

Dear Lee,

I refer to your request for Access to Information on 12 January 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 31 December 2022, TCAB/NRCPO received 24 712 appeals/petitions, among which 2 502 appeals/petitions were pending determination, with the breakdown of the nationality of the claimants concerned as tabulated below:

<b>Nationality</b>	<b>Number of appeals/petitions received</b>	<b>Number of appeals/petitions pending determination</b>
Pakistani	4 480	163
Indian	4 114	169
Vietnamese	3 870	615
Indonesian	3 504	797
Bangladeshi	2 883	151
Filipino	1 977	316
Others	3 884	291
<b>Total</b>	<b>24 712</b>	<b>2 502</b>

**(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 31 December 2022, there were 8 487 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:

<b>Nationality</b>	<b>Number of claimants</b>
Pakistani	1 571
Vietnamese	1 381
Indian	1 321
Indonesian	1 166

<b>Nationality</b>	<b>Number of claimants</b>
Bangladeshi	1 148
Filipino	754
Others	1 146
<b>Total</b>	<b>8 487</b>

**(5)**

As at 31 December 2022, there were 71 persons whose subsequent claim requests were under ImmD's processing.

**(6)**

As at 31 December 2022, removal from Hong Kong was being arranged by ImmD for 3 187 unsubstantiated claimants. Besides, there were 201 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The number of non-refoulement claims withdrawn or no further action taken from 1 January to 31 December 2022 was 70.

**(8) and (9)**

From 1 January to 31 December 2022, a total of 1 097 unsubstantiated claimants were removed from Hong Kong, with the breakdown of the nationality of the claimants concerned as tabulated below:

<b>Nationality</b>	<b>Number of claimants</b>
Indian	250
Pakistani	189
Bangladeshi	141
Indonesian	141
Vietnamese	125
Filipino	55
Others	196
<b>Total</b>	<b>1 097</b>

**(10) to (13)**

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 non-refoulement claimants for taking employment handled by ImmD from 1 January to 31 December 2022 is tabulated below:

<b>Applications received</b>	<b>Applications approved on discretionary basis</b>	<b>Applications rejected</b>	<b>Applications withdrawn or no further action could be taken</b>
177	167	0	10

Note: Applications processed may not be those received in total in the same year. Applications approved, rejected, withdrawn or no further action could be taken as listed above include those received by ImmD before 2022.

Security Bureau