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13 July 2021

Dear Members,

Non Refoulement Scheme

Extension of Non Refoulement Scheme

1. I am pleased to inform you that the Duty Lawyer Service would continue to operate the CAT Scheme for another year until 30 June 2022.

Immigration (Amendment) Ordinance 2021

2. The Immigration (Amendment) Bill 2020 introduced into the Legislative Council for First Reading on 16 December 2020 was passed on 28 April 2021 as the Immigration (Amendment) Ordinance 2021 (Ord. No. 7 of 2021). The operational date of the said Ordinance is 1 August 2021. Please refer to this link <https://www.legco.gov.hk/yr20-21/english/ord/2021ord007-e.pdf> for the full text.
3. I am highlighting the following important amendments, inter alia, in so far as it is relevant to or affect DLS' operation as set out hereinbelow:
 - (i) By the said amendment on s.37Y(3), it had now been stipulated that claimants would only be allowed to apply for such extension after exercising "all due diligence" to comply with the 28 days deadline. Applications for a further period to return the claim form may be allowed on the satisfaction of an immigration officer that the claimants concerned have exercised "all due diligence" to comply with the original deadline and the delay is caused by "circumstances beyond the claimant's control".
 - (ii) s.37ZC(3) "A claimant must disclose to an immigration officer and (on an appeal) the Appeal Board the full medical report of any examination arranged for the claimant under this section within 3 working days after a request for the disclosure is made by the officer or the Board".



(iii) The Torture Claim Appeal Board may shorten the notice period for oral hearings from the present requirement of 28 days by adding under Schedule 1A after section 13(1) a new subsection 2 that “The Appeal Board may give less than 28 days’ notice (of the date, time and place of hearing) to the parties if it considers appropriate to do so in a particular case, but in any event the notice period must not be less than 7 days”.

4. The success of the Non Refoulement Scheme depends very much on the support and diligence of the members of our panel of duty lawyers. If there be anything that we can do to assist and/or facilitate your assignment, please do not hesitate to contact us.
5. May I take this opportunity to thank you for your kind assistance and support to our Non Refoulement Scheme.

Yours sincerely,

Administrator