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Refugee Protection and Spaces: Seeking Asylum in Hong Kong

By Terence C.T. Shum

More than 7,000 refugees are now struggling to survive in Hong Kong. Ninety percent of them come from South Asia (i.e. Sri Lanka, Nepal, Pakistan, Bangladesh and India), nine percent from Africa (e.g. Somalia and Uganda) and one percent from other countries (Christian Action 2010). Living in a small city like Hong Kong is a challenge to them as there is no comprehensive programme to deal with refugees after the Vietnamese boatpeople saga in the 1990s. The lack of domestic refugee policy in nowadays Hong Kong is attributed to its past experience in handling Vietnamese boatpeople. In a legislative council meeting, the authority recalled the experience in 1980s when the number of boatpeople arrivals hit record highs; the Hong Kong government spent 'HK\$8.7 billion (£676 million) in providing assistance to them' (Legislative Council, HKSAR government 2006). The Hong Kong SAR government believes that the extension of the 1951 Refugee Convention will trigger the drastic surge of asylum seekers (Legislative Council, HKSAR government 2006). The government further reiterates in front of the UN Committee for Torture that the authority has a 'firm policy not to grant asylum' (Loper 2010: 435) and 'has no plan to extend to Hong Kong the application of the [Refugee Convention]' (Loper 2010: 435).

This article examines refugee tactics used to negotiate spaces for living within current refugee policy arrangement in Hong Kong. Space, as Henri Lefebvre has defined, is relations between activities, processes and elements in the environment (Lefebvre 1991). Some scholars even perceive space as 'landscapes of power' (Zukin 1991). Space in this paper is a construct of power relations. I aim to examine the ways that refugees practice their lives in this refuge space. The refuge space is examined through the ways in which the local policies shape refugees' opportunities, as well as by how they react to these structural settings; the power relationship between refugees and local people, and the tactics they use in their everyday struggles.

As a volunteer worker at a refugee center in Hong Kong, over the past three years, I maintained contacts with refugees with whom I have developed a personal relationship. This article is based on interviews with refugees and ethnographic observation in refugee communities conducted between January 2010 and July 2011. I examine how refugees practice their lives in Hong Kong and provoke discussion about the viability of asylum in an urban context in Asia, which is under-researched.

Refugee Policies

Assistance to refugees in Hong Kong is limited. Hong Kong SAR government provides nothing more than a monthly rental allowance of £ 78, a food bag equivalent to £ 23 every 10 days and medical services. Once the asylum seekers receive refugee status, Hong Kong SAR government immediately shirks their responsibility to UNHCR for further support where refugees receive £ 93 and around £ 23 as monthly rental and living allowances respectively. My field experience shows that such policies make poverty endemic amongst refugees.

The only legal space that protects refugees is the principle of *non-refoulement* under the 1984 Convention Against Torture. Legally, it aims to prohibit the *refoulement* of people who would face 'torture or cruel, inhuman or degrading punishment or treatment' [Article 3, Convention Against Torture (United Nations 1984)]. According to my informants, staying in Hong Kong does not necessarily free them from inhuman treatments. Structural constraints, insufficient financial support, high cost of rent, discrimination and the deprivation of rights force refugees to apply different survival strategies within the refuge space in Hong Kong.

Space of Detention

Upon arrival, asylum seekers must surrender to the Immigration Department. They must go through mandatory detention in order to be eligible to receive rental allowance and food bags from the government. However, detention periods vary from one case to another. The Immigration Ordinance of Hong Kong legitimises detention of asylum seekers, meaning it is lawful to put asylum seekers in detention centres. One informant visits the Immigration Department three times on the second day of his arrival asking to be arrested. Although the officer asks him to return home and they will arrest him later, my informant still insists in immediate arrest because he knows that he will not be financially and materially supported by the government without detention. He explains, 'I don't want to be detained, but I have to be detained in order to survive.'

