

LAW FOR CHANGE STUDENT COMPETITION 2018

TEAM 9	PROJECT TITLE Legal Initiative (Pro-Bono) for Refugee Empowerment (“LIBRE”)
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OVERVIEW

Project Summary

To facilitate access to justice of refugees in Hong Kong and advocate constructive dialogue within the local youth, Legal Initiative (Pro-Bono) for Refugee Empowerment (“LIBRE”) will provide legal education for refugees and conduct awareness talks for secondary school students.

Seeing the rising number of refugee families' spending up to 10 years in Hong Kong during the pendency of their non-refoulement applications and the fragile state of their legal protection, LIBRE aims to defend the rights and integrity of refugee families who also call Hong Kong their temporary “Home”.

Connection to Family

LIBRE was established based on the simple belief that every family deserves integrity, regardless of its origin, race, or location.

Firstly, each family deserves the rights to freedom and opportunities. However, refugee families in Hong Kong are often more susceptible to unlawful deprivation of those rights, especially when they do not understand them properly. Hence, LIBRE creates a legal rights guidebook and website to inform refugee families of their rights and empower them to live with dignity in their temporary home.

Secondly, our societal family should also have empathy and understanding but it is currently torn apart by sentiments towards the refugee issue. By facilitating fair and objective discussion with first hand testimonial sharing by refugees (either in person or via video) through school talks, LIBRE seeks to begin the healing process through connecting Hong Kong youth and the refugees.

Terminology

When not specified, the term “refugees” is used below to refer to mandated refugees recognised by UNHCR (“mandated refugees”), substantiated non-refoulement claimants (“substantiated claimants”), and asylum seekers.

Social and Legal Needs Assessment

Assessment Methodology

In formulating our proposal and identifying the following needs of the refugees, we have conducted a preliminary online research and over 9-hours of interview and survey with representatives of a range of NGOs focusing on serving refugees, including Justice Centre, Christian Action, Branches of Hope, and Table of Two Cities.

Refugees

Refugees in Hong Kong face particular legal issues without being informed of their legal rights. For example, while asylum seekers are compulsorily detained at the start of non-refoulement application, they are often uninformed on the legal limitations of the Immigration detention and their legal entitlements during that period.

Asylum seekers have to remain in Hong Kong for a long time, even up to 10 years, for their non-refoulement applications. In their day-to-day lives, they would more frequently encounter police stop-and-search and run into discrimination, both verbally and in the provision of opportunities and services (such as tenancy).² Their current lack of legal knowledge may lead to encroachments upon their personal freedom, dignity, and pursuit of family life.

The labyrinthine administrative system, diverse provision of services, and fragmented information also lead to missed opportunities. For example, according to interview with Branches of Hope, some mandated refugees may not know their rights to joining internships or job training programmes, which reduces their competitiveness in the job market. Furthermore, refugees may face unlawful discrimination in areas such as lease negotiation according to our interview with A Table of Two Cities.

Furthermore, there is no comprehensive directory of governmental and non-governmental social welfare organisations that may be accessible by the refugees. Currently, most organisations rely on word-of-mouth recommendations, which is a relatively inefficient and creates mismatch of demand and supply of resources.

Society

Social discourse on refugees generally lacks informed discussion, creating many misconceptions: For example, the confusions between economic migrants and asylum seekers has led to asylum seekers, who fled here due to persecution, be dubbed “fake refugees who rob job opportunities”. The perpetuation of stereotypes has also led many locals to think refugees are “criminals”, despite the fact that serious crimes attributable to refugees and asylum seekers in fact make up only 3.55% of the local crime rate (as of 2016).³

Worrisomely, such unjustified stereotypes have permeated the societal majority with negative impressions⁴ towards refugees and has steered the administrative and legislative measures on refugees towards a stringent direction, despite the grave underlying humanitarian needs.⁵

In light of the misconceptions, however, existing advocacy on behalf of refugees has mainly targeted the expatriate communities in Hong Kong and has left out the majority local Chinese-speaking public who are less receptive to humanitarian values. In particular, the local youth who potentially has a more open attitude towards humanitarian and universal values remains fairly uninformed on the refugee issue.⁶

Organizations

According to interviews and research, existing legal help offered by refugee organisations is limited to one-on-one, targeted consultation instead of large-scale, general legal education. Due to resource constraints and lack of manpower, no comprehensive legal information guide has been produced and legal information essential to the refugee community are distributed in a fragmented way through sporadic flyers.

