Pui Yan Flora Lau* and Iulia Gheorghiu

Vanishing Selves under Hong Kong's Unified Screening Mechanism

Abstract: Drawing on Erving Goffman's analysis of total institutions and his concept of mortification of the self, the present article deals with the process of identity construction and identity loss among refugees and asylum seekers in Hong Kong. We argue that the slow pace of processing of political asylum applications as well as the harsh restrictions imposed on rights to work and the minimal welfare provisions for refugees and asylum seekers in Hong Kong operate as means of isolating them from the broader society. Another consequence of these restrictive conditions becomes manifest in the loss of identity experienced by those who have been stuck in Hong Kong for many years waiting for their applications to be processed. Being unable to preserve the sense of identity they had in their countries of origin, they find themselves deprived of the social and institutional resorts necessary to forge a new one.

Keywords: Asylum seekers, Hong Kong, Erving Goffman, mortification of self

Introduction

As of September 2016, there were 10,477 outstanding protection claims in the Hong Kong Special Administrative Region. Despite the city's longstanding history of refugee flows, it is one of the regions of the world with the slowest pace of claims processing and one of the lowest degrees of acceptance of claims. According to the Hong Kong Immigration Department, only 65 out of close to 30,000 cases have been deemed substantiated since 2004, which amounts to less than 0.4 percent of applications. Although it is not a signing party to the Refugee Convention, in 1992 the Convention Against Torture (CAT) has been extended to Hong Kong. It served as the main international human rights legal provision for processing asylum claims,

handled by the Immigration Department. The United Nations High Commissioner for Refugees (UNHCR) functioned in parallel as an organization for refugee determination status, assessing claims lodged under the 1951 Refugee Convention. Up to 2004, the legal mechanisms for processing and assessing torture claims were scarce and rather unclear. From 2004 onwards, as a consequence of appeals and judicial reviews lodged by claimants, the Court of Final Appeal (CFA) entered rulings that have served as guidance for setting up a torture screening mechanism (Loper 2013). From March 2014 the Unified Screening Mechanism (USM)[1] was set in place. It is handled by the Immigration Department, which processes claims on all possible grounds, that is, including persecution risks as listed in Article 33 of the Refugee Convention (UN Refugee Convention). Claims substantiated under Article 3 of CAT (UN CAT) are granted a stay of deportation until the assessed risk is considered to have disappeared from claimants' countries of origin. Claims substantiated under persecution risks are referred to UNHCR. Subsequently, the UNHCR carry out an independent assessment and, if they accept the claim, they will arrange for resettlement.

The current paper looks into the processes of construction and loss of identity incurred by asylum seekers and refugees in Hong Kong (labeled non-refoulement claimants). Our argument is that institutional arrangements operate as implements that construct and shape experience, that allow for the emergence of specific kinds of selfhood, while removing the opportunities for others to arise. Drawing on Erving Goffman's insights into total institutions, we liken the USM to a total institutional context and aim to investigate the selfhood that these

---

*Corresponding author: Pui Yan Flora Lau, Department of Sociology, Hong Kong Shue Yan University, North Point, Hong Kong, E-mail: pylau@hksyu.edu

Iulia Gheorghiu, Department of Sociology, The University of Hong Kong, Hong Kong, E-mail: iulia.gheorghiu@gmail.com

1 A brief terminological clarification is in order. Protection claimants in the HKSAR are officially termed non-refoulement claimants. Because the city does not grant refugee status, the Immigration Department terminology does not recognize the legitimacy of "asylum seeker" and "refugee" labels. However, our research participants identify themselves particularly as the two latter labels and almost never as the former. When introducing our interviewees, we call "asylum seekers" those whose claims are under assessment and as "refugees" those whose claims have been deemed substantiated under persecution risks and have been referred to the UNHCR for potential resettlement.

institutional arrangements allow for. We contend that the phase of claiming asylum is a liminal stage in the lives of protection claimants – they are no longer who they used to be in their countries of origin, yet they have not become whom they expect to: refugees. We look into the conceptualization of temporality as devised by the legal provisions and its contribution to mortification of selfhood as experienced by our interviewees. We argue that the process of claiming asylum is one rifled by distrust and suspicion. We analyze the distinction between "real" and "fake" asylum seekers drawn by our research participants.

