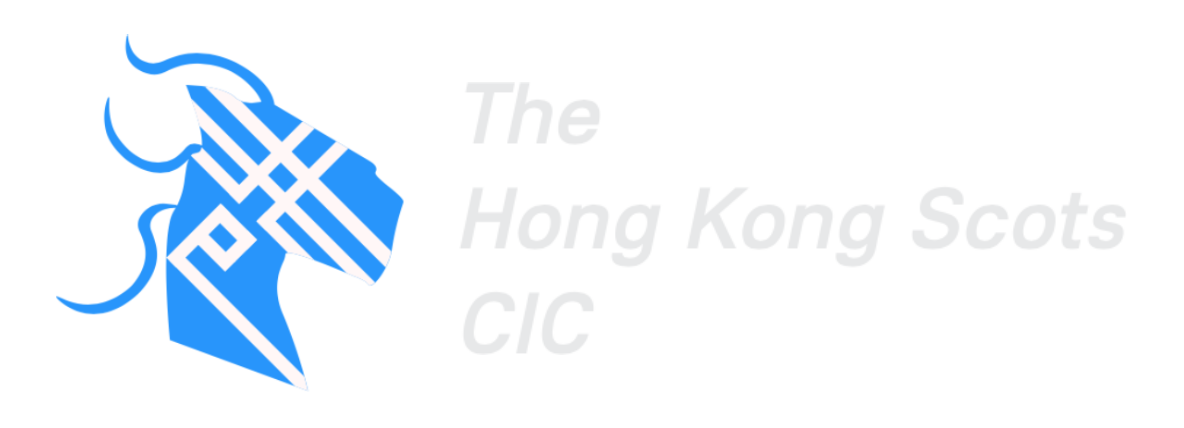
Inputs for a report on cultural rights and migration

to

United Nations Special Rapporteur in the field of cultural rights

Prepared by



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# About the Hong Kong Scots CIC

The Hong Kong Scots CIC is a Scotland-based Community Interest Company (SC728635). It aims to facilitate better integration of Hongkongers into Scottish society. All our co-founders have extensive experience in politics and the civil society of Hong Kong before residing in Scotland.

Our organisation incubates initiatives launched by Hongkongers, regardless of their immigration status in the United Kingdom, to continue their civic way of life in Scotland. At the same time, we organise events and activities to facilitate dialogue and understanding between Scotsmen and Hongkongers in Scotland.

# Members who have contributed to this report

Kwan Tai Michael MO

Tsz Kin KWOK

# Introduction

The cultural rights of Hongkongers living in the United Kingdom have not been widely discussed as a subject of investigation. Instead, it has been practised actively by people from Hong Kong to start their new lives on the islands of four nations.

The Hong Kong Scots CIC is one of the UK's Hong Kong immigrants and forced migrants-led organisations. Since our founding early this year, we have organised cultural events such as documentary screenings in Scotland. At the same time, we act as a mutual-aid group to assist forced migrants from Hong Kong to continue their way of life in the UK. Our experience in organising events and programmes, as well as collaborations with other Hongkonger-led organisations in the country, can contribute to the topics which the Special Rapporteur in the field of cultural rights is enquiring the civil society.

Therefore, we will highlight issues and challenges for Hongkongers, as immigrants, to actualise cultural rights in the UK, followed by important matters which policymakers and cultural rights practitioners should consider. In the end, this submission will present one good practice generalised from observations of fellow Hongkonger-led organisations and experience of our operation.

# Background of Hongkongers in Scotland

In early 2021, the United Kingdom government launched the British National (Overseas) Visa Scheme (BNO Visa Scheme) to allow Hongkongers entitled to hold BNO passports to resettle in the country on the condition that they cannot access public funds. According to the Home Office, over 150,000 BNO Visa applications were approved. Subsequently, the UK Government launched the Hong Kong UK Welcome Programme, with financial resources allocated to Non-for-Profit Organisations to conduct integration-related programmes and activities[[1]](#footnote-1). There are 12 Welcome Hubs established across the country as of 2022.