Furthermore, according to our interview with Branches of Hope, the largest refugee community organisation in Hong Kong, many refugee NGOs are also in need of a comprehensive legal rights guidebook and website to refer when helping their clients.

Law students in Hong Kong

Many law students in Hong Kong lack the opportunity to be involved in human rights laws and the legal aspect of social justice work. Moreover, there is currently no existing project that connects law students *en masse* with refugee rights. This renders the students less educated on Hong Kong’s social justice issues as a whole, and leaving a great deal of potential talent and manpower untapped.

Goals

1	Informing refugees of their legal rights and organizations that may be able to aid in times of need
2	Inspiring students to speak out against social injustice
3	Dispelling misconceptions around refugees in Hong Kong
4	Enabling objective social discourse and raising awareness of human rights responsibility in Hong Kong

Objectives

1	Educating refugees on their comprehensive legal rights and support network through: a. Distributing 10,000 legal rights guidebooks, and b. Creating a legal rights website
2	Educating youth on human rights and refugee issue as well as encouraging positive discussion among youth through school talks held across local schools in Hong Kong
3	Enhancing volunteer students’ knowledge and skills on social advocacy and refugee-related issues throughout the training and participation.

DETAILED PROJECT PROPOSAL

Stakeholders and Roles

- Programme Directors:** promote and monitor implementation of programme, establish contact, and coordinate cooperation among stakeholders.
- University law students:** Pilot scheme is open to HKU single and double-degree law students who will attend trainings, compile, disseminate legal guidebooks and prepare school talks throughout the program.
- Partnering law firms:** Review and provide advice for student participants to ensure legal accuracy of the guidebook.
- Participating NGOs:** Act as connection points for LIBRE to reach the refugee community. Distribute guidebooks and recruit refugee speakers for school awareness talks.
- Participating secondary schools:** Connect LIBRE, refugees and local youth. Provide venues and occasion for awareness talks.

LIBRE will promote the project during law lecture breaks, subject to approval by law professors of each course. A mass email will also be sent to HKU law students after obtaining the grant of permission from the Department of Law.

2. Legal practitioner recruitment

We will recruit at least 3 practising solicitors and/or barristers and 3 NGO representatives to provide training to students and review the guidebook. (refer to Student trainings & research, Guidebook review below)

3. Secondary school recruitment

LIBRE will recruit approximately 20 secondary schools over N.T., Kowloon and HK Island in holding talks on refugee issues in HK.

LIBRE will establish contact with schools by reaching out through district branches of Hong Kong Federation of Youth. Emails will also be directly sent to target secondary schools and online application will be allowed.

STAGE 2: Preparation

1. List of Topics Covered in Guidebook

The assessment of rights is based upon interviews with Programme Manager of Branches of Hope, the largest refugee NGO in Hong Kong, as well as help from interview with Justice Centre and Table Of Two Cities. Secondary sources, including online news reports of refugee anecdotes covered by SCMP, VisionFirst and Christian Action also helped in confirmation and elaboration of the following needs:

Topics	Description
1 Right to appeal for non-refoulement claims	Information on the procedures and time period of lodging appeal to the Torture Claims Appeal Board according to the Immigration Ordinance.
2 Right against unlawful exercise of police powers	Detailed information on their rights concerning police detention, given that every refugee making non-refoulement claims must be detained by the Immigration Department. This includes maximum period of detention, right to remain silent, right to adequate food and medical care, right to lodge complaints and lawsuits against ill-treatment, etc. Upon NGO interview results, we will also detail the police search-and-stop power as well as right to refuse police entry in the absence of search warrant.
3 Right against discrimination	Information on what constitutes illegal direct or indirect discrimination in situations such as employment, education and provision of goods, facilities or services. Actions steps of complaint towards the Equal Opportunities Commission will be outlined through flowcharts.