In Hong Kong, many refugees possess valid visas and passports upon entry. Mandatory detention is widely criticized as illegitimate and as a violation of human rights (see for example Ozdowski 2002, Bhagwati 2002 and Johnson 2007). In Hong Kong, Article 28 of the Basic Law protects persons from being arbitrarily or unlawfully arrested, detained and imprisoned. However, all of my informants have been detained without trial. It shows that the authority has violated the fundamental rights of refugees which should be protected under Basic Law in Hong Kong. I argue that what is more important beyond mandatory detention is the diminishing self-worthiness of ex-detainees. While some informants consider themselves have no importance in this world, some consider their status to be even worse than pets as there is Hong Kong law protect animals (Daly 2009). Some even see themselves as similar to trees in Hong Kong. One of my informants says, 'I just realise that all trees in Hong Kong have own numbers. I am just a tree because I also have numbers. I have UN number.'

Spaces of Living and 'Working'

'What kind of room they expect to get for only HK\$1,000 (£78)', a real estate agent asks while I am accompanying my informants to look for decent accommodation. Refugees usually live in small and poorly furnished accommodations in low-income districts of Hong Kong. James Scott (1985) has argued that the weak do have 'weapons'. For the refugees who are subject to all sorts of institutional barriers, they have found various ways of resisting. My research shows that refugees have high level of mutual supporting in surviving. To secure a better place to live, many refugees wisely pool together their rental allowances so as to get relatively better and decent accommodations. However, finding a place to live is a challenge as many landlords are not willing to rent rooms to 'foreigners'. By searching on their own, the only response my informants get from the agents and landlords are the unpleasant attitudes and a simple answer, 'No, go, go' (*Mouh a, jau la, jau la* in Cantonese). With the assistance of local friends, some are lucky to find decent places to live. However, some are still forced to live in rooms less than 50 square feet without any windows or air-conditioning. Due to space limitation, many of them have to cook inside their rooms. One informant describes his room as 'a boiling container' that makes him feel crazy.

Refugees are required to report to the Immigration Department every two months where they are repeatedly warned by the authority that they are not allowed to work even voluntarily under Hong Kong law. However, my informants complain about this arrangement as crazy idea. In order to get money to survive, especially for paying utility charges and daily expenses, many refugees have no choice but to engage in either illegal or voluntarily works. Some social organisations provide transportation subsidies to those who either attend classes or do volunteering. Refugees save money by walking instead of taking transportation to the organisations. Some of them work for licensed street hawkers by assisting them to set up hawker stalls every day. Others work illegally in Chungking Mansions, a dilapidated building in Hong

Kong where thousands of traders from Africa seek their fortune through low-budget transnational trades across Africa-Hong Kong-China (Mathews 2008 and 2011).

Space of Discrimination

Local impressions of immigrants often create stereotypes and even conflicts. Eriksen (1993:24) has stated, 'Stereotypes help an individual to create order in an otherwise excruciatingly complicated social universe. They make it possible to divide the social world into kinds of people, and they provide simple criteria for such a classification.' My experience in the field shows that culture is mostly used by the locals to create order while dealing with refugees. They often perceive local culture as normal whereas 'foreign' culture as abnormal. The local landlords ask my informants not to wear traditional clothing outside their rooms because their strange appearance might scare neighbouring local tenants. They should wear normal western clothing like T-shirts and jeans when they are outside. My informants believe that following the new order in cultural space is the only way to survive. However, this does not mean that they have given up their own culture in Hong Kong. Instead, my informants all practice their own culture when they are inside their rooms such as wearing local clothing and eating with hands. One informant explains, 'This make me feel like home.'

Stereotypes and prejudice is created through public and private discourses. Public discourses include news report on television and writings that have imparted violent and unfriendly images of all refugees - 'refugee as a special kind of person' (Malkki 1995:9). Private communications between local people also transmitted these stereotypes of refugees in Hong Kong. Many locals believe these immigrants are violent. In return, my informants always have to reiterate in front of the locals that 'I am different, no problem!' In that way they try to distinguish themselves from those trouble makers.

Conclusion

The existing policies and practices of the Hong Kong SAR government fail to provide adequate protection and assistance to refugees. Asylum seekers are subject to mandatory detention upon arrival, which is clearly illegitimate and is violation of human rights. In order to survive, refugees have to use their own ways to negotiate spaces for living such as mutual-supporting amongst refugees, engaging in illegal employment and thinking of ways to avoid being stereotyped. Understanding how refugees develop and use interactive strategies in the local community can assist policymakers design more effective protection and assistance programmes. This article has examined the refugee tactics used in Hong Kong and has also identified policy fault lines that Hong Kong SAR government should properly address.

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