According to the estimates of Hongkongers in Britain, approximately 4,000 Hongkongers resided in Scotland in June 2021[[2]](#footnote-2). Most Hongkongers emigrated to Scotland via the British National (Overseas) Visa Scheme. 1 virtual Welcome Hub established in Scotland by a Not-for-Profit organisation.

For Hongkongers who are not entitled to hold BNO passports, claiming asylum in the United Kingdom is one of the pathways for them to flee from persecution at home and attempt to resettle in the country. According to our estimates, 7% of Hongkongers who are seeking asylum in the UK are residing in Scotland. As the Welcome Hub does not aim to serve asylum seekers from the same country of origin, these Hong Kong asylum seekers in Scotland depend on the existing migrant support organisations and Hongkonger-led mutual-aid groups, like our organisation, to adapt to the way of living in Scotland.

# Issues and Challenges

Exercising cultural rights as immigrants in the host country can be challenging. Even though Britain ruled Hong Kong for over a century, Hongkongers still face many challenges in the inclusion process. From the operation of our organisation, we would like to identify three issues and challenges as follows.

## Inconsistency of Not-for-profit organisations to provide inclusion events

Although the UK government pledged to allocate resources to organise integration programmes for BNO Hongkongers, all of them are delivered by not-for-profit organisations. The third sector may be able to deliver such programmes in a more tailored and efficient manner.

However, there are inconsistencies among the events and programmes offered by Welcome Hubs. Some Hubs provide seminars and workshops on educating Hongkongers to access public services, while others do not. On the other hand, Welcome Hub in Scotland is entirely virtual, while some in England have physical locations for immigrants from Hong Kong to reach.

In terms of the events and programmes conducted by the Welcome Hub, it is observed that events tend to be held online instead of offline. While Online events may reduce the operation cost and allow immigrants from Hong Kong who may have mobility issues to join, they may have yet to tackle the sense of loneliness and alienation of the Hongkongers newly arrived in Britain.

As a side note, both BNO Hongkongers and asylum seekers from Hong Kong live in all corners of the United Kingdom. While there are towns and cities which have seen more Hongkongers prefer to settle, they generally have yet to have the intention to live close to each other, form a community and collectively influence the policymaking process of the local governments.

Inconsistencies of Welcome Hubs’ presence, events and programme provisions make access to inclusion events by Hongkongers like nothing but postcode lotteries. The lack of coherent and consistent delivery of inclusion events and programmes would make the experience of inclusion varies differently among Hongkongers.

## Lack of consideration of the transaction costs for asylum seekers to access events

Actualising cultural rights for displaced people in the host country would be particularly difficult when the authorities need to realise the transaction costs which refugees and asylum seekers need to overcome and take steps to minimise them. In this regard, we highlight two aspects of transaction costs which the UK authorities neglected.

### Data communication costs

The UK government offers all-inclusive, rental-free, bedshare accommodation to asylum seekers plus a stipend of £39.95 per week for those in destitution or near destitution. Nevertheless, neither the stipend nor the housing covers asylum seekers' need for data communication. Among the asylum seekers whom our organisation approached, they often rely on free public Wi-Fi to access the internet. Moreover, they must spare part of their stipend to subscribe to pre-paid mobile data subscription plans.

Data communication should be a right in a world that is heavily connected through the internet. Instead, the UK authorities consider it a privilege for asylum seekers. We regard the approach of the UK authorities as inappropriate. Migrants of all kinds may have language barriers in their host countries, and technologies such as real-time interpretation and mobile translation applications are practical tools for them to overcome the barriers. However, these applications require internet data plans on mobile subscriptions when free Wi-Fi is unavailable. The above circumstances give forced migrants hurdles to actualising cultural rights in the country they are claiming asylum with.

While the UK authorities are not providing data plans to asylum seekers, not-for-profit organisations team up with mobile carriers to offer free mobile data credits to them. However, the availability is limited to asylum seekers who have their cases registered with carrier-partnered not-for-profit groups. As most asylum case handling organisations do have catchment boundaries, such charity act has become another postcode lotteries.

### Public transportation costs

To actualise cultural rights in a host country, the availability of affordable public transport is vital. Both new immigrants and displaced people should be allowed to participate in inclusion activities simply because they cannot afford public transportation costs.

