



Input provided by the United Nations High Commissioner for Refugees

into the

**Office of the High Commissioner for Human Rights'
Compilation Report**

for the Universal Periodic Review of

CHINA

I. Background and Current Conditions

The PRC has not extended the 1951 Convention Relating to the Status of Refugees to the Hong Kong Special Administrative Region (HKSAR), and there is no legislation in place concerning refugees. However, the HKSAR respects the principle of *non-refoulement* in practice. UNHCR carries out refugee status determination and seeks durable solutions for recognised refugees; the HKSAR authorities generally show exemplary cooperation with UNHCR despite the lack of a refugee law..

II. Achievements and Best Practices

The HKSAR Government has taken on responsibility for meeting the basic needs vulnerable asylum-seekers since 2006, including essential food, shelter and medical care.

III. Challenges and Constraints

In the absence of specific refugee legislation, asylum-seekers are subject to arrest and prosecution under Hong Kong's immigration laws. The impact has been mitigated to a degree by the Director of Immigration's frequent use of discretion to release persons of concern to UNHCR on recognizance.

IV. Recommendations

UNHCR recommends the extension of the 1951 Refugee Convention to the HKSAR and the implementation of comprehensive refugee legislation. It is also recommended that the HKSARG take increasing responsibility for the material needs of refugees and asylum-seekers, and build capacity of the Immigration Department to carry out refugee status determination for an eventual transition of refugee-related responsibilities to the government.

V. Capacity Building and Technical Assistance, if applicable.

UNHCR and OHCHR have previously provided training to the HKSARG on assessments made under the Convention Against Torture (CAT) and in refugee status determination. UNHCR will continue to extend all necessary training and technical assistance, as requested by the HKSAR authorities.

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September 2008**