

# Immigration (Amendment) Bill 2020 gazetted

Immigration (Amendment) Bill 2020 (the Bill) was published in the Gazette today (December 4). The Bill aims at improving the screening procedures for non-refoulement claims and introducing enhanced measures in respect of law enforcement, removal and detention.

A spokesman for the Security Bureau (SB) said, "The Government has been highly concerned with and is determined to address the problems arising from non-refoulement claims. Over the past years, the SB and the Immigration Department (ImmD) have implemented various measures targeting the handling of claims at different stages, including reducing at source the number of illegal immigrants and overstayers, expediting the screening of claims and appeals, expediting repatriation after completion of screening and stepping up law enforcement against crimes such as unlawful employment."

The ImmD basically cleared the backlog of outstanding claims in early 2019, which at one point reached over 11 000 cases. The number of appeals pending handling by the Torture Claims Appeal Board (TCAB) has also been reduced from the peak of over 6 500 to some 1 700 as at end-October 2020. It is expected that the TCAB could complete the handling of these cases by mid-2021 the earliest. Despite some concrete progress made by the Government in the handling of non-refoulement claims, there remain numerous challenges ahead. For example, there are still some 13 000 claimants or unsuccessful claimants currently remaining in Hong Kong due to various reasons, including the majority of claimants who applied for leave to apply for judicial review after their claims or appeals were rejected by the ImmD and the TCAB respectively.

With a view to handling the various issues relating to non-refoulement claims more effectively, the Government has put forward amendments to the Immigration Ordinance. The key amendment proposals include enhancing efficiency in screening by the ImmD and preventing delaying tactics, improving the procedures and functions of the TCAB, strengthening removal of unsuccessful claimants, enhancing detention and combating unlawful employment, and empowering the Secretary for Security to make regulations for the implementation of the "Advanced Passenger Information" system.