

# East Asia Symposium

The below outline is only a draft and may be revised after input from collaborators

*Where:* Taipei, Taiwan  
*When:* Monday, 29 October 2012 (Tentative)

## Objectives:

- Introduce and discuss current and proposed government policy and legislation
- Discuss the implications of changes in policy and legislation to service provision
- Relate new asylum policy and legislation to roles of NGOs, service providers, and professionals
- Determine ways of establishing and improving services for asylum seekers and refugees

The Asia Pacific Refugee Rights Network (APRRN), together with key refugee advocates and practitioners from East Asia are coming together to hold this symposium, with the aim of encouraging the development of asylum policy and legislation, and ensuring that it results in meaningful protection for refugees in practice. Legislation and government policy around asylum has changed and is changing in important ways in East Asia. Understanding and adapting to these changes is an ongoing challenge for all those working with or for refugees. It remains a priority to implement these policies and laws in practice and in a way that serves to protect refugees and provide a sustainable livelihood and durable solutions. The “Korean Refugee Bill” and “Taiwan Refugee Act” are two examples of recent legislative developments that will set a powerful precedent in the region. Each has implications for whether and how refugee populations are protected and provided for in those countries. These laws also have implications for those working in neighboring countries in East Asia.

<b>Monday, 29 October 2012:</b> <b>East Asia Symposium: Legislation and the Developing Asylum Policy in East Asia</b> <b>東亞難民會議:被迫遷移與人口販運下的東亞庇護政策之立法與發展</b>	
9:00-9:30	Registration 報到
9:30-10:15	Welcoming Remarks 歡迎致詞 Director-General of National Immigration Agency Taiwan 移民署署長 Emma Dae Kim, APRRN East Asia Chair 亞太難民權利網絡東亞主席
10:15-10:30	Break
10:30-12:00	<b>Forced Migration and Human Trafficking: exploring the narrow and often blurry distinction between people smuggling, trafficking and the desperate need to escape persecution 強迫遷移與人口販運:釐清人口販運與走私,讓受害者免於迫害</b>  Moderator(主持人): Martin Jones Presenter: Taiwan International Workers' Association (TIWA) 台灣國際勞工協會 Presenter: Asia Pacific Mission for Migrants (video present/ not sure) 亞太移駐勞工工作團 Presenter: Adrielle Panares, International Social Services (HK) Presenter: ____, ____, (Korea)
12:00-13:00	Lunch
13:00-14:15	<b>Developing Law and Policy: Discussion of legislation in Korea and Taiwan</b> <b>法令與政策發展:台灣與韓國的立法與政策</b>  Moderator(主持人): Prof. Mab Hawang (HR program of Soochow University) 黃默教授 Present: National Immigration Agency, Taiwan 移民署 Comment: Prof. Fort Fu-Te Liao 廖福特教授 Content of the New Refugee Bill: JC Kim, Advocates for Public Interest Law (Korea) Working towards passage of the New Refugee Bill: Pill Kyu Hwang, Gonggam (Korea)

14:15-14:30	<i>Break</i>
14:30-15:30	<p><b>Building Capacity for Refugee Protection: Education, network development, and putting protection into practice</b> 難民保護培力:教育、組織發展與實踐</p> <p>Moderator(主持人): Anoop Sukumaran, APRRN Coordinator</p> <p>The Experience of Tibetan Refugees in Taiwan: Lorna Kung, Union of Exclude Immigrants and Unwanted Citizens, Taiwan 圖博難民在台灣的经验</p> <p>National NGO Networking and Collaboration: Hotaeg Lee, Refuge Pnan (Korea)</p> <p>Lawyers Networks: ____, Japan Federation of Bar Associations (Japan)</p> <p>Refugee Law Education: Kelley Loper, the University of Hong Kong Faculty of Law (Hong Kong)</p>
15:30-16:30	<p><b>Surviving and Building a Life: The Refugee Perspective</b> 倖存與生活重建:難民觀點</p> <p>Moderator(主持人): Brian Barbour</p> <p>Presenter: Refugee from Japan</p> <p>Presenter: Refugee from S. Korea (Mr. Yiombi Thona)</p> <p>Presenter: Tibetan in Taiwan 在台藏人</p>
16:30-17:00	Closing remarks

