

April Newsletter



Hong Kong
Refugee Advice
Centre

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CASEWORK UPDATE

It has been a very rewarding six weeks that culminated in the hard-won success of 4 extremely challenging cases.

We are also pleased to announce that HKRAC has taken on 16 new Full Representation clients since January, and has provided customized legal advice to countless others. To everyone in the HKRAC family: these successes are **yours**.

- On 2 March 2011, UNHCR re-opened the case of an African client who had previously been denied protection on adverse credibility at First Instance, Appeal, and previous re-opening applications. Vincent Sze from Skadden, Arps, Slate, Meagher & Flom wrote the re-opening brief in this case, and Christine Lin engaged in oral advocacy with UNHCR to re-consider the merits of the client's case. The client is currently awaiting an interview for his case.
- On 9 March 2011, UNHCR reversed a negative First Instance decision and recognized a Pakistani client on Appeal. This was a difficult case as UNHCR had previously made an adverse credibility finding at First Instance. However, legal representation from Volunteer Caseworker Eileen Clarke, and Johime Lee succeeded in securing the client refugee status.
- On 10 March 2011, a Somali client who belonged to a minority clan was granted refugee status by UNHCR. A collaborative effort between Andrew Lillis, Johime Lee, and CUHK students Alex Lo and Irene Lam, made this client's case a success.
- On 10 March 2011, UNHCR granted refugee status to an African client. This was a particularly challenging case as UNHCR had initially rejected the client at First Instance on adverse credibility findings based upon interviews that occurred when the client was suffering mental health issues and was detained by Hong Kong Immigration. HKRAC referred the client to Dr. Susan Mistler, a clinical psychologist at Central Medical Health Practice, who generously provided *pro bono* services by evaluating the client's mental health status and writing a report for submission to UNHCR. Thanks to Volunteer Caseworker Mari Boman for spending countless hours with the client to take his testimony, preparing him for his interview, and attending his interview; and Volunteer Caseworker Natasha Khan for writing the legal brief.

Thank you to all our law firm *pro bono* lawyers, volunteer caseworkers, and interpreters for your continued support – we could not have achieved these victories without you!

As many of our clients suffer from psychological and medical trauma, we have been fortunate to have a roster of psychologists and medical doctors willing to accept referrals on a *pro bono* basis. Special thanks to Dr. Susan Mistler, Dr. Sarah Borwein, and Dr. Rebecca Lau at Central Medical Health Practice for taking the time out of their busy schedules to provide *pro bono* psychological and medical services to many clients. Our thanks are also extended to psychologist Sandra Laujin, and St. John's Counseling Service, who have generously offered *pro bono* services to HKRAC clients.

TRAINING WEEKEND

Our next Legal Aid for Refugees training weekend will be held on the 4th and 5th June 2011 at the offices of Skadden, Arps, Slate, Meagher & Flom (Edinburgh Tower, The Landmark, Central). Thanks to our law firm partner Skadden Arps for hosting!

HKRAC's tri-annual training weekends are designed to provide HKRAC caseworkers with a comprehensive overview of international refugee law, and equip them with the necessary skills and ethics for representation in United Nations High Commissioner for Refugees (UNHCR)'s Refugee Status Determination (RSD) process in Hong Kong. Attendance is mandatory for all prospective Casework Volunteers as well as for HKRAC's legal clinic students and interns. (Prospective Casework Volunteers must be able to commit to 5-10 volunteer hours per week for a minimum of 6 months.)

To apply for a place in the training, please submit your CV and Statement of Interest via email to sjones@hkrac.org. Please include details of relevant experience, language skills, and your Hong Kong immigration status.

NETWORK NEWS

The Asia Refugee Legal Aid Network (ARLAN) held a workshop on providing legal aid to refugees from 29 March to 1 April 2011 in Kuala Lumpur, Malaysia. ARLAN is a network of refugee and legal aid organizations in South, Southeast, and East Asia dedicated to developing, coordinating and improving the provision of legal aid to refugees in Asia. It is a project of the Southern Refugee Legal Aid Network, of which HKRAC is a member. Legal Director Christine Lin and Staff Attorney Angela Edman from HKRAC attended.

