

Implementation of the Unified Screening Mechanism

On 7 February 2014, the Government made an [announcement](#) that a unified screening mechanism ("the USM") will commence operation on 3 March 2014 to determine claims for non-refoulement protection against expulsion, return or extradition from Hong Kong to another country on applicable grounds including risks of (i) torture under Part VIIC of the Immigration Ordinance (Cap. 115) ("the Ordinance"); (ii) torture or cruel, inhuman or degrading treatment or punishment under Article 3 of section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383); (iii) persecution with reference to the non-refoulement principle under Article 33 of the 1951 Convention relating to the Status of Refugees.

Under the USM, the Chief Executive ("CE") has delegated the powers under Article 48(13) of the Basic Law of HKSAR to all incumbent Members of the Torture Claims Appeal Board ("the Board") (in their personal capacity as Adjudicators) to determine petitions lodged by a claimant who is aggrieved by an immigration officer's decision on his non-refoulement claim based on applicable grounds other than torture risk under Part VIIC of the Ordinance. The CE has also delegated the powers to the Chairperson of the Board to devise the practice and procedures of the petition mechanism.

With effect from 3 March 2014, the statutory appeal mechanism and the administrative petition mechanism will operate in parallel to ensure that an appeal / a petition filed by a claimant for non-refoulement protection can be handled by the Board Members / Adjudicators in one go.

The Board is supported by a Secretariat. The same team of staff members of the Secretariat also provide administrative and secretariat support to the work of the Adjudicators. Under the petition mechanism, the Secretariat can also be referred to as "Non-refoulement Claims Petition Office".