

Refugee act would help define nation

Written by Taipei Times Editorial
Tuesday, 02 June 2020 04:23 -

Mainland Affairs Council Minister Chen Ming-tong (陳明通) on Thursday said that the government had received asylum applications from at least 200 Hong Kongers as Beijing seeks to ram through a national security bill for the territory.

President Tsai Ing-wen (蔡英文) has said that there is no need to introduce refugee legislation to offer Hong Kongers asylum, while Premier Su Tseng-chang (蘇貞昌) has said the Act Governing Relations With Hong Kong and Macau (香港和澳門關係條例) does not need to be amended to deal with such requests.

However, refugee bills sponsored by Democratic Progressive Party lawmakers have languished for 15 years, while the Hong Kong and Macau law lacks regulations regarding asylum.

Article 18 of the act, which officials have cited as the legal basis for offering Hong Kongers asylum, only states that the council may provide Hong Kong residents whose safety and freedom have been threatened due to political reasons with assistance if necessary, without specifying the conditions that applicants must meet.

This could lead to problems when the council and the National Immigration Agency review an applicant's background. For example, could asylum be granted to an applicant with a criminal record, or must they have no criminal record going back 12 months from the date of application?

If the latter were the case, it would defeat the purpose of offering asylum for political reasons, as they could have been charged as dissidents by the Hong Kong government.

The political leanings of asylum seekers should also be reviewed to sift out those who have engaged in rhetoric or actions in support of the Chinese Communist Party (CCP). This might sound politically incorrect, but with the government grappling with national and social security threats posed by groups that promote unification, the last thing Taiwan needs is more CCP supporters who could erode national security.

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Given that wealthy Hong Kongers are more likely to have close ties with the Chinese government, making them less likely to seek asylum, Taipei should consider whether the investment threshold of NT\$6 million (US\$200,321) to qualify for residency could shut out Hong Kongers who need it the most.

Taiwan and Hong Kong face a similar challenge, as they are both at risk of being controlled by the CCP. Only by accepting allies who champion democratic values will Taiwan remain a haven for Hong Kongers who are brave enough to stand up against the despotism of the CCP.

The government has shied away from enacting refugee legislation, as Beijing might interpret it as a step toward statehood. This discreteness has prompted Tsai's administration to refrain from pushing legislation to remove the phrase "unification of the nation" from the Act Governing Relations Between the People of the Taiwan Area and the Mainland Area () or change how the Constitution defines the nation's territory.

However, at issue is humanitarian assistance, which transcends politics. Making a stand for human rights would win Taiwan international praise and further consolidate its status as a beacon of democracy. Beijing would be hard pressed to justify any brash response to Taipei passing a refugee law.

With US President Donald Trump's administration adopting a confrontational China policy, Taiwan should seek Washington's support to introduce refugee legislation to break from the restrictions imposed by Beijing to limit Taiwan's self-determination.

Source: [Taipei Times - Editorials 2020/06/02](#)