



# Study on the Discrimination Experience based on Residency Status of Asylum Seeker/ Refugee in Hong Kong

## Executive Summary

### **Background**

1. This research project “Study on the Discrimination Experience based on Residency Status of Asylum Seeker/ Refugee (ASR) in Hong Kong” is funded by the Equal Opportunities Commission (EOC). The research objectives of the study include:
  - a. reviewing and analysing the existing literature and news reports on ASR in Hong Kong;
  - b. investigating the actual discrimination that ASRs are facing at the daily, operational and policy levels; and
  - c. evaluating the effectiveness of the Race Discrimination Ordinance (RDO), with reference to international standards of human rights in protecting ASR from discrimination, and hence providing recommendations to community advocates, policy makers and the EOC.
2. To achieve the objectives, the research team adopted a mixed method design to collect both quantitative and qualitative data from the ASRs in Hong Kong through a questionnaire survey (N=83) and in-depth interviews (N=12).

### **Key findings from the quantitative survey**

3. About 90% of ASR participants expressed that they have experienced discrimination in Hong Kong.
4. Discrimination from seeking housing, seeking services from the private sector and on the street or in public spaces are the most perceived and influential three areas of discrimination experienced by the ASR participants in Hong Kong.
5. African ASR participants experience discrimination more often than ASR from Southern Asia and Middle East.
6. The wellbeing of ASR participants with darker skin colour is significantly worse than their counterparts of other skin colours.
7. Only about 10% ASR participants know about EOC or RDO.

### **Key findings from the qualitative interviews**

8. Skin colour is one of the significant factors causing different discrimination experiences at the daily level, especially on the street or when receiving services, from the shopkeepers, cashiers at supermarkets, taxi drivers; while residency status is a factor causing discrimination in the operational and policy levels, particularly in administrative procedures which require residential proof.

9. At the daily level, ASR interviewees commonly experienced unfriendliness or even hostility on the street, and they have difficulties in seeking help and services. Insulting incidents happen, not often, but sometimes to some of the interviewees.
10. At the operational level, interviewees experience discrimination in seeking housing, getting medical services, education/ library, Immigration Department and judicial trial/ procedures.
11. At policy level, interviewees expressed that their discrimination was mainly from the immigration/ asylum seeking systems, a limited access to rights to social welfare and the prohibition from work.
12. Discrimination occurs due to a lack of knowledge, which intensifies stereotyping and reinforces misunderstanding towards the ASR community. It also affects ASR's mental health; causing some of them to lack a sense of security in Hong Kong.

## **Conclusion**

13. The RDO is unable to protect ASR from race discrimination because ASR are not entitled to most of the rights that are within the scope of RDO. Though ASR can participate in the domain of provision of goods, facilities or services, where they commonly experience discrimination, the majority had no idea how the RDO could help them, while others had no confidence in this ordinance.
14. Although Hong Kong has not ratified the 1951 Refugee Convention, Hong Kong is party to seven of nine international human rights treaties. To fulfil international standards, the RDO must widen its scope to ensure that the rights of all people residing in Hong Kong, including ASR are protected, as per the treaties Hong Kong is signatory to.

## **Recommendations**

15. In line with international human right standards, the residency status of ASRs should not limit the protection of their human rights. The EOC, community advocates and policy makers should advocate for the improvement of policies:
  - a. The immigration and asylum seeking systems should provide fair assessment and screening procedures for ASR instead of labelling them as illegal migrants, which in itself is an act of discrimination which further reinforces discrimination against them at all levels.
  - b. The right to work, a basic economic, social and cultural human right for all people, should be protected and can alleviate the perpetuated discriminatory stereotypes and be one of the humane alternatives for the negative situation ASR face.
16. To eliminate discrimination and facilitate the development of a harmonious community, people will need to know more about ASR as humans. More resources need to be allocated for education and training about ASR's reasons for coming to Hong Kong, and the current difficulties they face in Hong Kong.