

“Fake Refugees” or “Victims of Trafficking”? Vulnerable migrants in Hong Kong and the boundaries between refugee and human trafficking experiences.

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Introduction

Hong Kong is rarely considered in the context of contemporary concerns with refugee “flows” or human trafficking. It is neither thought of as a sought-after destination for refugees like Western Europe, the United States or Australia and nor is it considered a trafficking “hotspot” zone like countries in the Mekong or the Gulf. Yet these global concerns have local expressions in Hong Kong and are a growing focus of NGO activity in the city. Where protection systems for refugees and trafficking victims exist in Hong Kong, however, they operate separately and assume that these are distinct categories of people with categorically different experiences. This distinction is also reflected in many NGO practices. Most NGOs have projects targeting refugees or trafficking victims (predominantly migrant domestic workers or sex workers) but rarely both.

Justice Centre Hong Kong (JCHK) is a local Hong Kong-based organisation whose practices to date have been similarly separate. From 2007 until early 2014 the organisation operated as the Hong Kong Refugee Advice Centre (HKRAC), an organisation which had grown out from another local organisation working with refugees, Christian Action. As the name suggests, HKRAC provided legal advice to refugees and asylum seekers trying to access protection in Hong Kong. In 2014 HKRAC re-launched as Justice Centre Hong Kong (in response to changes in Hong Kong’s protection regime) and expanded the scope of their activities to include research and policy work on human trafficking. In light of international practices acknowledging the various intersections between refugees and victims of trafficking, JCHK undertook a small research project from 2016 to 2017 exploring whether there were any indications of human trafficking amongst the centre’s own refugee clients.

The research undertaken by JCHK uncovered multiple trafficking indicators across JCHK asylum seeker client files and highlighted some of the different points at which asylum and trafficking experiences could overlap. The study also revealed how blurred the boundaries between these categories can be, particularly in cases involving migrant domestic workers (MDWs). But where MDW issues have recently been considered through the lens of human trafficking in Hong Kong, they have not generally been considered in the context of refugee claims. This paper is therefore both a discussion of Justice Centre’s research and a brief reflection on the implications of this research for the aid organizations working on human trafficking and refugee issues, especially in the context of MDWs.

The Hong Kong Context

Hong Kong has a population of approximately 7.3 million people¹ one of the most liberal visa regimes in the world.² The territory therefore has a significant population of people considered to be non-resident. Amongst them are some 340,000 migrant domestic workers in the city,

¹ Census and Statistics Department, the Hong Kong Government, ‘Population’, available at: <http://www.censtatd.gov.hk/hkstat/sub/sp150.jsp?tableID=001&ID=0&productType=8>

² For example, over 170 nationalities may enter Hong Kong for business, social or pleasure visits visa-free for a stay ranging from 7 to 180 days, see Immigration Department, the Hong Kong Government, *Annual Report 2015*, chapter 1, available at: http://www.immd.gov.hk/publications/a_report_2015/en/ch1.html#c3.

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coming to Hong Kong through a formal temporary labour migration programme and constituting roughly 4.6% of the population of the city and 8.7% of the labour force.³ This is one of the highest densities of MDWs in the world.⁴ As a formal temporary labour migration scheme there are a number of protections in place for MDWs in the city: a statutory minimum wage, minimum weekly rest hours, free health care and employment agency regulations.⁵

There are varying degrees of vulnerability for non-residents in terms of human trafficking and refugee experiences and few mechanisms for protection. There are approximately 9,000 people seeking protection in Hong Kong from around 70 different countries of origin⁶ but Hong Kong is not a signatory to the Convention Relating to the Status of Refugees. While China is a state party, the Convention has not been explicitly extended to cover the Special Administrative Zone of Hong Kong (HKSAR) and the HKSAR Government consistently asserts that the territory would be vulnerable should the Convention be extended to cover the territory.⁷ Until 2012, the United Nations High Commissioner for Refugees Sub-Office in Hong Kong undertook refugee status determination for people claiming protection from persecution in the territory. For victims of torture there was a different system. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was extended to Hong Kong in 1992 and since then, judicial review has necessitated that the HKSAR Government implement an administrative torture screening mechanism.⁸

