

The *invisible* generation

Born, raised and educated in Hong Kong – but never legal. A whole generation of the city's young asylum seekers are facing an uncertain future. By Anna Cummins. Additional reporting by Emma Russell. Photography by Calvin Sit

It's a ticking time bomb, what's happening in Hong Kong," says Peter Maina, shaking his head. "It's a big problem that will magnify itself as we go on. Young children are growing up here without a legal status. After school, they will just remain and survive on welfare, and the cycle will begin again for their children. They are invisible. We will come to have a lost generation."

As secretary general of Refugee Union, an organisation fighting for refugees' rights in the city, and an asylum seeker himself, Kenyan-born Maina is eloquent, well-informed and exasperated. The refugee crisis happening across Europe and the Middle East last year has seen, justifiably, media attention honed on the plight of those struggling for survival in Turkey and Syria. But Hong Kong has long been harbouring its own asylum crisis, one that is seemingly only getting worse. Immigration Department figures show that 10,628 people are currently seeking asylum in Hong Kong. Around 540 of them are under 18. Over half of that number – 289 – were born and raised in Hong Kong, many of them attending local schools. The official number in schools is not known. Yet these children, even those born in Hong Kong, are not granted any legal resident status. Instead, they inherit the pending asylum claims of their parents. These children – the lost generation that Maina is referring to – are growing up within a system without knowing if they'll ever truly belong in it.

The Hong Kong government helps provide young asylum seekers with schooling up to the age of 17, on a case by case basis. "The Education Bureau (EDB) handles

such applications in consultation with the Immigration Department (ImmD)," a spokesperson for EDB tells us. "Applications may also be sent to schools directly. The EDB does not collect the related enrolment statistics and therefore does not have information on the number of these people enrolled in the Hong Kong education system."

"Once they finish school they cannot legally work!" exclaims Maina. "My question has always been: how are they going to deal with these people after they finish school? There are over 500 now. In a few years that number will have doubled, based on the way it's going. At the end of the day, these children are growing up without a status. In years to come they will get married and have children, because life must go on. They cannot work – so where will they go? How will they deal with that? I don't think policymakers have really thought about what we're going to do with these people."

Hong Kong's complex refugee policy is regularly in the local news. Asylum seekers are banned from working, and are given minimal welfare payments for rent and food. This inevitably leads many into woeful living conditions while they await their claim to be processed – often for years on end. And the technicalities are plentiful. "The government has a long-established

policy of not granting asylum to anyone, and not determining or recognising anyone as a refugee," a spokesperson for the ImmD explains. This is down to the fact that the city is not a signatory to the 1951 United Nations Convention relating to the Status of Refugees. However, as

The government's USM (Unified Screening Mechanism), which launched in 2014, now processes these torture claims. But it has regularly come under fire from asylum seekers for its decidedly slow pace. The official line is that it takes 'about 25 weeks on average'



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a signatory to the United Nations Convention Against Torture, Hong Kong equally cannot send people back to a country if there's a risk that they will suffer torture or punishment upon their return. So, people who are approved as refugees need to be resettled in another country that is willing to accept them.

to process a new claim, provided the claimant is 'co-operative in providing the relevant documents'. However, according to many asylum seekers we speak to, it takes infamously much, much longer. "I know a guy who has been waiting for over 17 years!" scoffs Maina in disbelief. "There are so, so ▶

Politics, power and pending claims

HK's complex refugee situation



1992

The year that Hong Kong signed the United Nations Convention Against Torture. The Immigration Department cannot remove immigrants to a country where they may face persecution

1951

The year that the UN Refugee Convention occurred. China and Macau are signatories, but Hong Kong is not. This means that, once it's determined someone is a refugee, they are then resettled elsewhere



10,755

There are this many people currently seeking asylum in Hong Kong

25 weeks

The Security Bureau reports that it takes this long to process refugee claims on average, although this figure applies only to cases determined after the launch of the Unified Screening Mechanism (USM) in March 2014. Many are pending for much longer