Topics	Description
4 Right to compensation for personal injury	Information on the right and procedures to claim compensation for unforeseeable accidents and injuries, e.g. under Traffic Accident Victims Assistance Scheme and Criminal and Law Enforcement Injuries Compensation (CLEIC) Scheme. Catering for the needs of mandated refugees entitled to work, a remark on compensation for work injury will also be provided.
5 Right to vocational training/unpaid internship	Channels and opportunities of skill-training classes and certification courses to prepare refugees for employment in places of relocation. Available training provided by NGOs, including languages courses, warehouse management programmes and computer literacy programmes, will be summarised in this section. A remark on legal right to employment will also be provided for mandated refugees who have acquired work permits under discretion of Director of Immigration.
6 Right to social welfare/ social services	The substantive and procedural requirements of application for fee waiver of emergency medical care. Information concerning other day-to-day matters, including the right and procedures to open a bank account and obtain a driver license.
7 Right to Education	Information on the procedures to apply for enrolment of schools for refugee minors as well as procedures for reimbursement of tuition and miscellaneous educational expenses.
8 Directory	A table matching refugee needs and NGO service will be provided, such needs include financial help, legal service, educational, language support and community support.

2. Initial student briefing

At the initial briefing for students, we would give an overview of our project and distribute a research instruction guideline including:

- (1) an outline of research methodology;
- (2) list of 8 topics covered in guidebook (below);
- (3) suggestions of subtopics as direction for research;
- (4) links to online resources, including: CLIC website, government administrative and procedural guidelines, relevant case law and news article platforms,⁷ etc.

3. Team division & supervision

Feb - Apr

Considering their indication of preference on application form, students would be divided into a group of 3 for research on each of the topics. Each research group would be teamed up with one Programme Director who will supervise the research progress in a monthly meeting and collect drafts for further review by partner lawyers or organisations.

Jun - Dec

After the research period, the programme would resume in June, when the 24 students would be re-divided into new groups: 5 students on guidebook printing and translation, 5 students on website design and the rest of 14 students on school talks (below). Students would sign up through web-form and choose their assignment based on availability of quota.

4. Student trainings & research

Programme Director of each group would connect students with a mentor, either a legal practitioner or an NGO representative depending on the topics assigned, through a training workshop. During the workshop, students would be given an overview of rights and application procedures as a starting point for research and a Q&A session to address queries during research.

Below is a tentative match between mentors and groups categorized by topic⁸:

- Public administrative lawyer:** Group 1
- Criminal lawyer:** Groups 2-3
- Civil lawyer:** Group 4
- Partnering refugee NGO:** Groups 5-8

5. Presentation of guidebook

Our guidebook will be structured into different sections by topic. Each section is presented with a Q&A approach where common questions collected during research would be addressed by the use of flowcharts and diagrams. Background information (e.g. sources of law) and more uncommon scenario will be referred to online website by QR codes.

6. Guidebook review

The first draft of guidebook will be sent to partnering mentors of respective groups (above) at the beginning of April to check and ensure content accuracy. Feedback will be given in April and the guidebook will be sent to mentors again for finalizing at the end of April.

7. Guidebook, pamphlet printing & translation

In our first batch, we will print 6 versions of the guidebook: 2,200 in Hindi, 2,600 in Urdu, 1,100 in Tamil, 2,100 in English, 1,000 in French, and 500 in Arabic. (For details of estimation, see Appendix 1.) In total, we will print 10,000 guidebooks in the first batch. After evaluating the effectiveness of the guidebooks in the first year, we will adjust and re-print the guidebooks according to the collected opinion.

Student participants will compile the guidebook in English. We have successfully found SDL plc to translate the Guidebook into French, Arabic and Hindi pro bono. Branches of Hope will provide us with interpretation aid for Urdu. We will employ the online interpretation platform, Smartlation, in translation into Tamil.

To target refugees who are currently being detained by the Immigration Department, a pamphlet will also specifically be made from the detention section of the booklet (topic 2 above) and mailed to Justice Centre’s clients under detention according to client list at the time.

8. Website

Information in the guidebook will be turned into a community legal information website. We would further put background information, sources of law and uncommon scenarios onto the website for people who would like more information outside the guidebook essentials.

With the available website-making tool wix.com, we will build an easily-accessible website with a clear

layout which will be available in all the languages used in the guidebook.

