The Second Generation of Asylum Seekers: Are “Made in Hong Kong” Children Hongkongers?

Chui Chun Wai Velda | Tong Han Kwan Justin | Wong Wang Chi Timothy

Remarks:
Names of some interviewees who are currently seeking asylum in Hong Kong are changed in this report to protect their identities.
Nadeeshani is on her way to Christian Action in Chung King Mansion.
Introduction

According to the United Nations High Commissioner for Refugees (UNHCR) 1951 Convention, an asylum seeker is defined as “an individual who has sought international protection and whose claim for refugee status has not yet been determined” (1951). Since the Convention Relating to the Status of Refugees is not applied in Hong Kong, the Hong Kong government does not grant asylum or determine refugee status for any persons (HKSAR Immigration Department, 2017).

However, under the Unified Screening Mechanism (USM) which was launched by the Department since 2014, people who are subject to torture in foreign countries can apply for torture or non-refoulement claims in Hong Kong and seek protection from being expelled or extradited to other countries. Therefore, asylum seekers in Hong Kong generally refer to non-refoulement claimants. Currently in Hong Kong, there are 7,244 outstanding claim cases (HKSAR Immigration Department, 2017).

As the processes of screening interview and claim determination take a long time, a considerable number of non-refoulement claimants gave birth to and have been raising children in Hong Kong. In fact, 1 out of every 25 asylum seekers are children or under the age of 18 (HKSAR Immigration Department, 2017).

In this capstone project, we primarily target at the second generation of asylum seekers who are born in Hong Kong. We would examine the daily life of asylum seekers’ children in their schools and local communities. By investigating the difficulties that they encounter and differences in treatment between them and Hong Kong kids, we would like to guide the public to reflect on the degree of social inclusion, sense of identity and education rights of these “made-in-Hong Kong” asylum seekers’ children.

We also aim at discussing the loopholes and limitations in the existing relevant policies and measures imposed on asylum seekers and their children. Through this, we wish to critically evaluate possible policy changes and reforms so as to address the problems of inadequate education rights and opportunities of Hong Kong-born asylum seekers’ children.
“Everyone has the right to seek and to enjoy in other countries asylum from persecution”

United Nations General Assembly
10 December 1948
1.1 Overview of asylum seekers in Hong Kong

Hong Kong has observed a decline in the cumulative number of outstanding torture/non-refoulement claim cases (HKSAR Immigration Department, 2017). As of 30 September 2017, there are 7,244 outstanding non-refoulement claims which are pending determination under the Unified Screening Mechanism (USM) in Hong Kong (HKSAR Immigration Department, 2017). In fact, Hong Kong has a relatively small number of refugees and asylum seekers, but before the commencement of USM, the time required for determination of the torture claims with this small population of asylum seekers has been a long process.

Since the commencement of USM, the number of determined cases has significantly increased from 1,813 cases in 2013 to 3,068 cases in September 2017 (HKSAR Immigration Department, 2017). However, with such increase, many non-refoulement claimants do not fall under the lawful definition to be a refugee. Between the commencement of the enhanced administrative mechanism (launched in late 2009) and September 2017, among determinations made in 14206 torture/non-refoulement claims, only 103 cases were substantiated, which counted for around 0.7% (HKSAR Immigration Department, 2017). Even fewer appeal/petitions have been substantiated, only 15 cases have been substantiated among 3579 cases concluded by Torture Claims Appeal Board/Non-refoulement Claims Petition Office from December 2012 till April 2017 (accessinfo.hk, 2017).

Other profiling of nationality, age and sex have also been consolidated by the Immigration Department. The top three countries of origin of non-refoulement claimants are India, Pakistan and Bangladesh; with 74% of the claimants are male and 26% are female (HKSAR Immigration Department, 2017). The project focus fell at the category of the 4% of all these claimants, who are asylum seekers aged under 18.
1.2 The Unified Screening Mechanism

The HKSAR Government launched the Unified Screening Mechanism (USM) in March 2014 to assess non-refoulement claims (UNHCR, 2017). Anyone who has no right to enter and remain in Hong Kong could make a non-refoulement claim if, in his/her country of origin, he/she risks to be exposed to:

A. torture as defined under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or “CAT”;
B. torture or cruel, inhuman or degrading treatment of punishment under Article 3 of section 8 of the Hong Kong Bill of Rights; and/or
C. persecution with reference to the principle of non-refoulement under Article 33 of the 1951 Convention Relating to the Status of Refugees.

The Hong Kong SAR Government adopted the USM as the process to screen all those claims lodged by persons who fear harm upon return to their country of origin. The mechanism is seen to be more comprehensive for assessing claims for non-refoulement protection inclusive of torture, cruel, inhuman or degrading treatment or punishment and/or persecution (Daly, 2014). This change of mechanism has also switched the power of screening persecution claimants from the UNHCR to the government, mainly the Immigration Department. Therefore, the Immigration Department is currently responsible for the determination of refugee status in Hong Kong.