Methodology

The current paper is part of a wider study of the everyday lives of asylum seekers in Hong Kong. It relies on 25 in-depth interviews conducted between March-December 2016 by both authors. All interviews were carried out in English. The length of interviews varies from one hour to seven hours. In addition to background information such as asylum seekers' length of stay, their lives before coming to Hong Kong and their reasons for seeking asylum, we inquired into their relationships with their counterparts, NGOs and the wider community, as well as social resources available to them. All interviews were integrally transcribed and then coded into relevant themes. We recruited respondents with the help of two NGOs which offer support and assistance to asylum seekers and refugees in Hong Kong. All interviews were held either in the NGO offices or in public areas (such as coffee shops or parks).

Eight of the respondents are female (from East Africa and South-East Asia) and 17 are male (coming from different parts of Africa, South-East Asia, the Middle East and the former USSR). We use pseudonyms and only indicate the region where our informants come from, but not the name of the country in order to ensure their anonymity. The average age of respondents is 38, with the youngest being 25 and the oldest 57. Eleven of them had higher education and were working in their respective professions before coming to Hong Kong. Another ten held different management, teaching or qualified jobs. Four of our respondents were foreign domestic workers in Hong Kong at the time of lodging their non-refoulement claims. Regarding the marital status of our respondents, although most of the respondents were single (unmarried) at the time of interview, five were single upon coming to Hong Kong but formed families here. In addition, six of our

female interviewees were single mothers (three of them fled their countries with their children and three of them became mothers in Hong Kong).

Theoretical framework

We challenge the notion that experience is a universal given; rather, together with Desjarlais (1997) we contend that experience "is the result of specific cultural articulations of selfhood (namely, a sense of self as possessing depth, interiority, unity, stability and the capacity for transcendence) as well as certain social and technological conditions that foster and legitimize the sense of self" (Desjarlais 1997: 13). In this vein, we look into provisions and proscriptions for asylum seekers, aiming at uncovering the effects of such regulations on the constitution of selfhood.

To further our argument, we look into Erving Goffman's account of asylums (1961a; 1961b). We argue that it can be fruitful in understanding the process of identity construction and identity loss of individuals seeking political asylum. Our argument is that the institutional arrangements for asylum seekers and refugees in Hong Kong shape their experiences and have similar effects of mortification of the self as the ones discussed by Goffman. Looking at political asylum as a virtually transient phase, we mean to comprehend how its incumbents manage their identity. While it cannot be argued that life in the asylum determination process in Hong Kong is identical to life in total institutions as described by Goffman (1961a) in his essay, our contention is that there are similarities, especially in terms of the threats posed by institutional arrangements to selfhood.[2] The institutional definition of asylum seekers, their rights but, most importantly, the restrictions imposed on them imply notions of moral worth, ways of belonging and of being excluded, a suspension of their identities prior to lodging their claims and a ruthlessly equalitarian modality of processing claims. The experience of seeking protection in Hong Kong is compared by our interviewees to

2 Our argument does not liken loss of identity to utter loss of agency. Asylum seekers show a great deal of the latter in devising informal modalities for getting by and asserting themselves. Rather, we deal primarily with institutional arrangements and their possible effects on selfhood.
3 We acknowledge that the most significant differences we identify between Goffman's depiction and institutional arrangements for asylum seekers in HKSAR are the absence of physical confinement and utter absence of claims on the time of asylum seekers.

being in prison, having one's rights suspended, being stuck in time in spite of its passing.[3]

