

Dear Lee,

I refer to your request for Access to Information on 8 January 2024. 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)

From 1 January to 31 December 2023, ImmD received a total of 2 135 claims with nationality breakdown as follows:

Nationality	Number of claims
Indonesian	711
Bangladeshi	360
Vietnamese	302
Indian	227
Pakistani	210
Filipino	173
Others	152
Total	2 135

(3) and (4)

As at 31 December 2023, TCAB/NRCPO received 26 107 appeals/petitions, among which 929 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	4 518	58
Indian	4 219	77
Indonesian	4 150	305
Vietnamese	4 077	128
Bangladeshi	2 991	118
Filipino	2 146	92
Others	4 006	151
Total	26 107	929

(5) and (6)

According to information available to ImmD, as at 31 December 2023, there were 8 798 unsubstantiated claimants whose applications for leave to apply for judicial review (“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	1 697
Indonesian	1 603
Pakistani	1 437
Indian	1 123
Bangladeshi	1 032
Filipino	847

Nationality	Number of claimants
Others	1 059
Total	8 798

For detailed statistics on JR applications by claimants, please approach the Judiciary for such information.

(7)

As at 31 December 2023, there were 90 persons whose subsequent claim requests were under ImmD's processing, with nationality breakdown as tabulated below:

Nationality	Number of requests
Indonesian	32
Vietnamese	13
Pakistani	13
Indian	12
Bangladeshi	7
Filipino	2
Others	11
Total	90

(8)

As at 31 December 2023, removal from Hong Kong was being arranged by ImmD for 3 647 unsubstantiated claimants.

(9)

The number of non-refoulement claims withdrawn or no further action taken from 1 January to 31 December 2023 was 59.

(10) and (11)

From 1 January to 31 December 2023, a total of 1 786 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	327
Indonesian	299
Vietnamese	296
Bangladeshi	234
Pakistani	223
Filipino	154
Others	253
Total	1 786

(12) – (16)

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 31 December 2023 is tabulated below:

Applications received	Applications approved on discretionary basis	Applications rejected	Applications withdrawn or no further action could be taken
199	186	0	6

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.

All applications for permission to take up employment from a substantiated claimant or mandated refugee will be handled as soon as practicable. The time required to assess and decide on an application depends on the complexity of individual applications and whether the applicant has submitted all the required information and supporting documents in a timely manner. It normally takes about one to two weeks for ImmD to complete the processing of an application upon receipt of all the required information and documents.

Security Bureau
Feb 2024