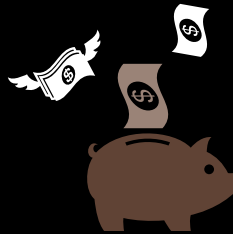


Nine out of 10

Asylum claims are ultimately rejected

\$1,500

The monthly housing allowance that asylum seekers are given for rent, plus \$300 for utilities. There is an additional \$750 rental allowance per child



\$1,200

The allowance given to asylum seekers for food each month



540

protection claimants in Hong Kong are under 18. Of these, 288 were born in Hong Kong



Moment of reflection
The infamous slums are a harsh reality for many asylum seekers

many people who have been here for so long, and their cases are strong, but the government just keeps them here in limbo. I think they want to frustrate people so that they give up. Because life as an asylum seeker is difficult. If someone has been here for 10 or 15 years and the case has not been concluded, what else are they waiting for? You live one day at a time because you don't know what will happen tomorrow. They keep you under an 'active removal order' – that's what immigration calls it – it means they can remove you at any time. It is very stressful to live this kind of a life."

Dr Rizwan Ullah is an educational advisor for the Pakistani Students Association Hong Kong (PSA) and a teacher and community services manager at Delia Memorial School (Hip Wo), which he once attended as a pupil. He has, for many years, taken an active role in promoting educational opportunities for ethnic minority students, including refugees, and has plenty of first-hand experience of the impacts of the current system on young people.

“When I look at my children, sometimes I cry

“We have 18 refugee students at the moment [in our school], out of 1,300,” he tells us, explaining that the Direct Subsidy School's fees – \$3,000 per year – are waived for refugees thanks to donations from sponsors and alumni. “We don't label them. Sometimes their teacher might not even know [their status]. We try to make sure everyone is equal – the school has a supportive system to help these kids. We currently have 27 nationalities in the school and one of the values we promote is to accept, respect and appreciate. When you

see people facing these problems at school level... well, we want to embrace these kids and help them. If you give them education, you might change their life.”

Children with an asylum claim are entitled to some student financial assistance for transport and textbooks. “But, often, that subsidy money cannot cover the cost,” admits Ullah. “And when they first apply, it can take three or four months for the funds to actually come through. What happens in the middle? If you have an outing and you ask them to pay \$100 for it, where the hell are they going to get that from?” he asks. “We have a donations fund and, thankfully, we can use that to subsidise them.”

Some of Ullah's students, growing up as asylum seekers and surrounded by peers without the same financial and social restrictions, clearly face difficulties adjusting. “We once had a multicultural festival in the school,” recalls Ullah. “And on the penultimate day, a form four student, a refugee, asked to talk to me privately. The last day of the festival was a casual dress day, and he told me ‘sir, I want to look smart. I want to go to H&M and buy some clothes’. And my just heart went...” Ullah pauses. “I asked him how much he wanted, and he said \$400. I told him ‘make sure you don't waste the money and be flashy’, and I gave it to him. I didn't expect it back, of course, but one week later he came back with the whole \$400 in an envelope and, I was so touched by this, he gave me an electronic *Qu'ran* to say thank you. He didn't take it for granted. I mean for us, just one meal out can be \$400. But for these guys it's a real luxury.”

Carla Ritmos was born in Angola and came to Hong Kong as a refugee in 2004. “Almost every month since I arrived, I've gone to immigration for an interview. They always have no answer for me [about my application], just the same questions,” she sighs. “Why are you in Hong Kong? Why do you want an



Learn a new thing
A young girl completes her homework during a session at Refugee Union; (below) it's all too much for one student; (bottom) the ISS social services remain unpopular

ID card?” Ritmos has seven children, aged 32, 30, 29, 28, 20, 15 and 11, and she lives in a two-bedroom house in Kowloon. Her husband, who came to Hong Kong with her, vanished in 2012. She tells us that she has no idea what happened to him but that she hopes to see him again one day.

Three of Ritmos' children attend school in Hong Kong, in various establishments. “There are around 900 students in my school,” her 15-year-old son, Philip, tells us. “Sometimes the other kids shout ‘look at your black skin’, or say ‘waaa! monkey!’” His mother shakes her head softly. “There are a lot of problems with racism in Hong Kong,” she says.

