

Immigration Department reiterates that detention of illegal immigrants, overstayers or persons refused permission to land in Hong Kong is in accordance with the law

An Immigration Department (ImmD) spokesperson today (December 24) reiterated that the department has all along been strictly following the established detention policies, and that illegal immigrants, overstayers or persons refused permission to land in Hong Kong are detained in accordance with the relevant legal requirements and legal principles established by the Court.

According to the prevailing detention policies, while determining whether an individual should be detained, the ImmD will consider all the facts and circumstances of the particular case, including whether the person concerned has committed a serious crime or is likely to pose a threat or security risk to the community if not being detained, and whether there is any risk of the person absconding or reoffending. The ImmD will continue to handle all detention cases in accordance with the relevant legal requirements and prevailing mechanisms. Furthermore, the ImmD will continue to strictly follow the relevant provisions under the Immigration (Treatment of Detainees) Order (Cap. 115E) of the laws of Hong Kong, to ensure that detainees are treated fairly and properly.

The ImmD is aware that the Court of First Instance (CFI) of the High Court dismissed an application for writ of habeas corpus filed by a detainee yesterday. The unsuccessful applicant is now detained at the Castle Peak Bay Immigration Centre (CIC) pending removal. He has applied for leave to bring judicial review against the refusal decisions on his non-refoulement claim.

The CFI considered that the detention in respect of the applicant pending removal is lawful. Although there are a large number of similar applications pending before the Court and it may inevitably take some time for them to be dealt with, the CFI held that there is no reason to believe that the resolution of the applicant's leave application will be unduly delayed. Besides, having regard to the seriousness of multiple offences committed by the applicant including repeated trafficking in dangerous drugs, and his repeated record of jumping bail and failing to report recognisance to the ImmD, the CFI held that it is reasonable for the authorities to come to the view that the applicant does constitute a threat to the community and may reoffend, and there is a risk or likelihood of absconding by the applicant if he is released. The CFI also pointed out that there is no sufficient evidence to show that the applicant did not receive proper medical care during his detention at the CIC. The CFI dismissed the application.

The ImmD emphasised that its staff have all along been performing duties professionally according to the law. In spite of the unfounded accusations against the ImmD made by some individuals or groups in the past, its staff will continue to enforce the law fairly and impartially when performing their duties. In the challenging days ahead, staff of the ImmD will remain undaunted and stand fast at their posts in order to maintain social order and safeguard the public interest.