We read Erving Goffman's account of total institutions (Goffman 1961a) as a commentary into the transformations underwent by selfhood and identity in the interaction between individuals and institutions. Taking the mental hospital as an ideal type, Goffman theorizes their existence as a means for exercising social control. What is at stake is not curing mental disease, but rather moral action upon a flawed, defective self, in need of reformation (Scott 2011). Goffman's analysis depicts a completely regimented life, with every aspect of it being carefully designed and closely monitored by the institution. Thus, a distinctly bounded organization surrounded by walls which effectively mark and segregate those on the inside from those on the outside: inmates and the wider society are clearly separated. The former are not only isolated from the latter, they are also effectively rendered outsiders to it. This procedure creates a tension between the two worlds and it gives the institution "strategic leverage in the management of men (sic!)" (Goffman 1961a: 13). The mechanisms by means of which this is accomplished revolve around a bureaucratic and egalitarian manner of processing newcomers that is irreverent to their identities, their concepts of self and ways of life on the outside. Rendering impossible specific forms of behavior and action (such as holding a job or deciding what to do with one's time, with one's body) amounts to "disculturation" or "untraining". Autonomy and self-determination are revoked. In the total institution, we are presented with a mortified self, one that undergoes "a series of abasements, degradations, humiliations and profanations of self. He (sic!) begins some radical shifts in his *moral career*, a career composed of the progressive changes that occur in the beliefs that he has concerning himself and significant others" (Goffman 1961a: 14). Specifically, the processes of mortification of the self begin with admission procedures during which inmates are stripped off their appearance, assigned a number (rather than be processed by their name, the most significant aspect of identity), they are deprived of the right to perform the roles they took for granted on the outside and cast into one, master status (Hughes 1993/1945): that of inmate.

Goffman goes on to show the encompassing tendencies of total institutions: the claims they lay on the time and interest of inmates, which result in further removal and isolation from the outside world. Another point to be made concerns the incompatibility between the work-payment structure operating on the outside and the total institution. According to Goffman, organizations

and institutions create all-encompassing conceptions of their members, not simply in their capacity as members, but as human beings. Thus, institutions in which individuals are, in any way, embedded or incorporated engender conceptions about identity with great implications for the self. "To engage in a particular activity in the prescribed spirit is to accept being a particular kind of person who dwells in a particular kind of world" (Goffman 1961a: 186). Subsequently, the encompassing tendencies of total institutions give inmates' selves a moral dimension, that of a flawed self in need for reformation.

There is a wealth of scholarship that emphasizes the fluidity of selfhood and identity in interaction with different institutional settings. Pollner and Stein (2001) articulate the biographical labor carried out in "self-processing organizations" revolving around drawing a sharp distinction between a current, faulty self and a better version of it achievable by means of hard work on the self. Weinberg (2001) analyzes the efforts carried out in clinics offering support to patients suffering from mental illness and encouraging them to take control over the disease that is working within them as a strategy for self-empowerment. Loseke (2001) looks into the creation, in shelters supporting battered women, of formula stories in a process that amounts to the social construction of victimhood and of the battered self. Without accounting for total institutional contexts, these authors bring up the relational dimension of selfhood and identity and the impact of institutional arrangements on the elaboration of selfhood.

Our aim in the current paper is to broaden the scope of Goffman's notion of total institutions and tease out the impact on selfhood of institutional arrangements that are not physically bounded by walls and do not have the distinct purpose of reforming the self, but may result in transforming it. In this light, we aim to make sense of political asylum in Hong Kong. Susie Scott's study on reinventive total institutions (Scott 2011) has already showed that effective work of reformation of self can be carried out in settings that are not bounded and where entry is voluntary. Moreover, Scott brings out Goffman's conflation of institution and organization: while Goffman takes the organization to be the sum of institutionalized practices, Scott points out the distinction between the structural dimension of organizations and the practice oriented nature of institutions as "culturally normative routines of interaction" (Scott 2011: 14).