## **Human Rights Workshop: Refugees, Asylum-seekers, and Immigrant Detention**

The below agenda is a draft

<b>Saturday, October 27, 2012:</b> <b>International Refugee Protection in Law, Policy, and Practice</b>	
TIME	SESSION
0830-0900	<b>Registration</b>
0900-1000	<b>Welcome and Introduction</b>
1000-1045	<b>The importance of terminology: What is the difference between refugees, migrants, irregular migrants, and stateless persons?</b> This session examines the overlapping international legal regimes that govern international migration and emphasizes the importance of determining into which category (or categories) a particular individual falls. In particular, the session will focus on the definition of refugee as defining the scope of the international refugee regime.
1045-1100	Coffee Break
1100-1215	<b>Case Studies</b> This session looks at the various international populations in Taiwan and discusses the categories into which they fall, including whether or not they are refugees. Populations discussed include Tibetans, mainland Chinese political dissidents, border populations from Thailand-Myanmar, undocumented Indonesian workers.
1215-1315	Lunch
1315-1415	<b>The significance of being a refugee: What rights do refugees enjoy?</b> This session looks at the consequences of falling within the international refugee protection regime, both in terms of the rights to which an individual is entitled as well as the international support available. The Refugee Convention of 1951 and the mandate of UNHCR will be particularly discussed.
1415-1515	<b>Determining who is a refugee: How is this done and what are the rights of refugees during this process?</b> This session will explore the difficulty faced by states (and UNHCR) in determining who is (and is not) a refugee. Minimum standards in refugee status determination (RSD) and the role of civil society in supporting refugees as they undergo RSD will be discussed.
1515-1530	Coffee Break
1530- 1630	<b>Working with Refugees: What challenges do refugees and those who help them face?</b> The session looks at the challenges faced by refugees and by individuals and organisations working with them. Language barriers, xenophobia and cultural differences will be discussed; the response of various NGO communities to developing ethical and professionally sound practice will also be discussed (eg. the Nairobi Code).
1630-1730	<b>Refugee protection in Taiwan: What are the challenges and opportunities for refugee rights in Taiwan?</b> This session will allow for a discussion of the situation faced by refugees and organisations working with refugees in Taiwan. The situation in Taiwan will be compared to that elsewhere, particularly in East Asia.
1730-1800	<b>Closing Remarks</b>

**Sunday, October 28, 2012:**  
**Immigration Detention – Exploring access, monitoring and alternatives**

TIME	SESSION
10:00-11:00	<b>Overview of Legal Framework and Standards relating to the detention of refugees, asylum-seekers, migrants and victims of human trafficking</b> <ul style="list-style-type: none"> <li>• Introduction to the international human rights standards</li> <li>• UNHCR Immigration Detention Guidelines 2012</li> </ul> <b>Speakers:</b> Martin Jones <b>Resources:</b> <ul style="list-style-type: none"> <li>• UNHCR Revised Detention Guidelines (pending)</li> <li>• IDC Legal Framework &amp; Standards relating to detention of refugees/AS/migrants</li> </ul>
11:00-11:10	Coffee Break
11:10-12:30	<b>Detention Monitoring and Access</b> <ul style="list-style-type: none"> <li>• An introduction to the principles and methodologies of preventative monitoring</li> <li>• Exploring monitoring and access to immigration detention in the region</li> </ul> <b>Speakers:</b> Grant Mitchell; Regional NGOs <b>Resources:</b> APT Detention Monitoring Guide
12:30 – 1:30	Lunch
1:30-3.00	<b>Alternatives to Immigration Detention –</b> <ul style="list-style-type: none"> <li>• Existing models in the region</li> <li>• Introduction of the Community Assessment and Placement Model (CAP)</li> <li>• Exploring advocacy opportunities in the region</li> </ul> <b>Speakers:</b> Grant Mitchell; Regional NGOs <b>Resources:</b> <ul style="list-style-type: none"> <li>• IDC Handbook: There are alternatives</li> <li>• IDC policy document: Captured Children</li> </ul>
3.00-3.10	Coffee Break
3.10-4:40	<b>Continued</b>
4:40-5:00	<b>Closing Remarks</b>

## 尋求庇護者、外國人收容與人口販運受害者工作坊

<b>10 月 27 日(周六)</b> <b>國際法律、政策與實踐的保護</b>	
TIME	SESSION
8:30-9:00	報到
9:00-9:30	歡迎與簡介
10:00-10:45	專有名詞的重要性:難民、移民、非正規移民、無國籍人士有何不同?
10:45-11:00	休息
11:00-12:15	<b>個案研究</b> 討論台灣的實際個案，包括在台藏人、泰緬邊境人民、中國異議人士、無證件移工，這些人是否為難民?
12:15-13:15	午餐
13:15-14:15	成為難民的意義:難民有哪些權利?
14:15-15:15	<b>決定誰是難民:審查機制如何進行及在這過程中的難民權利</b> 聯合國難民署決定誰是(或不是)難民所面對的困難。難民地位決定的最低標準，及公民社會在支持及協助難民在此過程中的角色。
1515-1530	休息
1530- 1630	<b>與難民一起工作</b> <ul style="list-style-type: none"> <li>- 口譯的重要</li> <li>- 文化差異與易受傷</li> <li>- 工作倫理</li> </ul>
1630-1730	台灣的難民保護:難民在台灣所面對的挑戰與機會
1730-1800	綜合結論