The website QR code will be covered in the guidebook and the link will be posted on the social media sites and web-pages of partnering NGOs, including but not limited to: Branches of Hope, Table for Two Cities, and Justice Centre.

9. School talks content

Students would conduct legal rights and awareness talks for secondary school students from September to December 2019. We will approach the talks with an objective informational perspective and supplement it with an empathetic touch through personal testimony by a refugee volunteer speaker.

The talk will include the following sections:

Areas of focus	Topics (tentative)
Worldwide analysis	Current situation of refugees in the world; Available conventions that offer protection.
Local analysis	Current situation of refugees in Hong Kong; Availability of protection by international conventions and local laws; Day-to day difficulties encountered by refugees in Hong Kong.
Anecdotal analysis	Sharing by refugee speaker

10. School talks speakers

The 14 responsible students (refer to team division above) would prepare the talk and they will be grouped by 3-4 people to deliver the speech. Students will be divided according to their signing up upon the available dates of secondary schools.

We will recruit refugee volunteers who are willing to do public speaking through Branches of Hope, who have a group of trained refugee speakers who are familiar with public speaking and advocacy.

11. Social media presence

We will create a ‘draw-my-life’ video of where refugees narrate their life stories. With their permission and suitable measures to protect their privacy, the video will be shared onto our Facebook page and/or played at school talks.

12. Budget

Expenses	Unit	Amount (HK\$)
Guidebooks		
Printing: Guidebooks (2opp/booklets) Pamphlets (A3 leaflets)	10,000 copies 500 copies	14,980 800
Translation fees		18,000*
Refreshments		500
Mailing costs		200
Website domain fees		120
Miscellaneous		1,000
SUBTOTAL:		35,400
School talks		
Refugee speakers reimbursement (e.g.)	5 x HK\$200	1,000
Refreshments		500
Miscellaneous		800
Transportation fees		2,000
SUBTOTAL:		4,300
GRAND TOTAL (HK\$):		39,700

* SDL plc translation services will provide translation services pro bono, in which case the \$18,000 translation fees would be put towards translations into other languages

STAGE 3: Implementation

1. Distribution of guidebooks and pamphlets

Guidebooks will be placed at the information desk of centres of major refugee organisations (including Branches of Hope, Christian Action and Justice Centre) for refugees to take. Guidebooks will also be distributed by staff members to refugees at one-on-one appointments with Justice Centre and regular gatherings at Branches of Hope. Actual number distributed depends on their respective size of client base. We aim to reach approximately 11,000 refugees through our guidebooks.

Pamphlets (refer to Guidebook, pamphlet printing & translation) will also be distributed.

2. Delivery of school talks

Mock-presentation would be conducted in early Sep, where Programme Directors and school representatives would provide feedbacks on the presentation.

During each talk, a Programme Director will be present to monitor student performance. After the talk, feedback forms will be collected from participating students and teachers.

STAGE 4: Evaluation & Sharing

1. Measurement of impact

Questionnaires and opinions would be collected in assessing the effectiveness of LIBRE and its sustainability (details refer to Innovation and Sustainability section below)

2. Sharing on media

Written student sharing will be posted on the Facebook page of LIBRE. Students are also encouraged to write their reflections and submit their articles to traditional media with the hope to foster a fair and objective social discourse on refugee issue.

Project Timeline (tentative)

STAGE 1: Recruitment and promotion			
25 Jan - 15 Feb	Application period: law students		
31 Jan - 1 Apr	Application period: secondary schools		
31 Jan - 1 Apr	Recruitment of refugee speakers		
STAGE 2: Preparation			
15 Feb	Conduct student briefing on research guidelines, team division and working timeline		
15 Feb - 30 Apr	Conduct training sessions with lawyers/NGOs to give legal knowledge to students		
15 Feb - 30 Apr	Research and draft Guidebook		
1 May	Send first draft to mentors for feedback on content accuracy		
1 May - 30 May	Receive feedback and finalize Guidebook		
	Guidebook team	Website team	School talk team
Mid-Jun	Send finalized Guidebook for translation		
Mid-July		Confirm first layout of website	
Early Aug	Confirm translation		
Mid-Aug			Confirm school, speaker and student availability
Late Aug		Confirm final design of website	Confirm draft of presentation PowerPoints
STAGE 3: Implementation			
	Guidebook team	Website team	School talk team
Early Sep	Print guidebooks and pamphlets	Launch website	Mock-presentation
Sep - Oct	Distribute guidebooks to NGOs; Mail pamphlets		
Mid Sep - Late Dec			Conduct School Talks and collect evaluation forms from students and teachers at school talks
STAGE 4: Evaluation and Sharing			
Mid Sep - Late Dec	Publish sharing from student participants onto the Facebook page		
	Collect evaluation forms and feedback from NGOs and website		
Late Dec	Conduct annual evaluation meeting		