Here are the main procedures of the Unified Screening Mechanism (UNHCR, 2017):

1. An individual surrenders to the Immigration Department voluntarily.
2. The individual states his/her name, country of origin, and the potential harm/danger that he/she may face if he/she returns to your country of origin.
3. The Immigration Department issues a Recognizance Document (RD) to the individual.
4. The individual makes a non-refoulement claim. While seeking non-refoulement protection, the individual is prohibited to work in Hong Kong.
5. Non-refoulement claimant attends screening interview.
6. The Immigration Department will determine whether the interviewed claimants can receive non-refoulement protection in Hong Kong and inform the claimants.
7. Substantiated claimants will sent to other countries as refugees. Rejected claimants, on the other hand, will soon be deported to their countries of origin. They can also appeal against the Immigration Department’s decisions within 14 days after the Department’s determination, and could stay in Hong Kong when the appeal is being processed.
1.3 Relevant international human rights treaties

Most jurisdictions around the world grant refugee status to asylum seekers based on the 1951 Convention Relating to the Status of Refugees. However, even China ratified and signed the 1951 Convention, Hong Kong stays as one of the developed jurisdictions that is not the signatory of the 1951 Convention (Chiu, 2012). Without the ratification of such Convention, the rights of these asylum seekers and non-refoulement claimants would be affected. This means no citizenship will be granted to refugees regardless the duration they stay in Hong Kong, as Hong Kong is technically not a host country (Society for Community Organisation, 2013).

The concept of non-refoulement of the protection claims is based on the Article 33(1) of the 1951 Geneva Convention which states that:

‘No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.’ (UNHCR, 1951)

Despite the fact that Hong Kong is not the signatory of the Convention, it still has the legal obligation in complying the principle of non-refoulement in accordance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT Convention") and the International Covenant on Civil and Political Rights (ICCPR).

In Article 3(1) of CAT:
‘No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.’ (United Nations Assembly General, 1984)

In Article 7 of ICCPR:
‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.’ (United Nations General Assembly, 1966)

Under such conventions, Hong Kong cannot return a person to another state where a person would suffer torture and other cruel, inhumane or degrading treatment or punishment.

Apart from the general principle for the framework in protecting non-refoulement claimants, the research focus of the second generation of asylum seekers is also protected legally by international treaties, such as the Convention on the Rights of the Child (CRC).
In Article 22(1) of CRC:
‘States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriated protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other interactional human rights or humanitarian instruments to which the said States are Parties.’ (United Nations General Assembly, 1989)

This can then be supported by another article in the Convention, which sets the foundation of the research project to further identify what extent of rights shall be given to children under the Convention.

In Article 3(1) of the CRC:
‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’ (United Nations General Assembly, 1989)

The aforementioned treaties provide us the broader sense of the safety net that has been set up for the protection of these asylum seekers and their children, which is the legal obligation of the government to follow through.
1.4 Current refugee policies

Once the recognisance documents and registration of a USM claim has been done, asylum seekers can access to social assistance through the Social Welfare Department. They will check the eligibility of the claimants and confirm of the USM claims; and then refer the case to International Social Service (ISS). Some of the humanitarian assistances provided by ISS include:

- fee waivers for medical services from public hospitals and clinics
- application to Education Department Bureau for tuition waiver for school
- financial assistance for shelter and food

The collaboration between the Social Welfare Department and ISS to provide humanitarian assistance to protection claimants has the objective to meet the basic needs of living and prevent them from poverty during the stay before the determination of their claims. In the Social Welfare Tender References SWD/T002/2011, it states that during a service recipient’s claim as an asylum seeker or non-refoulement protection claimant is being processed by the government, the objectives of providing the services are to ensure the service recipients will not:

1. be left to sleep on the street;
2. be seriously hungry; or
3. be unable to satisfy the most basic requirement of hygiene (Vision First, 2014).

The breakdown of the financial assistance for shelter and food received by an adult and a child asylum seeker per month is as follows (Carvalho, 2016):

<table>
<thead>
<tr>
<th>Categories</th>
<th>Amount (HKD) - Adult</th>
<th>Amount (HKD) - Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing</td>
<td>1500</td>
<td>750</td>
</tr>
<tr>
<td>Food card</td>
<td>1200</td>
<td>1200</td>
</tr>
<tr>
<td>Transport</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Utilities</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3200</strong></td>
<td><strong>2450</strong></td>
</tr>
</tbody>
</table>

Table 1. The breakdown of monthly financial assistance given to asylum seekers by ISS

Assistance on food comes in form of food cards which can only be used in certain supermarkets. Therefore, the only amount of disposable cash for a family of four asylum seekers is $6500 per month, while in most cases the housing rent occupied about 70% of the total financial assistance.
Part Two - Methodology