In March 2014, the HKSAR Government began operating a Unified Screening Mechanism (USM). This mechanism 'unified' the separate systems for the parallel determination of torture claims and persecution claims made with reference to the Refugee Convention and the HKSAR Government assumed responsibility for determination of all claims made for non-refoulement protection within HKSAR.⁹ Successful access to protection remains rare, however. Since 2009, 83 claims have been substantiated by the HKSAR Government, making the substantiation rate about 0.7% compared with an average 30-40% in other developed countries.¹⁰ The protection granted, moreover, still does not extend to permanent settlement in the territory.

The full extent of the presence of victims of trafficking is to a large extent unknown. Hong Kong is also not a signatory to the Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol) and although China is a signatory, Hong Kong has not requested that coverage of the Protocol be extended to cover the territory. Current Hong Kong legislation defines human trafficking only in terms of transnational sex work¹¹ and does not require any

³ HKSAR Census and Statistics Department, Hong Kong Annual Digest of Statistics 2016 Edition, available at: <http://www.statistics.gov.hk/pub/B10100032016AN16B0100.pdf>

⁴ Kuo, Lily, "How Hong Kong's 'maid trade' is making life worse for domestic workers throughout Asia", Quartz, 19 February 2014, available at: <http://qz.com/176354/how-hong-kong-maid-trade-is-making-life-worse-for-domesticworkers-throughout-asia/>, cited in Justice Centre Hong Kong, "Coming Clean", March 2016, available at: <http://www.justicecentre.org.hk/framework/uploads/2016/03/Coming-Clean-The-prevalence-of-forced-labour-and-human-trafficking-for-the-purpose-of-forced-labour-amongst-migrant-domestic-workers-in-Hong-Kong.pdf>, p.20.

⁵ Justice Centre Hong Kong, 'Coming Clean', p21.

⁶ Immigration Department, the Hong Kong Government, "Enforcement", available at: <http://www.immd.gov.hk/eng/facts/enforcement.html>, accessed on 21 April 2017 and Security Bureau, the Hong Kong Government, "Follow-up to the meeting of 25 May 2016 of the Establishment Subcommittee", available at: <http://www.legco.gov.hk/yr15-16/english/fc/esc/papers/esc20160525esc-100-1-e.pdf>.

⁷ Chiu, Joanna. "New UNHCR head urges Hong Kong to protect refugees and asylum seekers", South China Morning Post, December 2, 2012, available at: <http://www.scmp.com/news/hong-kong/article/1095267/new-unhcr-head-urges-hong-kong-protect-refugees-and-asylum-seekers>

⁸ UNHCR, "Timeline of HK Office", available at: <http://www.unhcr.org/hk/en/596-timeline.html>, accessed on 16 June 2017

⁹ UNHCR, "Timeline of HK Office", available at: <http://www.unhcr.org/hk/en/596-timeline.html>, accessed on 21 April 2017 and UNHCR, "Sub-office Hong Kong", available at: <http://www.unhcr.org/hk/en/2660-usm-faq-2.html>, accessed on 21 April 2017.

¹⁰ For example, in Australia the substantiation rate is approximately 40% (Department of Immigration and Border Control, Asylum statistics—Australia: Quarterly Tables—June quarter 2014, available at: <http://www.border.gov.au/ReportsandPublications/Documents/statistics/asylum-statistics-aus-jun-qtr-2014.pdf>, accessed on 12 May, 2017). In the UK the substantiation rate is approximately 38% (Home Office, the United Kingdom Government, National Statistics: Asylum 25 August 2016, available at: <https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2016/asylum>, accessed on 12 May, 2017).

