LAW FOR CHANGE STUDENT COMPETITION 2019

TEAM	PROJECT TITLE
5	**ASsist – Empowerment through Exchange**

MEMBERS	
	BIN AZHAR Abdullah
	CHAN Jing Lin Stephanie
	LEUNG Hoi Yan Holly
	MAK Lai Hang

SCHOOL	
	The University of Hong Kong

NEEDS ASSESSMENT

Onerousness of the Unified Screening Mechanism

There appears to be multiple issues surrounding asylum seekers and refugees in Hong Kong, from crime such as illegal employment to social exclusion as exemplified by language barriers between local Chinese and asylum seekers. However, these issues only form the surface of struggles faced by asylum seekers. Asylum seekers, upon obtaining refugee status, can actually be resettled in a third country instead of remaining in Hong Kong. Yet, due to inefficiencies with the process for making non-refoulement claims and attaining refugee status, many asylum seekers cannot migrate out of Hong Kong, remaining in limbo between their country of origin and potential country of resettlement. The fact that asylum seekers remain in Hong Kong for an average of thirteen years before being resettled gives rise to problems regarding employment, education, and social welfare. Through improving asylum seekers' experience in making non-refoulement claims, our proposal is targeted at the legal needs of asylum seekers.

The current process for making a non-refoulement claim involves the Unified Screening Mechanism ("USM"), which has been in operation in Hong Kong since 2014. The USM is a process which the Immigration Department uses to screen non-refoulement claims by asylum seekers. Although the USM has been in operation for the past five years, the USM remains an onerous process due to administrative delays and the complexity of the USM system itself. While duty lawyers do represent asylum seekers to the Convention Against Torture ("CAT") Claim Office, asylum seekers do not receive any legal advice nor information before completing their Non-refoulement Claim Form and giving their statement at the Immigration Department. Asylum seekers may thus be unclear about the procedure and the evidentiary requirements necessary for a strong USM claim, dampening their own chances of attaining non-refoulement status. Simultaneously, duty lawyers also do not receive much information about the USM before making submissions on behalf of the client. As noted by Mr. Jeffrey Andrews, a social worker from Christian Action, duty lawyers may not be familiar with the actual USM process and what they

can do to aid clients. Similarly, Prof. Simon Young, a duty lawyer, expressed his own difficulty in looking for evidence to support his client's claim as such evidence may require local knowledge of the client's place of origin. Former asylum seekers have further expressed concerns with the duty lawyer system. From the above, it may be seen that the USM remains an onerous system for both asylum seekers and duty lawyers due to a general unfamiliarity and lack of information with the system.

Our proposal addresses both the issues faced by asylum seekers and duty lawyers in regards to the USM, while raising awareness of the issue with the public:

1. Information sessions on the USM for asylum seekers: We aim to conduct information sessions on the USM for new asylum seekers who arrive in Hong Kong such that they know what to expect when filing the claim at the Immigration Department and attending the interview at the CAT office. We would also give information about the types of evidence useful for the USM claim such that an asylum seeker can give their duty lawyer the relevant information if the asylum seeker does have such information. After conducting information sessions, we also hope to train asylum seekers who have previously attended our information sessions to run their own sessions for fellow asylum seekers.

2. Database for duty lawyers: We aim to compile a regularly updated database containing information on asylum seekers' place of origin such that duty lawyers have more convenient access to information in order to help asylum seekers. The database would also contain translated information, allowing duty lawyers access to local knowledge about the asylum seekers' place of origin. Upon receiving consent from relevant parties and redacting confidential information, we will also incorporate submissions of previous successful USM claims on the database such that less experienced duty lawyers can grasp a better sense of how they should make their submission. Lawyers, asylum seekers, and student volunteers can all access and contribute to the database.

3. Exhibition on experiences of asylum seekers and the USM: While the information on the database can be used by duty lawyers, the same information on the database can also be used for an exhibition regarding asylum seekers in Hong Kong using the same information on the database. We hope to raise awareness about the struggles of asylum seekers.

Existing Services

Our proposal goes beyond the services currently available to asylum seekers and further incorporates duty lawyers as a target audience of our services, which no other initiative has done before.