Ritmos' four eldest children have already finished school in Hong Kong and now cannot work. They all live at home with their mother, apart from her eldest son who got married to a Chinese woman three years ago. Despite this, his legal status is still under review and he is not legally able to work. “My children all wanted to carry on attending school,” she tells us. “My

“Hong Kong gives you protection and it gives you food. But you don't have a future here



son, now all he does is sit at home. Mope, mope, mope. Nothing to do; no school, no work.” She pauses, suddenly overcome with emotion. “If I look at my children, sometimes I cry. Sometimes I am feeling sad in my heart. My children like going to school! But Hong Kong won't even let my son have an ID, after he is married. They think it is not a real marriage. I don't know, I don't know. Everything for me is bad. I am not happy when I look at my life and my kids. But still, I know that I could never go back to Angola. I am going to die if I do that,” she says, matter-of-factly. “And I know so many other people who have children, who have just the same life as this.”

Jane Mbiya was born in the Democratic Republic of Congo and moved to Uganda after marrying a Ugandan. She fled the country in 2009 after her husband died. She tells us that, because her husband converted to Christianity from Islam after meeting her, his family subsequently attacked her and her three children. The family ended up in a Ugandan refugee camp.

“I didn't know anyone in Asia, but my life was in the last minute at that time. I was running, searching for help,” she says. “Someone told me that if I got to China they would get me a plane ticket, find me a job in a factory so that I could buy some justice for my children. I had no choice. I had to leave them and come. We'd have all ended up dead.”

When Mbiya arrived in Guangzhou, she was greeted with a different, terrible reality. “The [man who flew me over] said ‘you're a woman. You know how to earn money. Help yourself. The job was not what he told me. The police in China, they don't listen to anyone who is black. They just pretend they can't understand you. So I ran to Hong Kong. [The traffickers] followed me and they took my passport from my room.”

Mbiya waited in Hong Kong for four years to be reunited with her children, working illegally, packing boxes for a company, and posting her children any spare food and spare medicine that she could find. “There were a lot of ▶



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George, Africa, 17

I would like to leave Hong Kong. I have a relative in Canada. My family and I are hoping to go and live with him. My father is a doctor. He is still in my home country. I hope he will come to Hong Kong, he cannot leave at the moment. We had many, many problems at home.



Sam, Americas, 19

I would like to stay in Hong Kong, definitely. I have been here since 2014. It's a nice place. You have to try to live your day to day, enjoy the day the best you can, because tomorrow you might not be here. [Laughs]. That sounds bleak. I also like playing beats, I have a few songs. I would like to be a musician one day.

Unknown futures

We ask five young asylum seekers at school in Hong Kong for their thoughts on life in the city*



Helen, Africa, 18

I have been here one year, but I can't talk with the people in my class at school. My English is not that good. It makes me feel very lonely and shy.



Robert, Asia, 19

I have been here for five years now. I hope I have a chance to apply to university. I would like to be a sportsman – I am ranked number one for my age in decathlon in Hong Kong!

Chris, Africa, 20

I have one more year of school left. If I get a chance to study, I will, but if you're in high school there are already a lot of problems with money and so on, so I don't know how you could continue to study after that. My favourite subject is sport and fitness – I play football. Maybe once my application comes back from Immigration I could have a chance to play for Hong Kong. But I am not sure. You never know what's going on. Every time they say something different. There is so much uncertainty.



*All names have been changed

boxes going from my company out to Uganda, and I was being fed at work, so the food that I got from ISS [International Social Service, a global NGO that distributes food, transport allowances and toiletries to asylum seekers in the city], I collected it together for a couple of months and I posted it to them. I put it in a container, it went to a city [in Uganda] and then someone I knew helped me put it on a bus that was going to the refugee camp. If I didn't do that, trust me... a lot of children died there. Working illegally – I didn't want to do it. But I had no choice. They needed to survive. I couldn't sit here when I knew my children weren't eating. I was paid \$4,000 every month, but it was like a million dollars to me. It was keeping my family alive."

Last year, Mbiya was granted refugee status and is now waiting for the Canadian embassy to process her application and, hopefully, to resettle her family in Canada. She doesn't know how long this will take. In the meantime, her children have been studying here since 2013. "In school, they are studying, but it's tough," she says. "They didn't get a

this: Hong Kong gives you protection, gives you food, it saves your life. But you don't have a future. So, it's your choice for you to come here, to eat and drink, but that's all. As long as you don't want to have a future. It's up to you."