¹¹ The Hong Kong legislation refers to 'prostitution'.

element of force, fraud, or coercion.¹² As a consequence, victim identification is severely limited. Hong Kong authorities reported that they identified only 16 trafficking victims in 2015 and 26 in 2014.¹³ A further 16 victims were identified in 2016.¹⁴ This evidence base is supplemented by civil society research. JCHK's own primary research estimated that the prevalence of trafficking for the purpose of forced labour amongst migrant domestic workers was approximately 2.4% or around 8,000 people.¹⁵ Despite moves to develop new guidelines and an enhanced mechanism for victim identification and referral,¹⁶ the Government continues to resist the notion that Hong Kong is a destination, transit or source territory for any human trafficking.¹⁷

To the extent that systems for protection from persecution or torture or for victims of trafficking exist in Hong Kong, they operate separately. This distinction also extends to the work of aid organizations. In practice, human trafficking is considered to be an issue largely for MDWs and sex workers.¹⁸ Theoretically, experiences of being trafficked which amount to persecution risk with reference to the Refugee Convention may be considered by the Government in the evaluation of non-refoulement claims but it is unclear if or to what extent this argument has been employed and successful where those arguments have been used in Hong Kong. Additionally there is little publicly available information on how the Government might think about or address any intersections between trafficking experiences or refugee/torture experiences. One of the few contexts in which the HKSAR Government does refer to human trafficking and refugees has been in relation to counter-people smuggling initiatives and "abuse" of the USM.¹⁹ Trafficking is also used as an explanation of "abuse" of the USM by some advocates, who argue that traffickers lure vulnerable people to Hong Kong looking for work, using the asylum system as a means of prolonging their stay in Hong Kong in order to exploit their labour.²⁰

JCHK's Research

In light of the absence of any substantial investigation of what the trafficking refugee-nexus might look like in Hong Kong, JCHK undertook to explore what trafficking indicators might be present in client files. These files had previously only been considered in the context of refugee or victim of torture claims. Accordingly, JCHK assessed the files of 50 consenting JCHK clients who were at various stages of the screening process against trafficking indicators. Eleven of the 50 files triggered at least one indicator of each of the "act," "means" and "purpose" elements of trafficking as defined by the Palermo Protocol in terms of historical experiences of trafficking.²¹

12 In *ZN v Secretary for Justice* [2017] 1 HKLRD 559, the Court of First Instance held that trafficking a person for forced or compulsory labour is within the ambit of criminal liability as formulated by the prohibition of forced labour under Article 4 of the BOR and that a lack of criminalisation has rendered such prohibition ineffective. The Palermo Protocol definition of "human trafficking" was accepted by the Court. The Government is currently appealing the decision.

13 The United States Department of State, "2016 Trafficking in Persons Report", June 2016, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258781.htm>

14 Sylvia Yu, "Forced smiles mask pain of Hong Kong's trafficked bar girls", the Thomson Reuters Foundation, 28 February 2017, available at: <http://www.reuters.com/article/us-hongkong-trafficking-idUSKBN1682X6>

15 Justice Centre Hong Kong, "Coming Clean".

16 Immigration Department, the Hong Kong Government, "LCQ13: Comprehensive and multi-faceted measures by HKSAR to combat trafficking in persons", 29 March, 2017, available at: <http://www.info.gov.hk/gia/general/201703/29/P2017032900707.htm>

17 Ibid.

18 For example, Amnesty International published a report in 2013 arguing that the recruitment and working conditions for many MDWs from Indonesia were tantamount to human trafficking. And JCHK's own research only examined trafficking amongst MDWs. Recent press stories highlight the experiences of women entering Hong Kong believing they would be employed in domestic work but instead forced into sex work to pay the costs of mounting debts. Sylvia Yu, "Forced smiles mask pain of Hong Kong's trafficked bar girls", the Thomson Reuters Foundation, 28 February 2017, available at: <http://www.reuters.com/article/us-hongkong-trafficking-idUSKBN1682X6>.