Conference participants included groups from Hong Kong, Indonesia, Malaysia, Nepal, South Korea, and Thailand. Participants shared their expertise on topics including using refugee law in jurisdictions without a legal framework, advocating for domestic legislation for refugee protection, strategic litigation, working with refugee legal aid community organizations, and objectives and standards in providing legal aid for refugee status determination (RSD). HKRAC presented on recruiting and managing *pro bono* networks, training lawyers about refugee law, case studies on refugee status determination, and challenges in providing legal aid for refugee status determination.

The conference provided a forum for groups to share information on providing legal aid to refugees in their specific country contexts, which in turn provided a broader understanding of the regional context of providing refugee legal aid in Asia. Participants strategized on how to address specific challenges in representing clients through government and UNHCR RSD processes, as well as on training, managing networks, and operating refugee organizations in countries with policies that make such work difficult. The participation of refugees themselves through several refugee community organizations at the conference facilitated a better understanding of how refugee legal aid groups can work more effectively with refugee communities.

The next ARLAN conference will be held in Jakarta, Indonesia, in September 2011. Potential topics include more in-depth training for volunteer and *pro bono* lawyers on specific elements of the refugee definition, awareness raising, fundraising, engaging with the judiciary, and advocacy training. In the meantime, ARLAN will host a series of free Webinars, on topics such as alternatives to detention, the Nairobi Code of Ethics, the meaning and extent of the right to counsel, psychosocial issues, and *refoulement* (the wrongful return of refugees to countries where they risk torture). Please contact HKRAC or continue to check our website and newsletters for information on upcoming Webinars.

DEVELOPMENT UPDATES

Events Events Events!

- HKRAC's **Spring Social** was held on Wednesday 16th March at the Wagyu Lounge. Over 70 people came out to support HKRAC and it was a fun night of drinks, good food and great conversation. Thank you to everyone who attended and brought friends and family along.

Our thanks especially to Justin Lim for being our photographer for the evening, and also to Wagyu Lounge for donating 30% of the proceeds from the evening back to HKRAC.



Our next social event will be a PUB QUIZ! Gather your friends around for an evening of trivia and friendly competition. There will be prizes for the winning team as well as special commendations for the most creative answers! Details of the event will be sent out later. If you wish to be added to our mailing list, please contact Laura at lee@hkrac.org

- **World Refugee Day** is coming up again! This annual celebration takes place every year on 20th June, and HKRAC is organizing an event in conjunction with the Crossroads Foundation on Saturday 18th June 2011. Activities will include a Refugee Run simulation experience followed by a commemorative luncheon event. Please contact HKRAC if you would like to participate.

- Employees from our valued supporter Goldman Sachs will be working with HKRAC on a Community TeamWorks (CTW) project on Saturday 7th May. HKRAC constantly works at engaging the public and challenging negative preconceptions about refugees, and this CTW project will serve the dual purpose of raising awareness for the refugee plight and of gathering information which can then be used for outreach purposes. Together with HKRAC staff and volunteers, Goldman Sachs employees will take to the streets to survey public opinion on refugee issues, and the results from this survey will be compiled into material which can then be used in advocacy. Our thanks go out to the team at Goldman Sachs, and especially to HKRAC's constant supporter Amy Lee for facilitating this project.
- HKRAC's student refugee aid group (comprised of students from Chinese International School, West Island School, South Island School, United World College and Canadian International School) has been very busy, working hard to organize the **R11 student talent show** in support of HKRAC. The concert will take place on 4th June and tickets will be on sale starting at the end of this month. Please visit the R11 Facebook page for further details. (<http://www.facebook.com/refugeeaction2011?sk=wall#!/refugeeaction2011>)



Our appreciation goes out to CDNIS teacher Juliana Agostino for helping us to arrange the venue, and a massive THANK YOU to students Sook-Mun Wong, Dominic Chiu, Miruka Arai, Rachel Li, Charis Kong, Munglok Wong, Pei Jing Chung, Kristina Li, Sharon Lam, Adrian Lo, Ella Morrisone, Kyle Bryce-Borthwick and Joyce Au for all your hard work and support.