**10 月 28 日(周日)**  
**外國人收容所的人權監督與替代方案**

TIME	SESSION
10:00-11:00	綜觀難民、申請庇護者、人口販運受害者與移民收容的國際人權標準
11:00-11:10	休息
11:10-12:30	外國人收容所的人權監督 簡介執行收容所人權監督觀察的原則與方法 與當地民間社團討論實際參訪所遇到的問題與觀察
12:30 – 1:30	午餐
1:30-3:00	外國人收容所的替代方案 討論及認識當地既存的收容模式 簡介社區評估與替代收容方案 討論倡議方式與機會
3:00 – 3:10	休息
3:10-4:00	延續上節 綜合討論
4:40-5:00	<b>Closing Remarks</b>

## **Trainers' Profiles:**

### **Martin Jones**

(B.A., Queen's; B.A. Hons., Queen's; LL.B, UBC) practiced as an immigration and refugee lawyer for seven years. During that time he represented over one thousand immigrants and refugee claimants in all stages of the immigration and refugee protection process. Martin is presently a doctoral candidate at Osgoode Hall Law School and a recipient of a Canada Graduate Scholarship awarded by the Social Sciences and Humanities Research Council. He is also a research associate at York University's Centre for Refugee Studies and a guest lecturer for the Centre's Summer Course on Refugee Issues. He was a visiting scholar at the Institute for the Study of International Migration at Georgetown University and at the Program in Refugee and Asylum Law at the University of Michigan. He has taught immigration and refugee law at Queen's University (Canada) and the University of East London (UK). Martin is the managing editor of *Refuge*, a scholarly periodical on refugee issues. He has widely presented and published on various topics in refugee and migration law.

### **Grant Mitchell**

Grant Mitchell is a social anthropologist in international migration and is Director of the International Detention Coalition, a global network of 200 NGOs in 50 countries.

Grant has extensive experience in asylum and detention policy in Europe, US, Australia and the broader Asia Pacific region. His work includes developing case management and alternative to detention models for asylum seekers in Australia at Hotham Mission and overseeing the Community Detention and Community Care Pilot programs at the Red Cross. He is a member of the US government's Department of Homeland Security (DHS)-NGO Working Group and is Deputy Chair of the Immigration Detention Working Group of the Asia Pacific Refugee Rights Network.

Grant won the Australian Human Rights Award in 2002 for his work at Hotham Mission in developing alternatives to detention, and was nominated for the 2004 French Human Rights Prize for his work in assisting women and children in detention.

## **講師簡介**

### **Martin Jones**

現職英國約克(York)大學講師，英國約克大學 Osgoode Hall 法學院博士，曾經獲得加拿大社會科學與人文科學研究委員會的獎學金。曾任英國約克大學難民研究中心的研究助理。他曾為 Georgetown University 國際移民中心的訪問學人，以及 University of Michigan 的難民與庇護法研究計畫的訪問學人。他也曾在加拿大的 Queen's University 以及英國的 University of East London 開授移民法與難民法的課程。他曾擔任移民與難民律師長達七年。在這段期間他協助了一千多位處於各種狀態的移民與難民的申請保護程序。Martin 也是難民法 *Refugee Law* 這本書的主要作者之一(另一位作者是 Sasha Baglay)。Martin 在學術期刊上已經發表了許多篇與難民議題及移民法相關的論文。

### **Grant Mitchell**

社會人類學家，也是國際關注外國人收容聯盟(International Detention Coalition)的主任，此聯盟在全球 50 個國家中，已經擁有超過 200 個 NGO 會員組織。Grant 對於歐洲、美國、澳洲及亞太地區的邊境區的庇護及外國人收容政策有非常多方面的接觸與經驗。他的工作包括在澳洲有關申請庇護者的 Hotham 任務中發展個案管理和替代收容所的模式，也包括監督紅十字會的社區收容和社區關懷指導計畫。他是美國國土安全部 NGO 工作團隊的成員，也是亞太難民權利網絡中有關外國人收容的工作小組的副主席。Grant 曾因為他在 Hotham 任務中所發展出來的替代收容，而獲得澳洲 2002 年的人權獎。也曾因為他關注並協助在收容所裡面的婦女與小孩，而被提名法國 2004 年的人權獎。