This research includes a variety of qualitative research methods, which hopes to provide in-depth information with a limited number of cases. Qualitative research methods help uncover the life of asylum seekers and their children through the portrayal and understanding of their individual experiences. In order to have a comprehensive understanding of the situation faced by the second generation of asylum seekers, this report combines the use of primary and secondary sources. Primary research aims at creating a participatory video, as well as face-to-face interviews, for the sake of obtaining first-hand personal information. The objective of secondary research is to provide the factual background and figures through examining documents and statistics gathered from the government and non-governmental organisations, such as the United Nations High Commissioner for Refugees (UNHCR), Refugee Union, Christian Actions and Justice Centre.

2.1 Primary Research

2.1.1 Participatory Video

A participatory video is usually adopted by researchers to describe particular phenomenon through the combination of narrative and visual methods (O’Neill, 2010; cited from Haaken & O’Neill, 2014). It is perceived as a creative form of inclusion of different voices of society especially the marginalised ones, and hence transform the topic to greater social equity (Tremblay & Peredo, 2014).

The idea of producing a participatory video was suggested by Nadeeshani, an asylum seeker kindly contacted by Dr. Julie Ham. The main message was to raise the public awareness on the education rights of the asylum seeker children that is being exploited. The school band of Nadeeshani’s son was invited by the Japanese government to participate in an overseas music contest held in Okinawa, Japan. However, her son is not allowed to leave Hong Kong due to his status as a child of asylum seekers. Nadeeshani therefore wanted us to produce a video to tell
her family’s story (including her son’s difficulty) to the general public. In order to ensure Nadeeshani’s main message is brought out and accentuated in the video, we sent our video drafts to her for approval and further comments before putting it on-screen publicly in the Capstone Fair.

The participatory video lasts for 20 minutes. We included two main aspects in the video, the livelihood of Nadeeshani’s family (as the background information) and the significance of the education assess of Nadeeshani’s son. Nadeeshani’s children are the representative examples of the second generation of asylum seekers in this video. The family plays a core role for the documentary. Apart from Nadeeshani’s family, the video has also incorporated our interview with a volunteer from Refugee Union. The statistics and claims of the volunteer has provided audiences general understanding about the lives of asylum seekers in Hong Kong.

This participatory video not only acts as a research method, but also as a central community-driven product of our Capstone Project. Although a participatory video is usually scriptless (Kindon, 2003), it empowers students like us to speak for a relatively small group of people (i.e. asylum seekers and their children) and raise audience awareness (Zoettl, 2013). By making the asylum seekers and their children “visible” to audience, a form of “symbolic power” is manifested under which the real life of and challenges faced by asylum seekers in Hong Kong can be demonstrated in a more realistic sense (Zoettl, 2013).

In order to augment the persuasive and reflective power of our participatory video, we met Ivan and Robert from Right Exposure Photography, who are experts in producing participatory videos, in early November. They offered us insightful ideas of how to produce a quality participatory video.

2.1.2 Personal Interviews

In order to get a closer observation and record of the lives of asylum seekers, we conducted several site visits and conduct face-to-face interviews with non-governmental organizations which serve asylum seekers. On 8 November 2017, we visited the Centre for Refugees of Christian Action in Tsim Sha Tsui, as well as Refugee Union in Sai Ying Pun. In Refugee Union, we were even arranged to interview three asylum seekers, which allows us to obtain first-hand information of their feelings and difficulties in Hong Kong. We also met with Adella, a volunteer at Refugee Union who is also an asylum seeker herself.

On 16 November 2017, we visited the office of Justice Centre and interviewed Ms. Annie Li, Research and Policy Officer of Justice Centre. Ms. Li gave us more information of the loopholes of the existing Unified Screening Mechanism, and the social isolation and hostility encountered by asylum seekers in Hong Kong.

Our supervisor, Dr. Julie Ham, kindly contacted an asylum seeker family. We conducted two
rounds of face-to-face meetings with Nadeeshani (mother of the family) in HKU. Also for the sake of our participatory video, we visited Nadeeshani’s home in the New Territories on 29 October 2017, and interviewed Nadeeshani and her husband.

2.2 Secondary Research
Secondary data is utilised to examine the overview of the current situation of asylum seekers community, as well as the related policies that affect the livelihood of their families. Here are some of the sources that we have collected information in particular:

1. government documents from the Immigration Department, the Department of Justice and the Social Welfare Department
2. reports gathered by non-governmental organisations, such as Christian Actions, Justice Centre Hong Kong, Refugee Union and United Nations High Commissioner for Refugees
3. academic papers
4. newspaper and other published information

Secondary research information provides ample background insights of the social situation and enables a comprehensive research to take place.
We interviewed four asylum seekers who were also parents of Hong Kong-born children. The followings are their words in describing their lives in Hong Kong and other issues regarding their children, particularly on the topic of education rights.