- HKRAC is currently also organizing Hong Kong's first **Refugee Mental Health Sensitivity Training**, which will be open to different service providers in Hong Kong and across the region. The training will serve the dual purpose of raising awareness for the refugee plight as well as of equipping aid workers with the skills necessary to assist highly traumatized individuals. The training will take place in November this year alongside an **Asia Pacific Refugee Rights Network East Asia Working Group Symposium** on the subject of 'Livelihoods'. Members of the public are cordially invited to attend the Symposium, and full details of the joint event will be publicized later in the year.

We are currently seeking funding from the Taiwan Foundation for Democracy and the Commonwealth Foundation to cover this event, so please wish us luck! Thanks to Development volunteer Diane Mars for helping us put together the grant applications. Please do contact the HKRAC office if you would like to sponsor this event or know of people who would be interested in funding this project.

HKRAC has also been invited to present to a number of organizations recently, including the League of Women Voters, South Island School, American International School, and the United Jewish Congregation. Our thanks are extended to these organizations who are interested in learning more about the refugee plight and about HKRAC's work.

On a more somber note, the number of individual donations made to HKRAC has dropped in February/March. HKRAC has increased the number of clients we represent by 50% in recent months, and we have moved to a new larger office to accommodate our growing needs. As we all know, relocation and renovations cost a lot of money, and we respectfully urge all our supporters and partners to be generous and to encourage your associates to donate to HKRAC. Your support will enable HKRAC to continue providing life-saving aid, and we pledge to stretch every cent and make every dollar count! Cheques should be made out to "Hong Kong Refugee Advice Centre Ltd" and posted to HKRAC, 10B Comfort Building, 86-88A Nathan Road, Tsim Sha Tsui, Kowloon; and donations can be made via bank transfer to HKRAC's HSBC account: 808-340434-838. Further details on how you can donate to HKRAC can be found on our website at http://www.hkrac.org/?page_id=81

CRISIS IN THE CONGO

An article by Amy Doffegnies, Development Volunteer

Across a region the size of Western Europe, the past decade has seen over five million people become victims of a protracted and savage war. In terms of victims, this is the deadliest war since World War Two and has resulted in one of the most extreme humanitarian crises the world has ever seen. The war has involved eight countries, and the widespread atrocities committed by its militias have earned the state the title of the 'rape capital' of the world. According to a 2010 UN report, the sexual violence is the worst in the world - about 160 women are raped every week. Given these facts, it seems incomprehensible that in an age of mass communication, 'Africa's World War' seems to have largely escaped the world's collective attention. This is the long running conflict in the Democratic Republic of Congo (DRC). A recent UN draft report has suggested that the crimes committed in the DRC could come under the description of genocide. The conflict has its roots in the 1994 genocide in neighboring Rwanda that at the time had attracted similarly little attention in the world media – a state of affairs that has been criticized ever since.

Even widespread reports of mass rape and links of the war to the minerals trade used to produce mobile phones have failed to hit the headlines. Perhaps the 'remote' nature of the region has condemned it and its victims to only remote importance in the conscience of international media. In 2010 however, marked movements were made by parties as influential as Apple, Nokia and the US Government to prevent the trade of Congolese minerals. Steps have been taken to sever links with an industry whose profits provide one of the major fuels to the continuing perpetration of war crimes in the DRC.

