children.

Your inputs are invaluable to assist with the development of advice on future policy-making and implementation. The benefits of this study will be that:

- It will provide information that will help us to formulate advice to the Central Policy Unit;
- It will help us to understand better to conditions of refugees and the policy responses that are needed;
- It can eventually inform HKSARG policy development in relation to refugees.

The questionnaire is anonymous and the information collected from this study is confidential for research purposes only. If you have any queries or concerns about this research project, please contact Dr. Linnie WONG (Email wongkl@ied.edu.hk; Tel: 2948-7242), Principal Researcher for this project.

Thank you for your kind support and collaboration!

Yours faithfully
Professor Kerry J Kennedy
Director of the Centre for Governance and Citizenship.

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14 Towards a Refugee Policy for an Inclusive Hong Kong: Enhancing the Status of China’s International City (Project no.: 2014.A5.010.15B)
Part I: General Policy and Practices Related to Refugees

1. What are the main issues and challenges you facing in Hong Kong?  
   *(Please tick (✓) only one box in each row)*

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<td>b. Personal safety</td>
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<td>c. Risk</td>
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<td>d. Financial problems</td>
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<td>f. Children’s education</td>
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<td>g. Other __________(Please specify)</td>
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2. What is your most important goal of coming to Hong Kong?  
   *(Please tick (✓) only one box in each row)*

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<tr>
<td>a. To be resettled into another country</td>
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<td>b. To be able to work in Hong Kong</td>
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<td>c. To be granted residence in Hong Kong?</td>
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<td>d. To receive a sufficient financial subsidy</td>
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   Other __________(Please specify) |      |      |               |

3.1 Have you had any experience with the Unified Screening Mechanism?  
   *(Please tick (✓) only one box)*

   Yes  No

3.2 Do you think it (USM) is a helpful way to determine refugee status and torture claimants?
3.3 Could you describe your experience with the Unified Screening Mechanism?
____________________________________________________________________________
____________________________________________________________________________

3.4 How long have you been waiting for the Unified Screening process? (Please tick (√) only one box)

- Less than three months
- Less than six months
- Less than one year
- More than one year

4.1 Were you aware of Hong Kong’s refugees’ policies before you arrived in Hong Kong? (Please tick (√) only one box)

- Yes
- No

4.2 If you were aware of them, how did you find out about them? (Please tick (√) only one box)

- From friends already in Hong Kong
- Government websites
- Chinese Consulate in your country
- Non-governmental organizations (NGOs)
- Other (please specify) ____________________________________________

4.3 If you were not aware of current policies, how important were the following to you in selecting Hong Kong as a place to come? (Please tick (√) only one box in each row)
5. Once you arrived in Hong Kong, how did you become familiar with local policies towards asylum seekers? *(please tick (√) as many as appropriate)*

From friends
From NGOs
Government websites or materials
Other (please specify)_________________

6.1 Have you had any experience with the Office of the United Nations High Commissioner for Refugees (UNHCR)? *(Please tick (√) only one box)*

Yes ☐ No ☐

6.2 If so, what role has the office (UNHCR) played? *(please tick (√) as many as appropriate)*

Provide legal advice/aids ☐ Provide financial support ☐ Help with resettlement ☐
Other ☐ ☐ ☐ *(Please specify)*

7.1 What HKSAR government agencies have you been in contact with since being in Hong Kong? Please indicate the level frequency of contact? *(Please tick (√) only one box in each row)*

<table>
<thead>
<tr>
<th>Agency</th>
<th>Never</th>
<th>Seldom</th>
<th>Sometimes</th>
<th>Often</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Social Welfare Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Education Bureau</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
c. Student Financial Assistance Agency (SFAA)

d. Immigration Department

e. Security Bureau

f. Other ________( Please specify)

7.2 What has the HKSAR government done for you? (please tick (√) as many as appropriate)

Provide legal advice/aids
Provide financial support
Provide advice on children’s education
Other ________( Please specify)