Nadeeshani fled from Sri Lanka due to political situation and arrived in Hong Kong in 2000.

I have been living in Hong Kong for 17 years. As I know, I am one of the asylum seekers who have resided in Hong Kong for the longest time. I am speaking on behalf of my children and urging the authority to grant them equal rights and opportunities.

My son is a talented musical player in school. He can play piano, trumpet and saxophone. He is an active member in the school band, and is invited to go to Japan to participate in an overseas music competition. However, the Immigration Department does not allow him to leave Hong Kong because he is a child of asylum seekers. His music teacher tried to encourage him, but he was disappointed and sad as his opportunity is blocked by the piece of recognisance paper. We have approached different institutions and organisations, but little could be done to help my son.

Other difficulties exist in his school life. Years ago I asked Christian Action (a NGO that serves asylum seekers) to help write letters to my children’s school to ask for free lunch since our family cannot afford it. My daughter’s school accepted our claim, but my son’s school did not. Instead, some teachers were annoyed by my request. We even could not pay for the school's extra
tutorial classes.

It doesn’t matter that the government does not care about the adult asylum seekers as half of our lives are over. However, please leave my children alone! Give them the rights and opportunities that they deserve!

**Sharon* fled from Indonesia to Hong Kong and sought asylum in 2012.**

Before applying for torture claim in Hong Kong, I separated with my husband since he had an extramarital affair. It is difficult for me to raise my 3-year-old daughter alone in Hong Kong without a job. **It has also been painful for me to pretend that I cannot hear Cantonese while some people in my community are saying discriminative and impolite words to me and my daughter.**

My daughter is currently studying in kindergarten, but the process of looking for schools is very hard because most schools only admit students who are permanent residents of Hong Kong. I had to go to many kindergartens so as to find one that admits asylum seekers’ children. I do hope the kindergarten will help my daughter find an appropriate primary school in the future.

The financial policies and assistance for asylum seekers are so insufficient that I have to tighten my belt so as to pay for the schooling expenses of my daughter. I had to pay $950 deposit to reserve a kindergarten seat for my daughter before admission, but how could I have so much money? In the end, I used my food card to exchange $950 cash with my friends. I also need to save money to pay for my daughter’s expensive school uniform, textbook and schoolbag. Life is so hard for us.

My daughter desires to be a teacher in the future, but I am worried of her learning progress. It is because the kindergarten uses Chinese as the medium of instruction, while my daughter could barely understand Chinese. Although the kindergarten teachers said she understands a little, I do hope something could be done to help her.

**Mira fled from her home country due to political and religious reasons and arrived in Hong Kong in 2007.**

I escaped from my home country due to certain political and religious hardship, and I am now living in a 150 square feet apartment in Kowloon with my husband and 3 kids. The government has banned asylum seekers from working, so our family could only depend on government’s financial assistance to
maintain our livelihood.

The government has done little to support the educational costs of asylum seekers’ children, so we usually use our minimal savings or borrow money from friends to pay for schooling expenses. Sometimes our children can hardly find someone to help them complete Chinese homework because my husband and I do not know Chinese. What we can do is to tell them to study hard and ask teachers in school’s free tutorials.

Although my children are of different ethnicity from most of their schoolmates, they are not aware of their true status as illegal immigrants in Hong Kong. They always insist that they are “locally born” and they “only know Hong Kong but not other countries”. I believe they should have the same rights with other Hong Kong students, but in reality it is not. Once the school arranges students to have body check in health centre, only my children are required by the staff to pay since they do not have HKID cards. We are not even allowed to borrow books from public libraries. My children asked me why they are different from their schoolmates, but I really do not know how to answer them. I mean - my children and other students are all born in Hong Kong, why is there a difference? That is so unfair!

The situation is even worse for my friend, who is also an asylum seeker. She worked as informal labor to earn money for her sons to study, but the consequence is that she is now in jail. Her children are now looked after by my other friends. Although the two kids are already 6 and 7 years old, they have never been in school. They do not even know how to read or write! They had asked us why they could not go to school, but no one could really tell them.

I am so lucky to be able to borrow money from my friends and support my children’s education, but some asylum seekers cannot. They can only struggle between working illegally to earn money for their children’s education, and simply giving up their children’s future. What else can they do? What can we do? What will be the future of asylum seekers’ children?

Mahmood* fled from Pakistan earlier and sought asylum in Hong Kong on religious grounds in 2006.

My home country Pakistan is a Muslim country, whereas I am a Christian. Therefore, I had left Pakistan and three years after I applied for torture claim in Hong Kong in 2006. My wife is an asylum seeker from the Philippines but she came to Hong Kong later with my eldest son 6 years ago.