Together with this US action, marked developments have been made, government control has slowly been reasserted, the first democratic election for 40 years was held in 2008 and steady movements toward peace have been made. The situation for ordinary civilians however, remains one of the least safe in the world. Hundreds of thousands are constantly on the run as human rights violations continue to be perpetrated by Government troops as well as by rebels. What makes the situation particularly complex, tragic and murky is the fact that it seems that no one party can be trusted to ensure safety of the DRC's people. Warlords have been absorbed into the army but are widely accused of continuing crimes of rape and murder unabated. Army commanders have also been accused of supplying the very rebels who they are supposed to be fighting, with weapons. Human Rights Watch has even suggested that the UN is at risk of becoming complicit. Furthermore, the few trusted parties are seen in the eyes of many as largely useless. Attacks on UN peacekeepers have resulted in a major review of its protection programmes. Even one of the largest UN Peacekeeping forces in the world - with 200,000 personnel - cannot seem to grant any concrete improvements in security.

Forced to flee from the terror that has been wrought upon their villages (most intensively in the Eastern provinces), the country has an estimate of 1.7 million internally displaced people (IDPs). To put this in perspective, this accounts for nearly one quarter of Hong Kong's population. IDPs, forced to abandon their livelihoods for safety, have usually already been displaced several times. Most end up in the makeshift settlements or camps of around 60,000 run by international NGOs. The thousands of civilians in these camps have been known to be targeted by rebel groups as shelters are often raided, especially in remote areas.

As well as the majority of people who have fled to different parts of the DRC in hopes of finding better security, hundreds of thousands have also fled to neighboring countries. According to UNHCR, about 348,000 nationals of the DRC are living as refugees abroad. Tanzania, Burundi and Rwanda hold the most of the refugee population, comprised mostly of women and children. Inevitably, many of those who have been lucky enough to seek safety in safe and prosperous countries have done so. While a conflict of such horrors often seems too remote to fathom, a number of victims of the conflict have sought safety as far away as here in Hong Kong. Last year HKRAC was able to give assistance to a number of clients from the DRC. In a world as interconnected as today we truly cannot separate ourselves off from events which effect people like ourselves the whole world over.

Resources for further information

<http://www.condition-critical.org/feature/>

<http://www.globalissues.org/article/87/the-democratic-republic-of-congo>

<http://pulitzercenter.org/projects/africa/roots-ethnic-conflict-eastern-drc>

<http://english.aljazeera.net/news/africa/2010/01/201018628273118.html>

REFLECTIONS

With some places, what you see is what you get. Such is not the case with Hong Kong. Visitors like me may be awestruck by the monolithic “people-holders” that make the city so dense. Locals may know to look upwards and inwards to where a private establishment is tucked away, or else they might miss their destination altogether. Complex in its layers, Hong Kong glistens with ripe opportunity. And it is where I’ve been given the opportunity to help raise awareness for the challenges facing the sorely marginalized and misunderstood refugee community. Understandably, they alight on Hong Kong’s reclaimed shores from all over the world for the chance to survive. In a single day at HKRAC, I might encounter as many as eight refugees from five different countries. Receptive faces and subdued yet steeled voices remind me of the precious rights to life, liberty, and the pursuit of happiness that I, an American citizen, take for granted.

Serving as HKRAC’s Development Volunteer has been richly rewarding. Coming from San Francisco and New York City, where I’d spent six years in legal support and for-profit academic publishing, I was little prepared for the fire in the belly I would encounter behind HKRAC’s front office door. Directors Brian and Christine are steadfast and determined in their managerial vision. In all things Development and Outreach, Laura is resourceful and passionate in execution. There is a palpable solidarity among the attorneys, staff, and other volunteers. I’m privileged to work for such a worthy organization.

With every grant proposal, marketing piece, and fundraising event I pitch in on, I take great pride. However, it’s a testament to the HKRAC team that they do not rest on their successes; with their track record and long-term solution so clear, and their leading role in advancing legal aid and human rights so compelling, they continually strive to help victimized men, women, and children live with dignity.