Existing organisations and services provide aid to meet the daily needs of asylum seekers. Non-governmental organisations such as Christian Action, Refugee Union, and Branches of Hope collect monetary donations and donations in kind for asylum seekers and refugees, while providing learning opportunities and spiritual/religious activities such as English classes and fellowship. At the same time, groups such as RUN Hong Kong and a refugee football team provide recreational or even therapeutic sports for asylum seekers. All the aforementioned organisations also build a sense of belonging and community amongst the asylum seekers and refugees in Hong Kong while raising public awareness. As there are existing mechanisms aiding asylum seekers' daily needs, our proposal aims to specifically target the legal needs of asylum seekers. Yet, asylum seekers are still socially excluded despite aforementioned organizations' efforts to raise public awareness. The lack of public awareness further signifies a lack of political pressure on the government to improve upon their treatment of asylum seekers. Not only does our proposal aim to raise awareness of asylum seekers' struggles, but by reinforcing the connection between duty lawyers and their clients, we hope to inspire lawyers to bring further legal change for asylum seekers, especially in fighting for asylum seekers' basic rights.

Furthermore, while organisations such as Christian Action and LIBRE provide information to asylum seekers, there is a lack of information specifically targeting the USM. Both Christian Action's Refugee Centre and LIBRE's guidebook provides useful information for asylum seekers who have newly arrived in Hong Kong, including information on access to healthcare, counselling, and social welfare. However, there is no information specifically targeted towards the USM process, which is arguably the most important of the asylum seekers' considerations upon arriving in Hong Kong. Moreover, owing to the complexity of the USM, it is unlikely that a guide on its own would provide sufficient information and answer asylum seekers' inquiries on the USM. By conducting an information session specifically on the USM, we are able to firstly give in-depth information on the processes involved in the USM, information which asylum seekers do not currently receive from duty lawyers or other organizations. We can even provide sample forms such that asylum seekers are already familiar with the process and will not face additional stress while applying for the USM. In the setting of an information session, we are also able to interact with asylum seekers and have a bilateral exchange of information, allowing our team to receive live feedback on which parts of the USM or the Non-refoulement Claim would need more explanation. Thus, by specifically targeting the USM, our proposal is able to fill gaps left by organisations that currently provide informational services to asylum seekers.

Moreover, our proposal is innovative in its provision of services to duty lawyers, which no other organisation has done. In building a database to be used by duty lawyers, we are directly helping them solve any problems they encounter while researching on evidence to support their clients' claims. Given the prevalence of big data as well as the convenience and affordability of internet services, we believe a database will be an easily accessible tool for duty lawyers. As we will also be allowing asylum seekers to put relevant information on the database as well, we are in fact building a link of mutual support between duty lawyers and asylum seekers. By simultaneously targeting two parties involved in the USM process, duty lawyers and asylum seekers, we believe we will be able to generate practical effects in increasing the success rate of USM claims.

Community and Sustainability in Our Proposal

Community is a strong theme in our project. Our ultimate goal is to bridge stronger relations between local communities and asylum seekers, by fostering mutual understanding and collaboration. For asylum seekers and refugees, we hope to empower them by equipping them with useful tools and knowledge for their application. We believe having asylum seekers teach each other would also forge a sense of community and collaboration among asylum seekers. In better connecting duty lawyers with their clients through the database, we further hope to build links of mutual support between duty lawyers and their clients. For the local community, we hope to de-stigmatise attitudes towards asylum seekers and refugees by providing them with an opportunity to interact, support, and connect. By engaging student translators and volunteers for managing and updating the database, we hope to raise awareness about the conflicts faced by asylum seekers in their place of origin. Holding an exhibition based on the information on the database would also raise public awareness on issues regarding asylum seekers, potentially creating a more empathetic and socially inclusive environment for asylum seekers in Hong Kong.

