

Non-refoulement claimants

Permission to work in Hong Kong

1. Regardless of the outcome of non-refoulement claims, ImmD will not permit the claimants to settle in Hong Kong. The immigration status of the claimants will remain unchanged. In 2014, the CFA upheld in its ruling that non-refoulement claimants, even if their claims are substantiated, have no constitutional right or any other legal right to work in Hong Kong. That said, substantiated claimants may submit their applications to ImmD for taking up employment. ImmD will consider such application on an exceptional basis.

Humanitarian assistance

2. Since 2006, the Government has commissioned a NGO to offer humanitarian assistance (including food, accommodation, utilities expenses, transportation allowance as well as other basic necessities) to non-refoulement claimants to prevent them from becoming destitute during their presence in Hong Kong, whilst avoiding any magnet effect which may have serious implications on the sustainability of the assistance programme and on our immigration control. Through an open and fair tendering process, the SWD has commissioned the International Social Service Hong Kong Branch (ISS-HK) to provide such humanitarian assistance. ISS-HK will assess claimants' eligibility for the types and level of assistance based on their individual needs, health condition and availability of resources, etc.

3. Separately, the Government provides free basic education for eligible children between the ages of six and fifteen. Children of school age must have the right of abode in Hong Kong or hold valid documents issued by ImmD before they can be educated in Hong Kong. In relation to non-refoulement claimants who are school-age children and wish to study in Hong Kong, if the removal would not be effected in the short term and ImmD has no comment on the application for admission of these children for schooling, the Education Bureau (EDB) will arrange for them

to enter suitable schools after considering their area of residence and the level of study. In 2017, EDB sought comments from ImmD on 193 cases. Among them were a total of 189 cases (98%) where eligible school-aged children of non-refoulement claimants were granted school placements in Hong Kong.