- Diane Mars, Development Volunteer

The clinical legal program at the HKRAC was one of the most engaging and worthwhile courses that I completed during my Masters in Human Rights Law program. I strongly recommend it to those who are interested in supplementing their studies with a practical learning experience. During my program I was encouraged to participate in all aspects of the refugee determination process, helping conduct interviews, write legal brief, testimonies and even accompany our client to the UNHCR Hong Kong Office. And while it was certainly a considerable undertaking, it provided me with a great opportunity to work in a legal environment- gathering invaluable experience that I will not soon forget!

Andres Mora, Legal Clinic Student

TEAM NEWS

Warm Thanks and Best Wishes to Laura Lee

Laura Lee served the HKRAC as its Development Officer from March 2010 to May 2011. Even prior to her employment with HKRAC, Laura worked with HKRAC as a volunteer caseworker in 2008. She stayed in touch with us and we were excited to invite her to join our team in 2010 when the opportunity arose. Laura brought with her a wealth of experience including work with UNHCR in Malaysia, but most importantly, Laura brought a passion and energy to the role that helped to raise the profile and ambition of the organization. Laura was an invaluable member of our HKRAC family, and she will be greatly missed.

Some of Laura's contributions to HKRAC have included: a stronger network of partnerships and supporters, greater awareness of refugee issues in Hong Kong through regular public outreach, more funding to support and sustain our programming and work, and a stronger HKRAC community of volunteers. Our heartfelt thanks go to Laura for her commitment and contributions over the past year.

Laura will be joining Médecins Sans Frontières (MSF) as a Fundraising Manager. As noted above, HKRAC will be collaborating with MSF this November in Hong Kong's first Refugee Mental Health Training. We wish Laura every success at MSF and look forward to collaborating with her in her new role at MSF.

VOLUNTEER OPPORTUNITIES

HKRAC Seeks Translation of Self-Help Kits

HKRAC seeks assistance with translating our Self-Help Kits providing information to refugee claimants as to how to write their own testimony, appeal, and re-opening applications. The Self-Help Kits are currently available only in the English language, and we are currently getting them translated into French. However, we would also like to get them translated into Arabic, Bengali, Nepali, Pashto, Punjabi, Sinhalese, Somali, Tamil, and Urdu. Please let contact Christine Lin at clin@hkrac.org if you know of anyone or any affordable translation services to assist with these translations. Translating these self-help kits will not only enable HKRAC to assist more refugees, but allow us to make our casework procedures more efficient.

VACANCIES

Position: Fall Legal Intern

HKRAC is seeking a legal casework intern to commence in August/September 2011. The legal intern should have a strong interest in and commitment to human rights and possess excellent research, writing, and oral communication skills. The legal intern will conduct intake interviews with potential refugee clients and write interview-based reports that require extensive country of origin research. Other responsibilities may include taking the testimony of a client, drafting legal submissions, providing self-representation advice, conducting legal and factual research, attending UNHCR interviews, and helping to prepare for and organize trainings, meetings, and other events.

The ideal candidate should have the following qualifications:

- ✓ Law student or law graduate
- ✓ Demonstrated interest in human rights and refugee issues
- ✓ Excellent oral and written communication skills
- ✓ Excellent research skills
- ✓ Experience working with asylum seekers and survivors of torture preferred but not required
- ✓ Fluency in English AND Amharic, Arabic, Dari, Ewew, Farsi, French, Hindi, Lingala, Lugandan, Pashto, Punjabi, Singhalese, Somali, Swahili, Tamil, Tigrinya, Urdu or other languages preferred

Interested candidates should submit a Statement of Interest, CV, and legal writing sample to Christine Lin at clin@hkrac.org by 01 June 2011. Please note that this is an unpaid internship. Due to the high volume of applications, only short-listed candidates will be contacted.

HAPPY EASTER EVERYBODY –

WE’LL BE BACK WITH MORE NEWS SOON!!