The goal of our project is to streamline the USM process for the stakeholders as much as possible, therefore we have set our objectives as:

1. To improve asylum seekers' knowledge about the USM process, ascertained by participants attaining 80% correct in a short reflection quiz post-workshop;

2. To strengthen duty lawyers' confidence and ability in substantiating USM claims by 20%, ascertained through a pre- and post- workshop quantitative survey; and

3. To enhance the Hong Kong general public's awareness about the plight of asylum seekers in Hong Kong by reaching 1000 people within 12 months at our workshops determined by actual attendance.

In order to achieve our goal, we propose to organise three activities: an information session, a database for duty lawyers, and a sharing exhibition on experiences of asylum seekers and the USM, each corresponding to one of the three objectives.

The information session educates asylum seekers about the USM process. The inputs necessary to organise the information session include a room hold the information session in and teachers to educate the asylum seekers about the USM process. For the room, we are planning to book a classroom in the University of Hong Kong, thus providing an accessible and safe space for workshop participants. For the teachers, we propose to recruit law students. Not only will this give law students the opportunity to apply their legal knowledge by helping others, this will also allow them to engage in human rights law, thus nurturing the drive of human rights activism in the lawyers of the future. After the participants themselves have gained a clearer understanding of the USM process, they can also be recruited to lead the information session, empowering both themselves and future asylum seekers. The outcome of the information session would let participants become aware of what the USM process is and what information is needed to best present

their claim. As a result, this would fulfil the objective of improving asylum seekers' knowledge about the USM process. By knowing what to expect and what is needed to increase the chances of success, asylum seekers will be empowered to present their case in court. Our potential project partners include volunteer law students who have learnt Street Law and asylum seekers who have been to the information session.

The database is a regularly updated source of information for duty lawyers to conveniently access information that would help substantiating USM claims. The inputs required for the database includes the database itself, the domain, and the volunteer law students who would help update the information on the site. For the database, we propose to recruit volunteer computer science students who would help build the database. For the domain, we propose to initially use a free website, such as Wix, in order to set the database in motion, then later switching over to a paid domain name. The law students who would regularly update the information on the site would also be recruited from HKU. The outcome of the database would be to allow asylum seekers to upload information onto a database, assisting duty lawyers and future asylum seekers in terms of the information needed to present their claims. As a result, this would fulfil the objective of strengthening duty lawyers' confidence and ability in substantiating USM claims. Through the database, the legal and asylum seeker communities can easily access related information online, thereby mitigating the issue of asylum seekers not bringing sufficient evidence to substantiate their claim when they come to Hong Kong. Our potential project partners include computer science students, who would build the database, students, who would help regularly update the information on the site, asylum seekers, who would contribute their stories; duty lawyers, who would provide feedback on ways to improve the database; and student volunteers from I Am Not

A Criminal - an organisation dedicated to refugees and asylum seekers - who hail from 80 different countries and would provide unofficial translations for documents from asylum seekers' place of origin.

The sharing exhibition is a display of the information gathered on the database, with which we hope to use to raise awareness of the plight of asylum seekers in Hong Kong. The inputs required for the sharing exhibition include a place to exhibit information on the database and asylum seekers' stories, the exhibits themselves. For the venue of the exhibition, a local cafe would be apt for exhibiting information and stories, where there exhibition would reach the portion of the Hong Kong population that goes to the cafes. In addition to a simple exhibition, another venue may be booked to organise an event where asylum seekers themselves may share their stories with the public, allowing the people of Hong Kong to put a face to the stories. The exhibits themselves would be sourced from the database, in order to demonstrate how real information on the site allows asylum seekers to substantiate their claims in the USM process. The outcome of the sharing exhibition would be to allow the public to no longer view them through a stereotypical lens, and garnering more sympathy for what asylum seekers have to go through. As a result, we would fulfil the objective of enhancing the public's awareness about the plight of asylum seekers in Hong Kong. Through the sharing exhibition, asylum seekers will be given the opportunity to tell stories that would resonate with those who attend. Thus, for every person that attends, one more person would view asylum seekers from a humanitarian view, recognising that they do try to give back to the Hong Kong people and causing them to no longer be prejudiced towards them. Our potential project partner would be a local cafe, who would display the exhibits for us.