19 See for example the 2016 Review of the Immigration Department, retrievable at <http://www.immd.gov.hk/eng/press/press-releases/20170126.html>

20 "██████████ ██████████", *Oriental Daily*, 28 December 2016, available at:

http://hk.on.cc/hk/bkn/cnt/news/20161228/bkn-20161228170801445-1228_00822_001.html.

21 The different elements were not necessarily related to the same experience or incident and significantly more investigation would be required to establish if the client had in fact been a victim of trafficking and whether these experiences were the trigger or

But in exploring evidence of trafficking experiences en route to or subsequent to arrival in Hong Kong, the research revealed that only four out of the 50 files included any data about clients' experiences of work or potential exploitation in Hong Kong, severely limiting the ability to assess whether any "purpose" indicators related to exploitation in Hong Kong were present. This is not surprising. Clients approach JCHK at various stages of the protection process. According to their immediate legal and psychosocial needs, staff may require detailed background histories from clients or they may simply need to review legal documentation and refer the client to more appropriate forms of assistance. Finally, in addition to case file analysis, JCHK was able to conduct semi-structured interviews with four clients whose case files had triggered indicators of potential trafficking experiences.

In all four files which included data about working experiences in Hong Kong, the clients had worked in Hong Kong as migrant domestic workers and two of these clients consented to interviews. In-depth interviews revealed the complexity of experiences in comparison with more fixed bureaucratic categories. As argued elsewhere, the categories of refugee and victim of trafficking are "not mutually exclusive [and] these categories and experiences can best be understood along a continuum, with individuals occupying multiple 'identities/statuses' at different stages of their lives."²² This is demonstrated amply in the case of MDWs applying for protection in Hong Kong. Rose (not her real name) came from a very poor family in a rural area in Asia. Over time, her parents had acquired large debts and, needing to repay the debts, Rose's father had forced her to marry his creditor, Aman. Rose, although still a child at the time of the marriage, had to work in the home and on the farm for Aman's family for 16 hours a day. She was given little food and was often slapped, hit, kicked and smacked by Aman and his family. Aman also frequently raped her and threatened to kill her, claiming she had been sold to him. Rose's parents attempted to mediate the situation with Aman and sought help from the community leaders but the situation did not improve. A neighbour of Rose had worked in Hong Kong as a MDW and introduced a broker to Rose's parents. Rose's parents then borrowed more money to pay the broker and the employment agency to arrange work for Rose in Hong Kong. Rose's story suggests that she was a victim of trafficking, trafficked by her parents and/or husband into forced marriage while still a child. But Rose's flight from this situation is not undertaken as "refugee" or "victim of trafficking" but as "labour migrant."

As part of her journey to Hong Kong, Rose stayed with the employment agency for several months for training. During this time, Aman could not find her and instead attacked her family. During her first contract in Hong Kong Rose earned less than the minimum wage and had to repay the employment agency training fees, keeping only several hundred Hong Kong dollars every month. Neither she nor her parents could repay the debt Aman had paid, however, and he continued to harass her parents. On one occasion, Aman again injured her parents. Eventually her employer terminated her contract after Aman called the house repeatedly to ask for money. HKSAR immigration policies require that all MDWs live in the house of their employers, meaning the workplace and "home" are one and the same. As a consequence, Rose had incredibly limited scope for insulating her workplace from "private" issues from home. Rose worked for another four employers in Hong Kong, managing to find and process the documentation for new employers within the 14 days allowed for by immigration regulations. There had been tasks that she did not like but other than that, she was largely happy with her working conditions. And starting from her second employment contract, she had been paid the minimum wage, allowing her to remit money home to her parents, repay her recruitment debt and improve her parents' living conditions.

Rose worked for more than seven years in Hong Kong as a migrant domestic worker. After her

one of the triggers for their flight to Hong Kong.