My family is currently living in an apartment in Kowloon. Material life is relatively fair, but sometimes the policies on asylum seekers are too inflexible and inconsiderate. The government has offered a ParknShop shopping card for each asylum seeker (or child of asylum seekers), but it is so ridiculous that we cannot even use it to buy soap and foam for washing!

It is lucky for my kids to be able to receive education in Hong Kong. Even though my eldest son
was born and received education in the Philippines, he can still continue on his study in Hong Kong after coming to the city. My three other kids were locally born, and their Chinese language skills are good enough to adapt to school life and learning pace here. Their teachers and classmates are also friendly to them, and treat them as Hong Kong students. Except for my eldest son who has got some basic ideas that he is not a Hong Kong person technically, my other children strongly believe that their identities are nothing different from that of their classmates.

**Nevertheless, their expenses in school are very high.** There are no school fees for primary and secondary schools, but our family still needs to pay for school uniform, textbooks, exercises and even extra-curricular activities. These are costs which the government subsidies do not cover. My family sometimes receives other financial assistance from NGOs and even churches, but the amount is little.

Given that the number of refugee cases approved in Hong Kong is so few, I am also worried about whether my children’s education will be interrupted if we are deported back to our home countries. Even if our case is successful, our family will be sent to other countries, and what would be the fate of my children? Will their academic qualifications be qualified in other places?

My children are born here and grown up here, so why can’t they receive education like other children in Hong Kong? I do wish the government will keep their rights, since they are nothing different from Hong Kong people.
“I am asking for kids’ rights. Let them study well. For us, it’s okay. Half of our lives is already finished.”

Nadeeshani Rangana
29 October 2017
4.1 Extended legal identity issue from the parents

Asylum seekers who fled from their home countries and sought protection in Hong Kong would have diverse reasons. More than 50% of the protection claimants have been seeking protection in Hong Kong more than 5 years, with 29% of them over 9 years (Refugee Concern Network, 2013). From Nadeeshani’s family, they can even be waiting for almost two decades yet the determination are not made. Without a clear direction of what will their future be like, they would decide to have a family here, as life goes on during the wait of the determination of the claim. This creates the environment for asylum seekers to give birth to and raise locally born children in Hong Kong.

The stateless condition of asylum seekers defines the legal identity of their children to have the same status as themselves. Despite the fact that they are locally born in Hong Kong, they never get the citizenship, nor enjoy the same rights as other local children. In such case, even under the financial assistance given by ISS, these children may be able to meet their basic daily needs, but education rights will not be provided as it is not included as an aspect of basic needs (Vision First, 2014).

4.2 Deprivation of education opportunities

The financial assistance delivered by ISS does not include expenses on education of asylum seekers’ children (ISS-HK, 2017). Together with the fact that asylum seekers are not allowed to work in Hong Kong under the Immigration Ordinance (2012) , Cap 115, Part VIIIC, s. 37ZX, some asylum seekers fail to purchase textbooks, schoolbags, and even school lunch for children. Our interviewee Mira cited the story of her friend, who had worked as informal labor years ago in order to pay for her kids’ education. Mira’s friend was eventually caught and is currently in jail, leaving her two kids, who are 6 and 7 years old respectively, uneducated now. They are basically illiterate. Another interviewee, Sharon* could only sell the supermarket card to her friends in
exchange for $950 cash to pay for reserving a kindergarten seat for her 3-year-old daughter.

Another less visible problem is that not all schools admit asylum seekers’ children. In fact, most schools in Hong Kong only admit students who possess local identifications (i.e. HKID card). It is often an arduous task for asylum seeker parents, who do not speak Cantonese, to search for schools allowing their children to study. Sharon voiced out that she had visited more than ten schools just to find a kindergarten that admits asylum seekers’ children.

4.3 Lack of experiential learning opportunities

Given that asylum seeker families have limited resources in supporting their children’s education, most children are barred from participating in various schools activities. All asylum seekers who we interviewed definitely do not have extra money to pay for tutorials that charge. It is also difficult for children to participate in extra-curricular activities like musical instrument classes, art classes, and even school picnics. These limit the opportunities of asylum seekers’ children, and are detrimental to their whole person development.

According to the Immigration Ordinance (2012), Cap 115, Part VII C, s. 37ZF, non-refoulement claims will be withdrawn if claimants leave Hong Kong for whatever reasons. However, the law somehow blocks the opportunities of children to participate in overseas activities or competitions. To illustrate so, Nadeeshani’s son are forbidden to participate in an international music contest in Okinawa, Japan in late December this year, together with his school band. He was so disappointed that he is distinguished from his schoolmates. He wrote a letter to the Chief Executive Mrs. Carrie Lam and described his hardship and desire, yet the latest response from the Immigration Department remains a “no”. Another child Ali could not participate in an overseas football competition due to similar constraints (The Hong Kong Society for Asylum-Seekers and Refugees, 2017). Therefore, the laws, to a certain extent, are inflexible that the chances of asylum seekers’ children are hindered.