IMPLEMENTATION

Information Sessions

Measures, estimated time required, and costs

- Coordinate with relevant charities to ensure referral of asylum-seekers to the information session. This is unlikely to incur any costs, given our preliminary enquiries with Christian Action, Justice Centre, and Refugee Union.

- Arrange for legal expertise for the initial information sessions and preparation of the post-information session quiz. This is unlikely to incur any costs because of our contacts with groups providing such expertise, such as Street Law in the University of Hong Kong ("HKU") and subsequent running of these information sessions by asylum-seekers themselves.

- Arrange for participants to aid during the information sessions. This would be unlikely to incur any costs because of willingness on the part of various HKU clubs and societies to collaborate and provide volunteers.

- Arrange for a venue and publicity of the information sessions. This would incur little cost, an estimate of not more than 500HKD per information session, as the venues at HKU are available for hire to students for free as part of a Centre of Development and Resources for Students (CEDARS) programme for new student organisations and the costs would be incurred mostly for publicity.

- All these measures would likely take 2-3 months to implement and we hope to have 3 initial information sessions with the same number subsequently held every six months.

Database

Measures, estimated time required, and costs

- Arranging technical expertise. This step itself is unlikely to incur costs because of the availability of volunteers from the HKU Department of Computer Science.

- Arranging technical capacity, i.e. procuring a domain, procuring fail-safe or anti-virus software, translators etc. This step can incur costs ranging from 250-1000 HKD, depending on the specific softwares or domains procured. However, translation is unlikely to incur any costs, given the willingness of the group 'I Am Not a Criminal', consisting of students from various secondary schools, to provide volunteer translators.

- Arranging for referral of asylum-seekers by relevant charities. As stated, this step is unlikely to incur costs.

- Liaising with the Law Society to get the Database available to duty lawyers and provision of the quantitative survey. This step is unlikely to incur costs.

- All these measures would likely take 3-6 months before a fully-working database is up, referred to asylum-seekers and used by duty lawyers.

Sharing Exhibition

Measures, estimated time required, and costs

- Arranging of referrals of asylum-seekers by relevant charities.

- Arranging of a venue and publicity of the sharing exhibition. For a simple exhibition at a cafe, it is unlikely to incur costs other than for the printing materials since some cafes have indicated their willingness to exhibit the information for free. For an event where asylum seekers share their stories, it is likely that each exhibition would bring the same costs as a single information session.

- All these measures would likely to take 1-2 months to implement and we hope to have 1-2 every year.

- Arrange for participants to aid during the exhibition. As stated, this step is unlikely to incur any costs.

MONITORING

To monitor this implementation and evaluate our progress, we propose to form a working group to monitor the implementation that would consist of the same team members. The working group would have two sub-groups working under them. One group will consist of solely technical members, recruited as volunteers from Department of Computer Science at HKU and probably other institutions, working to get the database running and evaluate its subsequent progress in line with our Key Progress Indicators (KPIs). The other group would consist of general volunteer members that would be responsible for three main tasks: organization of the information sessions,

procuring of information and data for the database and organization of exhibitions. The volunteers would also be responsible to procure and keep in check all the evaluation mechanisms, i.e. the quizzes and surveys. Each of the four members of the working group would be responsible for management and delegation of tasks to each of the four areas of work and assessing the evaluation given. To ensure that longevity of the project, the working group and sub-groups will be reviewed and expanded each year and competent replacements are available to make sure the progress or implementation is not hindered by members leaving.

EVALUATION

The strengths of this implementation in addressing the problems lies in its broad implications. The implementation would be such as to target not only the procedural or substantive (legal) issues but the emotional strain as well that various affected parties have complained of, using the aforementioned sharing of experience exhibitions. Even the procedural and substantive measures are innovative as they focus on legal literacy, empowering the affected parties as they would be educating their peers and participating actively in the evidential exercise by way of the database. Both these actions would make them more apt with the procedure itself and help mitigate the complaint that they were totally oblivious to procedure; thus, failing to effectively put their cases. The database would provide a valuable opportunity for public participation as well by means of using volunteer translators, giving an opportunity for ordinary citizens to participate in the process and become aware of the relevant issues; thus, promoting mobilization of the community to these issues.