7.3. What has been your most positive experience in Hong Kong?

____________________________________

____________________________________

7.4 What has been your most negative experience?

____________________________________

____________________________________

Part II: Hope for the Future

8. What level of hope do you have for a better future? (Please tick (√) only one box in each row)

<table>
<thead>
<tr>
<th>Never</th>
<th>Sometimes</th>
<th>Often</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I can think of many ways to get out of a jam</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. I energetically pursue my goals.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. I feel tired most of the time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. There are lots of ways around any problem</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. I am easily downed in an argument</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. I can think of many ways to get the things in life that are important to me</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
g. I worry about my future

h. Even when others get discouraged, I know I can find a way to solve the problem

i. My past experiences have prepared me well for my future

j. I’ve been pretty successful in life

k. I usually find myself worrying about something

l. I meet the goals that I set for myself

9. In which country are you hoping to be resettled? (please tick (√) as many as appropriate)

- Canada  - United States  - United Kingdom  - New Zealand
- Germany  - Australia  - Other  ____ (Please specify)

10. How long are you willing to wait for being resettled in other country? (Please tick (√) only one box)

- Less than 2 years  - 3-4 years  - 5-6 years  - 7-9 years
- above 10 years  - Unknown

Part III: The Education of Refugee Children

11. How many children under 18 do you have with you in Hong Kong? (Please tick (√) only one box)

- 0  - 1  - 2  - 3  - 4  - more than 5

12. Is she/he attending school in Hong Kong? (Please tick (√) only one box)

- Yes  - No

If your answer to the above questions is ‘Yes’, please go to question 13.

If ‘No’, please go to question 19 (in Part IV).

13. What type is your child’s school? (Please tick (√) only one box)

- Government  - Aided  - Direct-subsidized  - Private  - Don't know
14. Who pay for your child’s education? *(please tick (✓) as many as appropriate)*

- Education Bureau (EDB)
- Student Financial Assistance Agency (SFAA)
- Social Welfare Department
- NGOs
- Church
- Out of my own pocket
- Other ________ *(Please specify)*

15. How well are you informed about Hong Kong education policies for refugees’ children? *(Please tick (✓) only one box)*

- Not informed
- Somewhat informed
- Informed
- Well informed

16. What language is used in your child’s classroom? *(Please tick (✓) only one box)*

- Cantonese
- Mandarin
- English
- Other ____________ *(Please specify)*

17. How satisfied are you with the educational provision for your child in Hong Kong? *(Please tick (✓) only one box in each row)*

<table>
<thead>
<tr>
<th>Very Dissatisfied</th>
<th>Dissatisfied</th>
<th>Satisfied</th>
<th>Satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Language used in the classroom</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. School provides sufficient support to refugees’ students</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Refugees’ students are treated fairly without discrimination</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Social Welfare Department provides sufficient financial subsidy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Church provides sufficient financial support</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Refugee NGOs provide sufficient financial support</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Student Financial Assistance Agency (SFAA) provides sufficient financial subsidy</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18. In your view, to what extent the following things needed to improve educational provision for refugee children? *(Please tick (✓) only one box in each row)*

<table>
<thead>
<tr>
<th>Not at all</th>
<th>To a small extent</th>
<th>To a moderate extent</th>
<th>To a large extent</th>
</tr>
</thead>
</table>
Part IV: Personal Background Information

19. Which country are you from? (please tick (√) only one box)
   Vietnam    Philippine    Bangladesh    Malaysia
   India      South Africa   Pakistan      Other ______( Please specify)

20. What are your primary reasons for being away from home country? Refugees are owing to a well-founded fear of being persecuted for following reasons (please tick (√) as many as appropriate).
   Race       Religion     Nationality    Other ________( Please specify)
   Membership of a particular social group
   Political opinion

21. In what part of Hong Kong are you living? (please tick (√) only one box)
   Kowloon    New Territories   Hong Kong Island

22. How long have you been living in Hong Kong? ________ years (please tick (√) only one box)
   less than 1 year   2-5 years   5-9 years   above 10 years