4.4 Social hindrance from their socioeconomic status

Apart from the difficulties to provide learning opportunities and financial support to the children, these parents have also expressed their concern about the psychological consequence in explaining their stateless status to their children. All of our respondents did not address this subject with their children, with the following concerns:

1. The children are too young to understand what being an asylum seeker means;

2. They will feel alienated from other children or the community, as they will be seen as outsider; and
3. This will hinder their motivation to continue their study, as their status actually marks the possible future for them, which is now experiencing by their parents.

In such case, most parents kept this as a secret within the family, as they do not want to destruct the confidence of the children, who are actually adapting in the local community and see themselves nothing different from any other children in Hong Kong.

4.5 Identity confusion

Hong Kong-born asylum seekers’ children do not have the memory of their parents’ country of origin where they have never been to. Most of them speak Chinese as fluently as we are, and regard themselves as 100% Hongkongers. Nadeeshani’s son wrote a letter to Chief Executive Mrs. Carrie Lam a month ago. In his letter, he said he feels like a Hong Kong citizen and wants to be part of Hong Kong. Mira quoted from her children that they “knows only Hong Kong but not other countries”. The teachers and schoolmates of Mahmood’s (one of our interviewees) children think they are more or less the same as them. In terms of the growing place, cultures that they are living in, and sense of belonging towards Hong Kong, locally-born asylum seekers’ children are, in fact, nothing different from Hong Kong kids.

However, asylum seekers children are treated differently from Hong Kong kids in many ways. In simplest illustration, they cannot even borrow books from public libraries. When they grow up, they cannot work in the city as well, just like their parents (Immigration Ordinance, 2012). Most asylum seekers that we have interviewed said their children are always confused why they are treated differently from their friends, but the parents do not really know how to explain their statuses.
Asylum seekers have been a community of marginalised people in many countries around the world. There may be other approaches to examine this community, especially the rights enjoyed by the asylum seekers’ children who are locally born in the host country. Sociologists would generally offer a “bottom-up” approach, by examining influences of society and socialisation agents in the environment where policies act upon.

5.1 Socialisation

Socialisation refers to the consistent process through which an individual is taken into the objective world and gradually becomes a member of society that he/she is living in (Berger & Luckmann, 1966). Socialisation can be further classified into primary and secondary socialisation, and in general primary socialisation is more crucial in shaping and forming one’s initial identity during childhood than secondary socialisation (Berger & Luckmann, 1966).

During primary socialisation, significant others will instil the values, practices, customs and cultures which are commonly shared in the society in a child (Berger & Luckmann, 1966). The child identifies with the significant others, and conforms to what they teach, act and value implicitly.

As individuals living in Hong Kong’s society, Hong Kong-born asylum seeker children are constantly exposed to the culture of Hong Kong. They have numerous chances to communicate with Hong Kong people, such as their schoolmates, teachers, and possibly neighbours. On the other hand, they have no memories of their parents’ countries of origin, so it is less likely for them to perceive themselves as Indian, Sri Lankan, Pakistani, and so on even if they behave and follow customs of their parents’ country of origin at home. Instead, they have a much stronger feeling as Hongkongers. Such perception is particularly strengthened as they gradually grow up and spend more time in schools with their peers or other Hong Kong people in society.

In summary, asylum seeker children’s sense of identity as Hong Kong people is socially
constructed, and is firm in their mind due to the high propensity of getting in touch with local Hong Kong people.

5.2 Social Exclusion and Stigmatisation

Burchardt, Le Grand and Piachaud (1999) defined social exclusion as a condition that an individual geographically lives in a society, but he/she does not, or is unable to engage in normal activities like other citizens in that society. “Normal activities” were later defined into four major dimensions: consumption, production, political engagement and social interaction (Richardson & Le Grand, 2002). Concrete examples of these four dimensions are shown in Table 2.

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumption Activity</td>
<td>Having enough money for food, access to public services, education, medical services, etc.</td>
</tr>
<tr>
<td>Production Activity</td>
<td>Having a job</td>
</tr>
<tr>
<td>Political Activity</td>
<td>Involvement and acceptance in community</td>
</tr>
<tr>
<td>Social Activity</td>
<td>Social interactions with family, friends through activities like sports</td>
</tr>
</tbody>
</table>

Table 2. Examples of Normal Activities (Peace, 2001; Richardson & Le Grand, 2002)

By examining the conditions and difficulties faced by asylum seeker children, we argue that they are being socially excluded in Hong Kong society. Unlike Hong Kong residents and local kids, the second generation of asylum seekers is unable to enjoy public services as simple as borrowing books from public libraries. Their opportunities to education and experiential activities (e.g. extracurricular activities) are also limited (i.e. deprivation in consumption activities) due to the lack of monetary assistance.