INNOVATION AND SUSTAINABILITY

Comprehensive, not scattered

While existing legal organisations do provide legal assistance to refugees, such services are focused on assisting refugees with non-refoulement claims and do not disseminate more general legal information to the refugee population.

By connecting law students en masse, LIBRE is the first project that taps into the wealth of legal research resources and knowledge of law students in the context of refugee rights in Hong Kong.

Besides, LIBRE introduces refugee legal education to the era of technology. By supplementing the guidebook with an easily accessible legal rights website, LIBRE identifies and addresses the tech-savvy young generation of refugees and maximizes the efficiency of legal knowledge dissemination.

Uniting, not estranging

While most refugee advocacy events target towards English speakers, in particular the professional and expatriate communities, the majority of Hong Kong society, the Chinese-speaking community, have unfounded biases and misconceptions about refugees.

In particular connection with the youth, interviews show that most NGOs have only cooperated with international schools while local schools are left with the lack of discussion of refugee issues and Hong Kong's international role in social justice.

LIBRE hence unites the Chinese-speaking youth community into the discourse of refugee issue, thus entrusting them as the messenger to carry objective discussion into their families and local community.

Through mobilising university students to hold talks on refugee rights for secondary students, LIBRE creates a platform for objective youth-led dialogues on social justice, setting the stage for a more united future generation underpinned by humanitarian values.

Meanwhile, LIBRE transforms human rights legal education from a campus and academic discourse to real-life practice, offering an unprecedented opportunity for law students to reach into refugee law, which not only opens up career paths but also introduces humanitarian concerns and sensitivity into present-day legal education.

Long-term sustainability

Cost-effectiveness & Permanence

Seeing the high expense of guidebook printing, our electronic platform offers a low-cost and efficient alternative for information dissemination. While guidebooks may run out, electronic webpages can always be printed by organisation staff and distributed for particular needs.

Furthermore, as web domains require little cost to maintain, we could easily update legal information periodically to constantly keep the information useful at nearly zero cost.

On the other hand, while collaboration of school talks do not involve substantial costs, it contains great potential for change in mindset of the youth, especially if we continue to run the talks and expand them to more districts and schools.

In the long run, established connections with refugee organisations and increased media exposure entail a high chance of attracting interested groups in sponsoring our activities.

Multiplier effect:

Mandated Refugees, Substantiated Claimants, and Asylum Seekers - Empowered by knowledge of their legal rights, their living standards may improve, allowing them to build more dignified lives in Hong Kong. Even if they leave the city for other destinations, they will remain inspired by the knowledge that their legal rights are valued and important, and continue to actively seek to empower themselves legally elsewhere.