²² Brunovski and Surtees, 2017, *Vulnerability and exploitation along the Balkan route: identifying victims of human trafficking in Serbia*, Fafo, p.12.

last employment contract ended, she had again found a new employer within the 14 days stipulated but the new employer failed to prepare a contract for her in time. Rose requested that the Immigration Department extend her working visa in order to allow her to process the required documentation but the Department extended her visa for a day only which fell on a holiday when the Department was closed. Rose was unable to submit the documents before the visa expired. Fearing that Aman would kill her because she was unable to repay his money, Rose remained in Hong Kong, “over-staying” and effectively becoming “illegal.” As Constable notes “although the juridical implications of being ‘legal’ one day and an over-stayers the next are significant, it is remarkably easy to become an ‘outlaw’ and simply continue as though little has changed, especially for those who are single and without children.”²³ A bureaucratic hurdle, a day’s extension of her employment visa to a holiday, effectively “creates” Rose’s illegality.

While in this “illegal” immigration space, Rose became pregnant, radically changing her needs and the viability of her status as overstayer, as Constable hints at. In addition, it also made Rose unemployable as a MDW. Even if the Immigration Department were to allow her to be eligible for an employment visa after her overstaying, the live-in policy means she must live with her employer but there are few employers in Hong Kong with the willingness to host a MDW accompanied by a child. With a son born out of marriage, however, Rose now has an additional fear about returning home – that neither she, nor her son, would be accepted by either her family or her community should she return to her conservative rural home. Seeking the assistance of a local NGO, she learned of the possibility of making a non-refoulement claim. Noting Fassin’s work in this regard, it is Rose’s unemployability as a MDW which forces her to “differentiate” herself from other migrants in Hong Kong; with her access to flight and survival as a labour migrant closed off, Rose must instead attempt access as a refugee.²⁴ Rose’s initial application for non-refoulement protection was rejected but she is currently appealing the decision.

The fluidity and complexity of an individual’s experiences when compared with bureaucratic categories is also demonstrated by the experiences of Karen whose persecution in her home country opened the space for exploitation at the hands of an informal labour broker. The murder of a close family member initiated a chain of events leading Karen to Hong Kong. Karen’s family initially believed that the death was an accident until rumours began to circulate that it was murder. When they began to ask questions about the death, Karen’s family came into dispute with a politically influential figure. After reporting the rumours to the police, Karen was severely sexually abused by public officials and faced death threats from the politically influential figure. Believing that she must leave her country or die but having no idea how to do this, Karen confided in a family friend, Taylor. Taylor suggested Karen leave for Hong Kong to work as a MDW. Karen’s mother agreed. In fear for her life and knowing very little about international travel, neither Karen, nor her mother, looked for more information from anyone other than Taylor. Taylor told Karen and her mother that she would be doing domestic work but did not tell her anything more about the work or about Hong Kong. Taylor organised everything for Karen: her passport, visa, the employment contract, her plane ticket. Karen’s mother took out a loan for her to cover the costs of getting to Hong Kong.

Arriving in Hong Kong, Karen found herself working for 21 hours a day with only a few hours off on Sundays. Almost 90% of her wages were taken by her employer and Taylor leaving her with very little money for herself and certainly not enough to send money home. Karen has been unable to reach her mother since she arrived in Hong Kong and does not know if or how she repaid her recruitment fee loan. Even though she disliked her working conditions and was exhausted from the extreme working hours, Karen was very reluctant to quit. She was worried that she did not have enough money to support herself in Hong Kong were she to be without

23 Constable, Nicole, 2014, *Born Out of Place: Migrant mothers and the politics of international labor*, HKU Press, p. 185.