Moreover, asylum seekers and their children (as they grow up) are prohibited to get employed (i.e. no access to production activities) under the Immigration Ordinance (2012). The laws and policies that the authority imposes on asylum seekers also reduce children’s chances of actively participating in certain activities (i.e. limited engagement in political and social activities). This can be illustrated by the fact that they cannot participate in some group activities in school like interest classes, school outings, as well as overseas programmes and contests. These difficulties and conditions faced asylum seeker children hence suggest that they are socially excluded to a large extent in the society of Hong Kong.

Although asylum seekers and their children in Hong Kong are able to receive certain kinds of
material and emotional assistance from non-governmental organisations like Christian Action’s Centre for Refugees, Justice Centre and ISS-HK, the way that the authority governs them could implicitly inhibit their formation of social connections and accumulation of social capital. The treatment received by asylum seeker children and local kids varies obviously in schools, and could easily lead children to distinguish between “us” and “them” in daily life. Asylum seeker children could then be stigmatised by their schoolmates, and it is disadvantageous for them to form relationships with peers. According to Beirens, Hughes, Hek and Spicer (2007), the lack of social bonds would aggravate social exclusion, and is detrimental to social cohesion due to the lack of trust between them and local people (Chan, To & Chan, 2006).

5.3 Reflexivity in Structuration Theory

The general discussion may fall onto the influence of social structure and of the socialisation agents upon this community of asylum seekers. However, sociological theories of a different perspective do exist in examining this marginalised group as more than just responding to stimuli. Giddens (1984) developed the Structuration Theory to study the interactions between the structure of society and the human agency within the social structure. This theory suggested a more active role of human agency with the meaning of “the ability to act” (Valentine, 2001); whereas structural forces are related to hegemonic discourses and culture of a society. It emphasized on the duality of structure of the society in which individuals reconstruct their reality through their experience of the social system, but the construction and changes of the system is also reproduced through individual agents (Healey, 2006).

There are three components in the theory to describe this dual interactions between individual agents and structural forces of the society, in which reflexivity is most relevant in discussing the situation of asylum seekers’ children. Reflexivity implies that social life is achieved by informed actors, which changes within the structural components of society is through human agency (the ability to act) as suggested by Giddens (1984). It emphasized on the possibility for agency to act differently or creatively in the social world, rather than merely a response to structural forces.

This can be seen through the use of language by children of asylum seekers in Hong Kong that reflects such duality of structure, rather than merely a socialization process. Language in the case of these children is a mixture of a structural and agency factor. Their parents choose to provide them schooling in local schools and learn Cantonese for easier communication with other locals demonstrates action in response to structural forces; while these children try to learn better level of Chinese and Cantonese to identify themselves as Hongkongers and to identify with such identity indicates the agency of an individual.

Such identity of being a Hongkonger is not merely from the influence of other socialisation agents that these children met in their lifetime, but rather they are part of the driving force as informed individuals to take in such identity, for example through their learning of local language and adapting to the same school life as other local children.
PART SIX

Findings and Recommendations

In view of the concerns and opinions from the community of asylum seekers, especially those with locally born children, we have mapped out some of the findings in the context of current relevant policies, as well as the international treaties signed by the Hong Kong government, which imply on the legal obligation and responsibility that should be carried out.

6.1 Findings

According to Article 28 of CRC, states parties need to recognize the education rights of all children (OHCHR, 2017). Article 13 of the International Convenant on Economic, Social and Cultural Rights also emphasizes the importance of education to everyone in the society, as the right to receive education is the basic right and fundamental freedom of human kind, and is crucial for one's personality development and dignity (OHCHR, 2017). Therefore, as a State Party of these Conventions, it should be reasonable for Hong Kong to make education and related opportunities accessible to all children, which of course includes asylum seeker children.

Nevertheless, the Convention on the Rights of Child and the International Convenant on Economic, Social and Cultural Rights are not legally binding in Hong Kong. That is, currently there are no specific laws or ordinances that stipulate the government's responsibility and obligation to provide uniform and quality education to asylum seeker children. So even if the government does not propose policies and measures that ensure asylum seeker children's equal opportunity to receive education as local Hong Kong kids, it bears a very low cost. In the Chief Executive's 2017 Policy Address, the government plans to set up a Commission on Children, which deals with issues of children development, in the middle of next year. Still, asylum seeker children are seldom targeted and paid attention to, so there are limited improvements made regarding their education rights.

To sum up, from a humanitarian perspective, it is inappropriate for the HKSAR government to put the international conventions of which it has become a signatory aside and turn a blind eye on
the lack of education rights of asylum seeker children.