Similar to the issue of data communication costs, the stipend given to destitute asylum seekers does not cover public transportation costs. Only travels related to asylum claims are entitled to Home Office reimbursements. While the UK government encourages asylum seekers to participate in voluntary work, it is up to the not-for-profit groups to decide if they will reimburse public transportation expenses incurred by asylum seekers who participated in voluntary work, including but not limited to inclusion events.

Taking public bus services in London, Leeds and Glasgow as examples, the cost for an adult asylum seeker in the respected cities to take a roundtrip bus travel could cost them 8.26% to 15.52% of the weekly stipend. As these selected cities do not provide concession fares to asylum seekers, participating in inclusion events without reimbursement of travel costs would mean they have to cut a considerable amount of spending on food, clothing and other necessities. When the inflation of the United Kingdom has reached its record high in a decade, the price of food and essentials is expecting a 10% YoY increase. In this circumstance, asking asylum seekers for involving in inclusion events with their stipend unadjusted with inflation indexes and without their public transportation costs being reimbursed would be unrealistic.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **City** | **Cost of bus fare** | **Unit** | **Ticket Type** | **% to weekly stipend** |
| London | £ 3.3 | Roundtrip | Two single fare Oyster | 8.26 |
| Leeds | £ 4.5 | 1-day unlimited ride | WY DaySaver Bus –  1 Day Ticket | 11.26 |
| Glasgow | £ 6.2 | 1-day unlimited ride | Glasgow Network – All day | 15.52 |

*Table 1: Cost of adult round-trip in selected cities and the ratio to the stipend for asylum seekers*

## Insensitivity to differences in languages when providing public service

Since our organisation's founding, we have been receiving complaints from both BNO visa holders and asylum seekers from Hong Kong on the quality of the simultaneous interpretation (SI) services provided by various public authorities. Many Hongkongers we are in contact with reflect the problems of availability and suitability of the Cantonese-English (SI) services provided by the local and national authorities.

In one complaint, an asylum seeker from Hong Kong claimed that a PRC-born Chinese interpreter had jeopardised his interview. The interpreter lacked awareness of Hong Kong Cantonese phrases and misinterpreted his claims on specific names and terms. His asylum claim has been rejected, and he believed that results from inaccurate interpretations. More importantly, Hongkongers living in Scotland, and indeed the whole UK, aim to avoid interactions with PRC Chinese on sensitive matters such as political opinion on Beijing and Hong Kong. Hongkongers are sceptical towards the ethics of PRC Chinese in the UK. They have become cautious that interactions with PRC Chinese in the country could trigger intimidation and harassment incited by agents of the Peking authorities.

In such a context, the Home Office appears unaware of the difference between PR China Cantonese and Hong Kong ones. Mere audible dialects among each Cantonese do not translate into the accuracy of the meanings. The ignorance of the host country over the mistrust of immigrants from the same country but in different ethnicities is, in our regard, counterproductive for Hongkongers to actualise cultural rights in the UK.

# What is important?

Throughout the implementation of the Hong Kong UK Welcome Programme, our organisation observes two things that would facilitate the actualisation of the cultural rights of immigrants in the host country.

## Incubate migrant-led organisations should be included in immigration policy

Since implementing the BNO visa, Hongkongers resettling in the UK have formed organisations across major cities. While some groups are concerned about human rights in Hong Kong, others are incorporating Community Interest Companies (CICs) to practice and promote Hong Kong’s culture and establish community-based mutual-aid mechanisms among Hongkongers.

These CICs actively engage Hongkongers in their respective cities and continue building communities with little or virtually no assistance from the UK government, local authorities and not-for-profit organisations at the launching stage. Although some of the organisations were granted funds from the UK Government’s welcome programme after a year of their operation, the authorities have not taken an active role in facilitating the formation and operation of their organisation or their events.