24 Fassin, Didier, 2013, “The Precarious Truth of Asylum”, *Public Culture* 25:1, p. 46.

employment and she was scared that she would be killed if she returned home. Before the contract was finished however, Karen decided that she couldn't take it any longer and quit. With the assistance of a local NGO, she lodged a claim against her employer with the Labour Tribunal for her unpaid wages. She was partially successful. The Labour Tribunal awarded her a small percentage of the wages owed to her and the money for a plane ticket home. Not knowing anything about the USM or how to claim protection, Karen did not tell the NGO or the Labour Tribunal of what had happened to her in her country or that she feared returning home. For Karen, what had happened to her at home was irrelevant to the Labour Tribunal process. The NGO's goal was to enable Karen to use the available avenues for redress, all of which related to her employment as a MDW. From the moment Karen terminated her employment contract and for the duration of her case in the Labour Tribunal, Karen remained in Hong Kong on a tourist visa. She was not legally allowed to work and relied on the assistance of NGOs.

Karen was still too afraid to go home, however, and when her visa expired she decided to remain in Hong Kong in the home of a friend. With the support of her friend and assistance from some churches, Karen survived for a year in Hong Kong as an "over-stayer." After a year, however, Karen was caught by the police and arrested. Placed in a detention centre, she was informed by Immigration Department staff of the possibility of making a claim for non-refoulement protection as a victim of torture. Like Rose, her initial claim was rejected. And Karen's subsequent appeal/petition with the Torture Claims Appeal Board was also rejected. This is not unusual. According to one local NGO, of the approximately 600 protection claims submitted by former-MDWs, none to their knowledge have been accepted.²⁵ As Constable notes, there is an impression that "real" refugees "file claims immediately upon entering the country; they do not enter Hong Kong as a [...] domestic worker" *before* declaring their need for protection.²⁶ As with Rose, it was only once she was detained that Karen distinguished herself as refugee with a right to non-refoulement as opposed to migrant subject to deportation for violation of immigration regulations.

NGO Responses to MDWs Seeking Protection

For many, it is possible that Rose and Karen's initial movement as labour migrants detracts from their "genuineness" as refugees. Where claims made on Rose's behalf that she was trafficked as a child into forced marriage may be met with agreement, claims that she is also a refugee may be problematic, both in terms of accessing protection in Hong Kong and in terms of the response of NGO staff. Likewise, claims that Karen was trafficked for the purposes of labour exploitation may be greeted with more immediate understanding than arguments that she is a refugee as a consequence of persecution. For many, MDWs may be victims of trafficking but they are not often considered "real" refugees. Constable argues that former MDWs who submit claims "are often regarded with skepticism and criticism."²⁷ She notes that some staff at NGOs consider former MDWs "less deserving;" "a time-consuming nuisance at best, or undeserving and immoral at worst, taking resources to which they are not entitled." In this assessment submitting applications for protection through the USM are only ever about prolonging their time in Hong Kong and securing some form of support. While this might be understandable, given their circumstances, this is not a "genuine" case for protection.²⁸ In discussions with NGOs for this research a number of people initially expressed concerns to JCHK that taking claims of MDWs as victims of trafficking in need of protection through the USM would slow the process, making it even harder to access the limited protection available. Given the low substantiation rate and the length of time it can take the Government to evaluate claims, concerns about delays are not unwarranted, but they are also influenced by ideas about what constitutes a "genuine" refugee. Would an influx of families from Syria generate the same concerns about making the

²⁵ Personal communication, 16 June 2017.

²⁶ Constable, *Born Out of Place*, p. 190-191.

²⁷ *Ibid*, p. 16.

²⁸ *Ibid*, p. 16-17.

situation harder for those already in Hong Kong trying to secure protection?