Under such circumstances, education is not provided under the assistance from the government, asylum seeker parents would wish to provide them by themselves, but the is also hinder by the government policies. The Immigration Ordinance (2012) has banned non-refoulement claimants and asylum seekers from employment. The primary objective of the law is to curb with the problem of illegal economic migrants, but it has affected many aspects of life of asylum seekers as well. Without a job, asylum seekers could only depend on the monthly subsidies delivered by the International Social Service Hong Kong Branch (ISS-HK), but there are no subsidies for education, and the money saved from housing, transport and utilities is definitely not enough to afford the education costs of children. Asylum seeker children hence fail to participate in school activities or functions that charge, such as interest classes.

6.2 Recommendations

In view of such loopholes in policies and measures regarding the asylum seekers and their children, the following are some recommendations we wish to advocate:

1. Have research and keep track of statistics regarding the exact number of children claimants in Hong Kong;

2. Re-examine the current policies to provide assistance to asylum seekers children under the principle of considering their best interests;

3. Re-examine the possibilities of granting asylum seekers the freedom to work;

4. Provide a safe and respectful platform to allow asylum seekers to voice out their concerns and demands;

5. Empower asylum seekers-targeted non-governmental organizations by granting them more monetary and human resources;

6. Encourage schools to implement bridging classes which help asylum seeker children adapt to the education system of Hong Kong; and

7. Organize more school functions which facilitate asylum seeker children’s integration into the school environment.

These will facilitate a realistic discussion and proposal of policies that can help alleviate the problems of asylum seekers, as well as to facilitate the current situation of the asylum seekers and their children in regards of living conditions and schooling issue.

In fact, small-scale programmes have been done by various asylum seekers-targeted non-
governmental organizations to help the second generation of asylum seekers. To illustrate, Vision First, an NGO that aims at improving the livelihood of asylum seekers in Hong Kong, has launched the Refugee Child Sponsorship programme (Vision First, 2017). Money donated by Refugee Child Sponsors will be used to purchase food, medicine, textbooks, school uniforms and other material and service supports to children of asylum seekers (Vision First, 2017). Vision First also accepts direct donations of materials and goods such as food, clothes, electronic and kitchen appliances, and so on (Vision First, 2017). These material donations may not be valuable to us, but they can already improve the lives of asylum seekers and their children significantly.
In this research project, we have put our emphasis on children of asylum seekers, who are nearly invisible in the eyes of the general public. The Capstone Fair is a very novel and unforgettable experience to us. It has provided us with the opportunity to bring this group of children to public attention and awareness. It has also allowed us to speak for this vulnerable group by presenting our research findings and results in a public occasion.

While presenting at the Capstone Fair, we were quite surprised to find that most audiences (e.g. professors, students and general public) have a misperception that asylum seeker children have Hong Kong citizenship, and therefore could enjoy the same education rights as Hong Kong kids. Most of them compared asylum seeker children with anchor babies in Hong Kong, and argue that if anchor babies, who may not even grow up in Hong Kong, have Hong Kong citizenship (under the stipulation of the Basic Law), asylum seeker children who were born and grow up in Hong Kong should be recognized as Hong Kongers officially as well. In short, our research project has guided the public to reflect on whether they should be direct relationship between nationality and citizenship, as well as what conditions constitute local citizenship.

The majority of audiences were happy about our presentation and clarification in the Capstone Fair. A number of them said that the issue of asylum seeker children is something that they were not aware of in the past. Such positive feedback is very encouraging and enlightening to us. We are also delighted that our aim to raise public awareness about the problem faced by children of asylum seekers is achieved. We believe that such awareness will play a significant role in the reform and changes of asylum seeker-targeted policies in the future.

Overall, the Capstone Project has broadened our horizon. It has provided us with the opportunity to polish our presentation and collaborative skills. More importantly, it encourages us to question and investigate social phenomenon with independent and critical minds.
Asylum seekers children are nothing different from us as local Hong Kong students: they were born here, they grow up here, they study or make friends here, they learn here. Many of these children are talented, some maybe even more talented than us, the ordinary Hongkongers. However, the lack of equal opportunities has completely blocked their social ladder and excluded them from our society. In this society where the education rights of asylum seekers' children are ignored and neglected, what would be their future?

What refugee parents want is the chance for their kids to receive education as other Hong Kong kids, in order to strive for excellence. Through this Capstone Project, we wish to raise public awareness of the challenges faced by Hong Kong-born second generation of asylum seekers, which are not under much spotlight of local media. The lack of education opportunities is just an iceberg of asylum seeker issues. However, it has revealed the loopholes of the existing policies that act on non-refoulement claimants in Hong Kong. These children are the hopes of our future. We all have dreams, and everyone deserves the equal opportunity to make these dreams come true, regardless of whether they are asylum seekers.
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