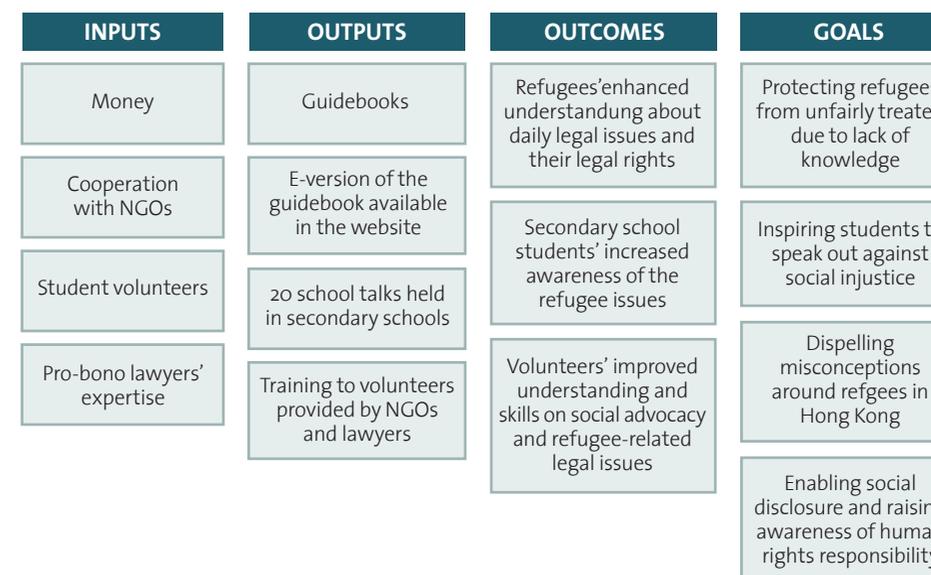
Society - Following our school talks, we expect the secondary students to engage in dialogue about refugee issues with their families and peers and even on social media, helping to inspire substantive social discussion on refugees' human rights.

This will be facilitated by our sharings to our Facebook page, which will include videos of refugees sharing their life stories, and reflections by law student participants and students who have attended secondary school talks.

Law Students - Inspired by their participation in LIBRE, law students will become more proactively involved in social justice, inspiring a new wave of not only helpful initiatives but also human rights advocates.

MONITORING AND EVALUATION

LIBRE Logic Model



To monitor the project and to evaluate its effectiveness, the project managers will use various ways to collect quantitative and qualitative information:

Short Questionnaires will be provided after each training workshop to evaluate the usefulness of each workshop and to adjust the content of the workshop (if necessary) according to the participants' feedbacks.

Questionnaires will be distributed in school talks in which participants, including school students, teachers and refugees, could score the quality and usefulness of the talks as well as provide feedback.

Relevant statistics would be collected, including the number of guidebooks taken and the number of participants in school talk to evaluate the effectiveness of the project.

NGO partners will be asked to collect feedback forms that were put inside the guidebooks. Feedback forms include content rating on usefulness, understandability and language and suggestions for areas of improvement. They would also serve as a channel to reflect refugees' verbal suggestions and concerns on the guidebooks.

Comment section would be added to the website for visitors to leave feedback on content adequacy, understandability and web page accessibility.

An annual evaluation will be held to ensure the content is up-to-date and the current needs of the refugees are addressed. ■

NOTES:

1. Numbering around at around 500, as per research by HKU <https://sociology.hku.hk/wp-content/uploads/second-generation-asylum-seekers-final-report.pdf>
2. According to interview with Justice Centre and Table of Two Cities.
3. Data from Justice Centre
4. EdUHK Research: <https://www.edu.hk/aps/wp-content/uploads/2016/08/ENGAPS-Refugee-Research-Isabella-Ng-30Aug16.pdf>
5. As per Legco subcommittee meeting on 18/10/2018: <https://webcast.legco.gov.hk/public/en-us/SearchResult?MeetingID=M18100040>
6. According to interview with Table of Two Cities.
7. Such as VisionFirst, Justice Centre website
8. Actual matching would depend on availability of partner and results of recruitment

APPENDIX

Language breakdown

This estimation of language distribution is made with the help from Mr Njuabe, Director of Branches of Hope, the largest refugee NGO in Hong Kong.

Region-specific		
1	Hindi: Spoken in India (total: 1,878), Nepal (285)	2,200
2	Urdu: Spoken in western India, Nepal , Bangladesh (1,155), Pakistan (1,783)	2,600
3	Tamil: Spoken in Sri Lanka (250), southern India	1,100
Non-regional		
1	English: Spoken in Indonesia (916), Philippines (509), Nigeria (119), Uganda, Tanzania and other African countries; and also used by NGOs	2,100
2	French: Northern Africa, Vietnam (1,113)	1,500
3	Arabic: Northern Africa, Morocco, Algeria, Chad	500
TOTAL:		9,700

* Numbers in bracket: total number of nationals as per Immigration Department's statistics in 2017 (https://accessinfo.hk/en/request/breakdown_of_nationality_of_non)