If however, as suggested by the testimonies of Rose and Karen to varying degrees, MDWs may have claims to refugee protection as well as being victims of trafficking, what then are the implications for NGOs in Hong Kong? As asked by one NGO staff person, what's in it for the individual MDW?²⁹ In recognizing that MDWs may be both refugee and victim of trafficking, NGO staff are forced to confront the very different forms of protection offered once claims to either "category" are recognized by either the HKSAR Government or by NGOs themselves. Where refugees are afforded extremely limited humanitarian assistance, they are given protection from refoulement and can subsequently apply for resettlement in a third country. Hong Kong's substantiation rate is extremely low and the process can take years. If a claim is substantiated, the resettlement process can itself take years with its own limited chances of success. For the duration of this process, however, refugees continue to receive assistance. While it is extremely low it nonetheless affords an individual time. With a highly circumscribed definition of human trafficking, almost nobody receives "official" categorization as victim of trafficking. NGOs and international organizations operating in Hong Kong however, undertake their own screening processes and provide assistance to those whose claims to the category they recognise. In some circumstances, this extends to support to return home.³⁰ But without official recognition, this can never translate into protection from refoulement or time to remain in Hong Kong as anything other than tourist or MDW. Many NGOs in Hong Kong (including JCHK) would argue that neither "category" nor the associated forms of protection are adequate. And for the individual whose life is assessed in terms of these categories, neither form of protection may be anything close to sufficient.

Given that the forms of protection on offer in Hong Kong are so lacking, what purpose then is there to exploring where and how these categories overlap and merge in the lives of vulnerable migrants in Hong Kong? Indeed, are there even risks associated with challenging the assumed boundaries between categories? Since 2015, there has been growing negative public discourse about non-refoulement claimants in Hong Kong. The frequency with which individuals seeking protection are labelled as "fake refugees" is increasing and the HKSAR Government has associated an increase in the number of claimants with security and public resource concerns.³¹ Certain lawmakers in the city have added calls for containing the number of non-refoulement claimants, or 'fake refugees' in their words, as major items on their agendas³² and those lawmakers and civil society organisations who advocate for the rights of claimants have been ridiculed on social media³³. There are multiple social media posts criticising non-refoulement claimants, associating them with crime and calling for their deportation almost every day.³⁴ Media reports about "fake refugees" and crime occur almost daily, particularly in the Chinese-language media. In this climate, it is possible that arguments about the trafficking/refugee nexus could feed into the discourse of "fake" refugees and create an associated discourse of "fake" victims of trafficking. Fassin argues that we must "de-essentialise what is often represented [...] as an immutable reality," that, rather than the work of assessing refugee status claims being about substantiating the facts of the case (and whether these meet the criteria),

²⁹ Remark made in an NGO roundtable on JCHK's research exploring the nexus between refugees and human trafficking on 25 May in Hong Kong.

³⁰ IOM, 'China', available at: <https://www.iom.int/countries/china#rmmoe>, accessed on 16 June 2017.

³¹ Secretary for Security, 'LCQ12: Non-refoulement claims,' 15 June 2016, available at: <http://www.info.gov.hk/gia/general/201606/15/P201606150411.htm>

³² See for example the official record of proceedings of the Legislative Council of Hong Kong on 30 November 2016, available at: <http://www.legco.gov.hk/yr16-17/english/counmtg/hansard/cm20161130-translate-e.pdf#nameddest=mbm>

³³ See for example a post on the Facebook page 'the Alliance calling for the deportation of refugees' on 18 June 2017 ridiculing Fernando Cheung, available at:

<https://www.facebook.com/nomorerefugees/photos/a.669783026372759.1073741828.656592101025185/1742104749140576/?type=3&theater> and another post on the same page on 16 December 2016 ridiculing Alvin Yeung, available at:

<https://www.facebook.com/nomorerefugees/posts/1485566604794393>

³⁴ See for example a post on the Facebook page 'the Alliance calling for the deportation of refugees' at <https://zh-hk.facebook.com/nomorerefugees>.

this work is a constant project of interpretation.³⁵ If we are to fight for better forms of protection, for forms of protection which offer vulnerable migrants in Hong Kong something more, then NGOs need to be able to push the interpretive project and to reflect on the complex experiences of those trying to access assistance in the city.

³⁵ Fassin, "The Precarious Truth," p. 40.