We ask Mbiya if she feels refugees are being trapped in Hong Kong in this cycle. "Yes, people get stuck," she says with certainty. "Hong Kong is like a punishment, it's like a prison. But, it's up to you to enter – it's your choice, not their choice."

Working illegally like Mbiya did is a big risk that many refugees take in the face of poverty and uncertainty. Naturally, there is concern that the upcoming generation of young refugees will be caught in the same cycle. "If you don't let [refugees] make a good, legal living they will have to depend on underground work," says Maina. "It could affect the security of Hong Kong. The policymakers need to look at it for the long term: life is expensive and you need to make ends meet. There are more people in crime now than there used to be, more people pushing drugs because you earn money and it's something to do! It's a job! Why not? You have nothing

A class act
Refugees study alongside their peers in a diverse classroom



“It's education. If you give it to them, you might change their life

proper education in Africa. They are different from other children. My son is 11 but he is only in Primary Three. They have a long way to go. If they want an ice cream, I have to explain that money is needed for them to travel to school."

Mbiya, however, remains highly philosophical. "I never complain, if I am honest. ISS and the UNHCR (United Nations High Commissioner for Refugees) have done something for my life. They have helped my family to survive. My prayer now is that God helps my children to finish their education. It's so bad when I see other people's children finish secondary school and they cannot continue. It's very bad. I look at it like

else to do. You are worthless. You spend all day sitting down. You need something to keep you busy."

Dani Amin, a refugee from Pakistan, tells us that he went to prison after being caught working illegally in Hong Kong in 2010. "I was being given \$1,500 per month [by the government] for rent, but even a low standard room is \$2,000 to \$3,000. I was living in a slum, worse than a dog's room and – when I wasn't working – I was becoming mentally sick. When the police caught me working, they gave me a 15 month-long sentence [at Pik Uk Prison in Sai Kung]. Ironically, they made me work in prison then. We were washing the red, bloody bed sheets

from hospital operations, and earning \$4 to \$6 per day. I asked them, 'why do you make me work inside when you won't let me work on the outside?'"

Based on his experiences, Amin has some stark words of warning. "If the government can't take care of us then why don't they just refuse us?" he asks. "They bind our hands because we cannot get work. We are becoming mentally sick. Every day there are those who do robberies, who do crime, because most refugees are young people. If, for many years, you are living in a slum, then after a while you will succumb to violence and crime. While I was in prison, a lot of people asked me why I had even bothered getting a job, when I could have just made money from a robbery or a theft."

"My best friend, she is from Angola," says Mbiya. "She has two sons. They have been in Hong Kong for 16 years. The eldest is 25 years old. Neither of them have ever worked. The daughter is 22, she is still at school! She should have finished years ago, but she just fails every year [on purpose]. What else is she meant to do? She told me that she thinks it's better for her to stay there, failing. Her brother is a 25-year-old man and he just sits in the house every day with his parents. He used to be a running champion, he could win marathons. They thought he

might be able to run for Hong Kong, but Hong Kong said no, as he has no ID card. I look at him and I think about my sons. It's so tough. Now he is blaming his parents. He said to her once 'why did you bring me to Hong Kong and ruin my future? I can't work. I can't do anything. I have no future – it would have been better if you left us in Africa to die'. She was crying. She doesn't know what to do."

The dichotomy of the situation is, ultimately, a difficult one for many to grapple with. "I don't hate Hong Kong," states Mbiya. "I was born in Congo, but my family never got justice there. Hong Kong welcomed me when I had nowhere else to go. It gave me shelter when I didn't have any. It might not be exactly what I want, but I am grateful for it. Politics is a game. They know that if they let all asylum seekers and refugees work, if you give them that freedom, too many will come. They can't allow it. They just need to decide who has a genuine problem, let those people work, and send the others home. I am sure that if they wanted to be objective about it, they could. Some people have the potential to add real value to Hong Kong society, but they are never given a chance." ■

Find out more about the **Refugee Union** and find out about volunteering to help young refugees at refugeeunion.org.