23. Are you a member of any religion? (please tick (√) as many as appropriate)
   Christian------ Protestant
   Catholic
   Other _____( Please specify)
   Hinduism      Buddhism
   Islam         No religious belief others__________(please specify)
24. Are you a member of any group or NGOs? (please tick (√) as many as appropriate)
   Refugee Union       Hong Kong Society for Asylum-Seekers and Refugees
   Vision First        Bangladesh Associate of Hong Kong
   Pakistan Association of Hong Kong       Hong Kong Nepalese Federation
   Socialist Action    others____________________ (please specify)

25. What is the highest level/grade form you completed? (please tick (√) only one box)
   Below primary      Primary       Junior high school       Senior high school
   Tertiary education or above

26. Do you have any source of income other than Hong Kong Government support? (please tick (√) only one box)
   Yes              No

27. What is your source of income? (please tick (√) as many as appropriate)
   Work            Given by families back in home            Given by the churches
   Given by NGOs    Other ___________ (Please specify)

28. What is your marital status? (please tick (√) only one box)
   Married       Single       Divorced       Widow/widower
   Other _________ (Please specify)

29. Gender (please tick (√) only one box)
   Female       Male

30. Age (please tick (√) only one box)
   Less than 18  18-24       25-29       30-39       40-49
   50 or over

You have completed the survey, thank you!
Appendix 2: Dissemination Activities

Forum

Forum on Educating Hong Kong’s Refugee Children: Policy and Practice (November 2015), Hong Kong Institute of Education, Hong Kong.

Forum on the Education of Refugee Children in Hong Kong

6 November 2015

Institute Reception (A-GF-08)

1.00-2.00 – Light lunch for those who can make it

2-4.30 - Forum

Objectives: The purposes of the Forum are to: (These are not mentioned in the proposal which is somewhat broader than the focus we have chosen – the following are suggestions only)

- Highlight issues relating to refugees in Hong Kong;
- Enable stakeholders to exchange views on the education of refugee children;
- Develop recommendations for different stakeholders on ways to enhance education provision for ethnic minority children

Opening

Welcome – Prof. John Lee

Introduction: Either Dr York Chow (Confirmed) or the Head of UNCHR

Roundtable Participants

<table>
<thead>
<tr>
<th>Group</th>
<th>Contact name</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGOs</td>
<td>1. Adella (Refugee Union) (Confirmed)</td>
<td><a href="mailto:namagembeadella@yahoo.com">namagembeadella@yahoo.com</a></td>
</tr>
<tr>
<td></td>
<td>2. Dr Isabella Ng-(confirmed)</td>
<td><a href="mailto:ifsng@ied.edu.hk">ifsng@ied.edu.hk</a></td>
</tr>
<tr>
<td>Academic</td>
<td>3. Dr Terence Shum (confirmed)</td>
<td><a href="mailto:terenceshum@vtc.edu.hk">terenceshum@vtc.edu.hk</a></td>
</tr>
<tr>
<td>EDB</td>
<td>4. Elaine Ng (confirmed)</td>
<td><a href="mailto:yinying@edb.gov.hk">yinying@edb.gov.hk</a></td>
</tr>
<tr>
<td></td>
<td>5. Ms Olivia LO(confirmed)</td>
<td><a href="mailto:tolo@edb.gov.hk">tolo@edb.gov.hk</a></td>
</tr>
<tr>
<td>Schools</td>
<td>6. Teacher (Dr. Rizwan Ullah at Delia)</td>
<td><a href="mailto:rizwanullah@deliagroup.edu.hk">rizwanullah@deliagroup.edu.hk</a></td>
</tr>
</tbody>
</table>

Facilitator: Bob Adamson

Each participant given 5-10 minutes to explain their role in educational provision for refugee children. This is followed up with questions by the Facilitator to participants, questions from the audience and questions between members of the Forum.
Outcome

- Recommendations for supporting educational provision of refugee children in Hong Kong;
- Development of pamphlet on multicultural teaching.

Conference Papers


Symposium Papers for 2016 CESHK

A symposium was organised at the Annual Conference of the Comparative Education Society of Hong Kong, April 15-16: Refugee Issues in Hong Kong and their Implications for the Development of a Multicultural Society. The following papers were presented:


Publication
