

## Some Considerations and Resources for People Considering Leaving Hong Kong to Seek Asylum

*Caution: Before departing to seek asylum abroad, you should try to speak with an attorney that specializes in refugee and immigration law in the country you're hoping to go to, so that you understand the legal requirements and policies of the country where you hope to receive refugee protection and also understand whether there are any other immigration avenues or temporary visas that might be available to you. The information provided below is general and not country-specific, and does not constitute legal advice.*

### Frequently Asked Questions

#### Who is a refugee?

Under the 1951 Refugee Convention and its 1967 Protocol, refugees are people who, due to a well-founded fear of persecution because of race, religion, nationality, membership of a particular social group or political opinion, are outside their country and unable or unwilling to receive the protection of their country.

#### What is asylum?

Some countries provide refugees protection from forced return to the country where they fear persecution. Countries that provide this protection may also offer lasting legal status to refugees – a legal status sometimes called asylum. This protection can generally only be requested within the country or at its borders. The requirements for asylum vary in each country offering refugee protection.

#### What is refugee resettlement?

Some countries have formal resettlement programs for people who are refugees, typically considering cases based on referrals from the UN Refugee Agency (UNHCR). Refugees generally cannot “apply” directly for resettlement to the country where they would like to be resettled. Only a tiny percentage of the world’s refugees are referred for resettlement consideration. If and when resettlement initiatives are conducted, they usually operate from third countries, to which refugees have fled initially. Refugee resettlement may involve years of waiting and processing.

#### Can I get a visa to seek refugee status/asylum abroad?

Generally speaking, no. Most countries will not issue a visa to travel to their country to seek refugee/asylum protection.

#### Do I need a relative/employer/school to sponsor me for refugee/asylum status?

No. A refugee can seek protection in another country regardless of their ties to that country. The fact that an individual has close relatives in the country where they are seeking refugee recognition is generally not relevant to the application for protection (though it may be relevant to other immigration applications and status).

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**Can I travel through or live in another country (usually called a “third country”) before arriving in the country where I want to seek asylum?**

It depends. Some countries will deny asylum or not permit refugees to seek protection if they have lived in, received offers of permanent legal status, or passed through other countries.

**Must I seek asylum immediately when I land at the airport or otherwise arrive at the border?**

These requirements vary by country. Some countries have strict rules about when and where an application for refugee protection must be submitted. It is important that you receive legal advice to ensure that you properly submit your application.

**Will I be detained if I ask for asylum?**

Possibly. Some countries hold asylum seekers in closed detention centers and facilities that are essentially prisons while their requests for protection are pending.

**Will I be able to work in the country where I am seeking refugee protection?**

It depends. Whether an asylum seeker can work while waiting for a decision on their application for protection varies in each country - some prohibit or limit the ability of asylum seekers to work. Some countries provide housing/financial/healthcare support, while others do not.

**Can I seek asylum if I have citizenship/permanent residence in another country?**

In cases of dual or multiple citizenship refugee law normally requires asylum seekers to seek protection in their other country or countries of citizenship, unless they also have a well-founded fear of persecution in those countries. As for refugees who have some form of legal status (but not citizenship/nationality) in a third country, whether or not they can seek asylum elsewhere is a complicated legal question that depends on the refugee/asylum laws of each country. Some countries will not grant refugee protection to someone who could have relocated to another country where they have legal immigration status and would be safe from persecution.

**Will I qualify for asylum if I have a criminal conviction or am facing criminal charges?**

People who have committed and/or been convicted of certain criminal acts may be excluded from refugee status. These exclusions vary by country and will depend on a number of things including the nature and seriousness of the acts and whether prosecution was politically motivated. Most countries recognize that arrests for peaceful political activities should not bar people from asylum.

**Can I return to Hong Kong while I am seeking refugee protection?**

Generally speaking, not without giving up your claim to refugee protection. In many countries, if an asylum seeker leaves the country while their application is being considered they forfeit their application. Voluntarily returning to the country where the asylum seeker fears persecution may also undermine the asylum seeker's claim that they would be persecuted there.

**If I am granted asylum or other refugee protection in another country, will I be prohibited from returning to Hong Kong forever?**

Whether refugees can one day return to their home country after being granted refugee status/asylum *without giving up their status in the country of asylum* will depend on the laws of the country where they received protection. Asylum laws do not themselves forbid you from returning home on a permanent basis after having been granted asylum in another country, if that is what you want to do; the question is whether by doing this you will give up the status you have in your country of asylum. Other immigration visas and status may allow people to travel back and forth to their home country or territory.

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## Will I be able to bring my family?

Many countries permit individuals to sponsor their children and/or spouse after the person has been recognized as a refugee. Whether a refugee can sponsor other family members depends on the immigration laws of each country.

## For information about seeking refugee or other immigration status abroad, some resources by (select) country are listed here:

### Australia

- [Department of Home Affairs](#) (applying for refugee status)
- [Refugee Council of Australia](#) (find [migration advice](#))

### Canada

- [Government of Canada](#) (applying for refugee status)
- [Department of Justice](#) (links to provincial legal aid)
- [Canadian Council for Refugees](#)

### Germany

- [Federal Ministry of the Interior](#) (applying for refugee status)
- [Refugee Council](#) (national)
- [Refugee Council](#) (Brandenburg – information in English)

### New Zealand

- [Immigration New Zealand](#) (applying for asylum)
- [Ministry of Justice](#) (find a legal aid lawyer)
- [Refugee Council of New Zealand](#)

### Japan

- [Immigration Services Agency of Japan](#) (applying for refugee status)
- [Forum for Refugees Japan](#)

### Taiwan

- [Mainland Affairs Council](#)

### United Kingdom

- UK government (applying for [British Overseas Passport](#) and [asylum](#))
- [Refugee Council](#)
- [Immigration Law Practitioners' Association](#) (find legal advice)

### United States

- [U.S. Citizenship and Immigration Services](#) (applying for asylum)
- [National Immigration Legal Services Directory](#) (find legal representation)

[List of countries](#) that have signed the Refugee Convention and/or Protocol

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