However, the implementation suffers from an inherent weakness. Most of the complaints addressed the nature of the USM process, along with their respective experiences. Although the latter can be addressed

using our implemented activities, the former is beyond the scope as its alteration is strictly an administrative matter for the relevant public authorities. Despite this, even though it is recognized that their complaints cannot be addressed to the fullest of extent, these measures will address a considerable part. It might be a possibility that the educating experience for the affected parties is not only helpful in putting their case during the USM process but also enable them to better put their case to the relevant authorities, triggering a possibility of changes that address the nature of the USM process.

Implementation will, however, be liable to some difficulties. Information sessions and exhibitions can encounter problems such as issues of logistics, liaising with relevant NGOs, and resources. The database might come across technical difficulties or problems with provision of adequate translators and making this medium aware in the legal sector. All these difficulties will continue to be threats that might affect the progress of the project even after its initial implementation.

SUSTAINABILITY

The project is self-sustainable with a multiplier effect in the long-run. To begin, our project aims to naturally sustain itself by empowering asylum seekers to spread their knowledge to other asylum seekers after joining our workshops. After being taught about the USM process and using our database to support their cases, we hope to provide opportunities, both formal and informal, for asylum seekers to be our advocates. For instance, a small gathering could be organised for our advocates to share their experiences with the USM process with other asylum seekers and interested members of the general public. The multiplier effect occurs as the newly-taught asylum seekers could then spread the message forward. This ensures our project

is sustainable and can leave a meaningful impact. Additionally, the database, once established, can be used consistently and repeatedly in a sustainable manner. Although certain details may need to be changed or added over time to reflect developments, as well as to include analysis of newer judgements, the database will always be useful as a starting point or act as general guidance to improve the USM process for asylum seekers. Volunteers, asylum seekers, and duty lawyers can easily contribute to the database at any time even if our group is no longer managing the platform as well. Lastly, the leveraging of institutional support through the incorporation of the project into the existing mechanism for the USM process, such as

through allowing duty lawyers to access the database and providing workshops through well-established non-profits like Christian Action, allows financing and resources to be well-managed and sustainable in the long-term. The involvement of a range of individuals from diversified backgrounds, including asylum seekers, translators, student volunteers, and lawyers, facilitates our project to weave a sustainable community propelled by diversity and commitment to the betterment of treatment of asylum seekers in Hong Kong. Below, a three-year plan has been created.

Year	Objectives	Relevant KPIs
1	Build the database through connecting with volunteers and translators who will analyse key judgements, compile relevant information, and translate essential documents. Generate awareness towards the database and workshops – this is achieved through leveraging existing institutions, including duty lawyers, law students, and related non-profits. Organise workshops led by project team or volunteer law students on the USM process, inviting refugees or relevant professionals to share their knowledge.	Complete 5 key countries or conflicts for the database, which are most relevant to Hong Kong asylum seekers. Use internal statistics to determine the database traffic and which section(s) are the most frequently visited for duty lawyers and asylum seekers, aiming to reach 100 asylum seekers.
2	Continue to incrementally develop the database, whilst improving user satisfaction and use. Provide opportunities for our asylum seeker advocates to run some workshops. Continue to generate awareness towards the database through more intimate and personal channels.	Provide opportunity for pre- and post-experience surveys to collect data on user experience on the database to improve, as well as reflection surveys for the workshops to determine which areas were the most useful or required improvement. Compare planned hours of work compared to actual situation to determine whether the database is sustainable.
3	Workshops be fully run by our asylum seeker advocates. Database is up-to-date and supports a range of applications, whilst being easy-to-use and has various search functions. The asylum-seeking community and relevant institutions are aware and are using the database on a regular basis.	The database should have general data on most, if not all, the countries which has had asylum seekers coming to Hong Kong. Whether the database is being used effectively can be determined by new and returning users, the amount of web traffic, and the time spent on each page.

Our activities will be held for three hours, with two 10-minute breaks. This strikes the ideal balance between overwhelming our participants and addressing the material in sufficient depth and breadth. The breaks reduce the attention-span issue and provides opportunities for participants to socialise and build a stronger support network. ■