

Dear Lee,

I refer to your request for Access to Information on 3 July 2023. Having consulted the Immigration Department (“ImmD”) and the Torture Claims Appeal Board/Non-refoulement Claims Petition Office (“TCAB/NRCPO”), the requested information is provided as below, please.

(1) and (2)

As at 30 June 2023, TCAB/NRCPO received 25 281 appeals/petitions, among which 1 742 appeals/petitions were pending determination, with the breakdown of the nationality of the claimants concerned as tabulated below:

Nationality	Number of appeals/petitions received	Number of appeals/petitions pending determination
Pakistani	4 485	80
Indian	4 160	129
Vietnamese	3 901	290
Indonesian	3 818	677
Bangladeshi	2 901	96
Filipino	2 068	235
Others	3 948	235
Total	25 281	1 742

(3) and (4)

For detailed statistics on applications for judicial review (“JR”) by claimants, please approach the Judiciary for such information. According to ImmD, as at 30 June 2023, there were 8 565 unsubstantiated claimants whose applications for leave to apply for JR or applications for JR against the decision of ImmD and/or TCAB/NRCPO were pending handling by the Court (including the Court of First Instance, the Court of Appeal and the Court of Final Appeal), with the breakdown of the nationality of the claimants concerned as tabulated below:

Nationality	Number of claimants
Vietnamese	1 563
Pakistani	1 511
Indonesian	1 322
Indian	1 188
Bangladeshi	1 097
Filipino	779
Others	1 105
Total	8 565

(5)

As at 30 June 2023, there were 71 persons whose subsequent claim requests were under ImmD’s processing.

(6)

As at 30 June 2023, removal from Hong Kong was being arranged by ImmD for 3 376 unsubstantiated claimants. Besides, there were 264 non-refoulement claimants whose claims were pending screening by ImmD.

(7)

The number of non-refoulement claims withdrawn or no further action taken from 1 January

to 30 June 2023 was 27.

(8) and (9)

From 1 January to 30 June 2023, a total of 810 unsubstantiated claimants were removed from Hong Kong, with the breakdown of the nationality of the claimants concerned as tabulated below:

Nationality	Number of claimants
Indian	176
Pakistani	125
Bangladeshi	114
Vietnamese	97
Indonesian	110
Filipino	63
Others	125
Total	810

(10)

As at 30 June 2023, there were about 14 700 non-refoulement claimants remaining in Hong Kong.

(11) – (14)

Non-refoulement claimants are illegal immigrants, overstayers or persons who were refused entry upon arrival in Hong Kong. They do not have any legal status to remain in Hong Kong. Regardless of the outcome of their claims, they have no right to work in Hong Kong. In February 2014, the Court of Final Appeal upheld in *GA & Ors v. Director of Immigration* [(2014) 17 HKCFAR 60] that substantiated claimants and mandated refugees recognised by the United Nations High Commissioner for Refugees have no constitutional or other legal rights to work in Hong Kong. Nevertheless, the Director of Immigration may exercise his discretion exceptionally to consider, on a case-by-case basis, an application for permission to take employment.

The total number of applications made by substantiated claimants or mandated refugees for taking employment handled by ImmD from 1 January to 30 June 2023 is tabulated below:

Applications received	Applications approved on discretionary basis	Applications rejected	Applications withdrawn or no further action could be taken
97	96	0	1

Note: Applications processed may not be those received in total in the same year. Applications approved, rejected, withdrawn or where no further action could be taken as listed above include those received by ImmD before 2023.

(15)

As at 30 June 2023, 101 claimants were detained under section 37ZK of the Immigration Ordinance (Cap. 115) pending the final determination of their torture claims.

(16)

As at 30 June 2023, 479 persons (including claimants and non-claimants) were detained under section 29 of Cap. 115 pending inquiry as to deportation, or under section 32 of Cap. 115 pending the decision as to whether a removal order should be made under section 19(1)(a) or (b) of Cap. 115 for removal/deportation from Hong Kong.