In the case of Hongkongers in the UK, immigrant-led organisations demonstrated the power of mutual support of immigrants from the exact origin in the host country. We feel it is vital to make the incubation of immigrant-led organisations included in the immigration policy of nations. Such incubation can be conducted directly by governmental departments or by commissioning not-for-profit organisations. We anticipate such a policy can overturn the host country-centric perspective on inclusion approaches and preference to offer local agencies to facilitate the aim of inclusion without much knowledge of the ethnic backgrounds of the immigrants.

## Realise the transaction costs for immigrants to actualise cultural rights in host country

As mentioned in prior sections, policymakers and not-for-profit practitioners may not realise that the transaction costs for migrants to participate in cultural events and programmes would deter them from exercising cultural rights in the host country. On some occasions, conducting events and programmes online or in a hybrid format in hopes of lowering the barrier for migrants to participate may not be effective.

Realising the transaction costs to exercise cultural rights in the host country could facilitate campaigners to advocate for resources to bridge the gap and allow policymakers to allocate resources to address the issue. From mobile data access to public transportation reimbursements, incorporating the process of realisation in policymaking and programme planning will ensure migrants will get the resource they need to access opportunities to exercise cultural rights.

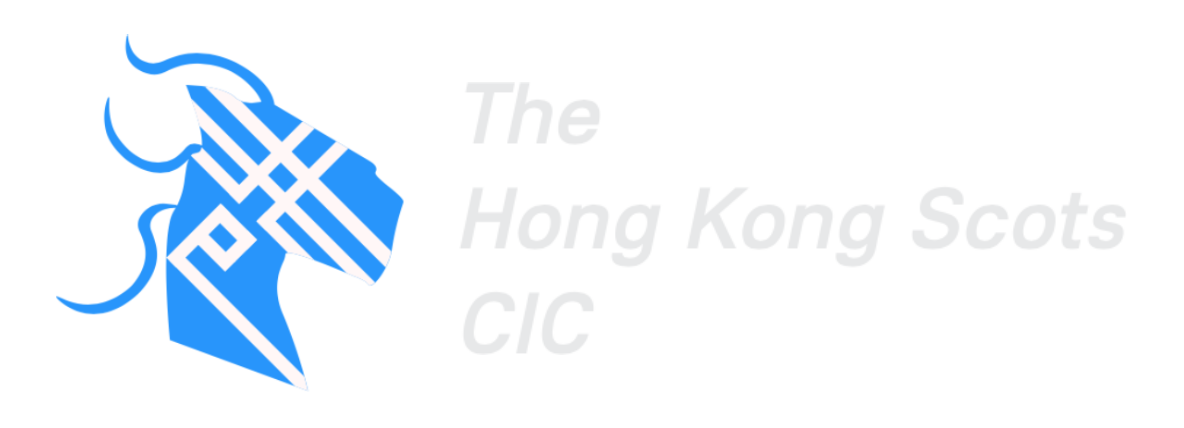
# Good Practices

There are several good practices to facilitate immigrants to exercise cultural rights from our fellow Hongkongers organisations, which could be shared. To correspond to the theme set by the Special Rapporteur, we would like to emphasise one particular practice.

## Food and Movies as means to exercise cultural rights in the host country

Food and entertainment are gateways for new immigrants to open the dialogue with people from different backgrounds. Previous events held by Hongkonger organisations in London and Manchester presented and shared food in fairs celebrating the Lunar New Year. The reactions were positive. On the other hand, documentaries and movies about Hong Kong have served as a bond for Hongkongers in the UK. Screenings have become a time for Hongkongers to come together and reflect on their shared grievances and way of life. With a growing population of Hong Kong immigrants in the UK, it is seen that major cinema lines in the country are catering for the increasing demand and screening Hong Kong movies and documentaries more regularly.

Food and movies can enhance cohesion among Hongkongers and connect people in the host country to make them more accepting of their cultural heritage. As children who emigrate to the UK may not share the same cultural heritage as their parents along their development in the country, events on food and movies would also help perverse, promote and pass on the culture for the next generation to have the opportunity to exercise.



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1. https://www.gov.uk/guidance/hong-kong-uk-welcome-programme-guidance-for-local-authorities [↑](#footnote-ref-1)
2. https://www.hongkongers.org.uk/bno-destinations [↑](#footnote-ref-2)