

1. What is the USM?
  - a. The Unified Screening Mechanism (USM) is the process the Hong Kong Government will use to screen all those claims lodged by persons not having the right to enter and remain in Hong Kong, on the basis that removing them to another country would expose them to risks of, including:
  - b. torture as defined under Part VIIC of the Immigration Ordinance (Cap.115), which implements the definition under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - c. torture or cruel, inhuman or degrading treatment or punishment under Article 3 of Section 8 of the Hong Kong Bill of Rights Ordinance (Cap.383); and/or
  - d. persecution with reference to the principle of non-refoulement under Article 33 of the 1951 Convention Relating to the Status of Refugees.
  
2. What is the difference between the USM and UNHCR?
  - a. The USM will be independently operated by the Government of HKSAR, not UNHCR, to assess non-refoulement claims. UNHCR ceased asylum screening on 3 March 2014 when the USM became operational.
  
3. When, where and how should I make claim under the USM?
  - a. The Government of HKSAR launched the USM on 3 March 2014.
  - b. Should you wish to seek non-refoulement protection you should make a formal written notification to this effect by post to the Torture Claim Assessment Section of the Hong Kong Immigration Department directly at Unit 903B-910A, 9/F, Skyline Tower, 39 Wang Kwong Road, Kowloon Bay, Kowloon.
  
4. What will happen to my UN case after I make a claim under the USM?
  - a. As the USM is now operational, UNHCR has ceased asylum screening of all cases, and your file will be closed with UNHCR, whether or not you have made a claim under the USM.

5. If I am rejected by the USM, can I apply to the UNHCR again?
  - a. No. The ImmD's decisions under the USM are subject to review through administrative, statutory, and judicial channels, but not through UNHCR.
  
6. What will happen if I don't make a claim under the USM?
  - a. If you do not have the right to enter and remain in Hong Kong, you may be returned to your country.
  
7. If UNHCR has closed my case, can I still make a claim under the USM?
  - a. Yes.
  
8. Will UNHCR tell the USM that my case was rejected and closed?
  - a. UNHCR will share with the ImmD only basic bio-data, namely: name, date of birth, sex, country/nationality, date of registration, photo, case status (whether it is active or closed), and date of closure of case. UNHCR will not share any other information relating to your case with the ImmD except with your expressed consent.
  
9. I came to Hong Kong for UNHCR, not for the USM. UNHCR has already interviewed me and I want UNHCR to decide my case. Isn't UNHCR required to give me a decision?
  - a. Status determination is a responsibility that should be primarily undertaken by governments. However, in certain countries UNHCR carries out refugee status determination pursuant to its mandate given in its statute to provide international protection. This is very important and resource intensive work. UNHCR's determination process cannot parallel the procedures put in place by well-resourced countries with sophisticated legal systems. The Government of HKSAR is now legally required to screen non-refoulement claimants who claim a fear of persecution.

10. I have been waiting three years for an interview with UNHCR. If my case is transferred to the USM, will I have to start again and wait for another five years? Why have people who came later than me already been interviewed, and in some cases resettled?

- a. A variety of factors determine how long it has taken UNHCR to interview asylum seekers, including when they registered, their language needs, and particular vulnerabilities they face. It is UNHCR's hope that the USM will improve the efficiency of filing protection claims in Hong Kong and cut down waiting times for interviews and decisions.

11. When will UNHCR close my case?

- a. See answer to Question 4.

12. After UNHCR closes my case, what will happen if the Government of HKSAR wants to deport me? Will UNHCR protect me?

- a. If you do not have the right to enter and remain in Hong Kong, you will be required to lodge a non-refoulement claim with the ImmD under the USM if you seek non-refoulement protection against removal to another country.

13. How will the new procedures affect refugees already recognized by UNHCR?

- a. UNHCR will continue to look for durable solutions, including resettlement to a third country, for all refugees recognized by the UNHCR.

14. When will the UNHCR Hong Kong office close?

- a. There are no plans to close the UNHCR Hong Kong office in the foreseeable future.

15. After the USM is operational, what will UNHCR's role be in Hong Kong?

- a. UNHCR will maintain a constant dialogue with the Hong Kong authorities on developing standards of protection. UNHCR's in-depth knowledge of and familiarity with international refugee law gives it the

ability to engage in promotional activities while making its special expertise available by offering advisory services, technical assistance and training. UNHCR hopes to continue to work in close collaboration with the Hong Kong Government.

- b. Claimants whose non-refoulement claims have been substantiated on ground of persecution under the USM will be referred to the UNHCR for recognition as refugee under our mandate. To this end, the UNHCR will continue to look for durable solutions, including resettlement to a third country, for all refugees recognized by the UNHCR.

If you have further queries in relation to the transition process, please contact UNHCR Sub-Office Hong Kong at 2780 9271.