Processing Non-refoulement Claims under the Unified Screening Mechanism (USM) * Lodging a non-refoulement claim by written signification. @ Briefing session for serving "Notice to Persons Making a Non-refoulement Claim", "Non-refoulement Claim Form", etc. Referral to Duty Lawyer Service or the Pilot Scheme Office for Provision of Publicly-funded Legal Assistance for Non-refoulement Claimants for application for free legal service. Returning completed claim form within 28 days from the date of a written request served on the claimant (written request will generally be given 21 days after the claim form has been served on the claimant). % Returning claim form together with any readily available documentary evidence Attending a screening interview to provide clarification and further If the claimant's physical or information/evidence, if any, relevant to the claim. mental condition is in dispute and is relevant to the consideration of the Case officer to assess and make decision on the non-refoulement claim. non-refoulement claim, medical examination may be arranged. Claimant to be notified of the decision by a written Notice of Decision. Detailed reasons to be given if the claim is rejected on Non-refoulement protection will be given if the claim is any grounds. Claimant will be advised of the right to substantiated on any applicable grounds. appeal/petition if all grounds of the claim are rejected. Claimant may make appeal/petition # within 14 days after service of the Notice of Decision if aggrieved by the decision to reject the claim. (If no appeal/petition) (If appeal/petition) Case finalized. Filing the Notice of Appeal/Petition with the Torture Claims Appeal Board/Non-refoulement Claims Petition Office.

Notes

Appeal Board/Adjudicator to determine the appeal/petition with or without an oral hearing.

Appeal Board/Adjudicator confirms ImmD's refusal decision (with reasons given).

Appeal Board/Adjudicator reverses ImmD's refusal decision

(with reasons given).

^{*} This flow chart is intended for a quick glance of the screening process of non-refoulement claims under the USM. It should not be taken as a formal or comprehensive reference of all the procedural steps involved. Please refer to the "Notice to Persons Making a Non-refoulement Claim" for the details.

(https://www.immd.gov.hk/pdf/notice_non-refoulement_claim_en.pdf).

The written signification must give a general indication of the reasons for claiming non-refoulement protection to enable Immigration Department (ImmD) to consider if claim is made under the USM. Photograph and fingerprints taking will be arranged if claim is considered made.

[%] Time extension for returning the completed claim form may only be allowed with good reasons in special circumstances on a case-by-case basis and failure to return the completed claim form will result in the claim being deemed withdrawn.

[#] For details of the appeal/petition process, please refer to the website of the Torture Claims Appeal Board/Non-refoulement Claims Petition Office at (http://www.sb.qov.hk/eng/links/tcab/index.htm). (05/2018)