To this amendment, we add yet another: the fact that certain institutional settings, while by no means physically bounded and with no apparent claim on the time of

their members, without removing them from the wider society, but by rendering impossible certain modes of action, impose on their members scripted modalities of interaction, thus effectively shaping the roles they can take up in society, the variety of selves available to them and leave little freedom by way of enacting those selves. In Goffman's depiction of total institutions, the outside world and the world of the asylum are constituted as two distinct realms and re-entry into the former is leveraged by the latter and conditions upon it the behavior of inmates.

We argue that, by means of legal definitions, proscriptions and provisions, seeking non-refoulement protection in Hong Kong exposes incumbents to constant transformations of self which, by means of disculturation and untraining processes, result in its mortification. They are not a wanted population: defined as illegal immigrants, suspected of being economic migrants, they are, thus, barred from taking up employment; official avenues and implements for identity construction are effectively voided (such as training, education or professionalization for adults; even when they participate in such courses, obtaining credentials and having them officially recognized is close to impossible). Asylum seekers are marked by a double stigma, that of their racial differentness on the one hand and their legal status on the other, the absence of any form of ID (the institutional leverage for entry into the wider society) other than their recognizance paper, which prevents them from taking up opportunities otherwise available to officially recognized – legal – residents of the HKSAR. And while the institution makes little claims on the time of asylum seekers (they are required to report to the Immigration Department every four or six weeks), their very existence in a state of limbo is what compounds their marginalization and exclusion from the wider society and their further mortification.

Seeking non-refoulement protection in Hong Kong

You should not call us asylum seekers and refugees. There are no asylum seekers in Hong Kong because there is no asylum in Hong Kong. We are non-refoulement claimants. (Mihail, 38, former USSR)

The legal language employed circumvents the terms "accepted claim" and "rejected claim". Applications are either substantiated or not (HKSAR, Notice to Persons Making a Non-Refoulement Claim).[4] Applications that have been deemed unsubstantiated can be appealed. Torture claimants whose applications have been substantiated are granted a discretionary stay of deportation until the assessed risk is considered to have disappeared. Substantiated claims on persecution grounds are referred to the UNHCR chapter in Hong Kong where the claim is further investigated. In case the claim is deemed successful, the UNHCR will arrange for resettlement of the applicant. The Hong Kong government's refusal to become a member of the Refugee Convention and to grant political asylum is reflected in its definition of incumbents of the non-refoulement claiming process. They are treated as "illegal immigrants" and "foreigners who smuggled themselves in" (LC Paper No. CB(2)1832/14-15(03)) and who are liable to removal. As a matter of fact, a condition for lodging a non-refoulement claim is to be liable to removal and be in the situation of having to surrender to the Immigration Department. Claims cannot be lodged by persons with a valid visa in Hong Kong (HKSAR Notice). Thus, official records advise against referring to them as "asylum seekers" or "refugees":

> The 1951 United Nations Convention relating to the Status of Refugees has never applied to Hong Kong, and illegal immigrants seeking non-refoulement in Hong Kong are not to be treated as "asylum seekers" or "refugees". For example, they will not be offered legal status to settle in Hong Kong, regardless of the result of their non-refoulement claim (which only offers them temporary suspension of removal). In fact, the Government has a long-established policy of not granting asylum to anyone, and not determining or recognizing anyone as a refugee. (LC Paper No. CB(2) 1595/14-15(05))

The government assists asylum seekers but assistance is meant as a measure to prevent destitution rather than regarded as a matter of human rights. This reflects an egalitarian manner of processing claims, very often irreverent to particular cases and individual needs, such as gender, age, traumatic experiences and the further challenges they may pose. While the allowance is hardly enough to prevent destitution, let alone ensure a decent living, the government maintains that it is kept low in order "to prevent a magnet effect", in other words, to prevent it from becoming attractive for too large a number of potential economic migrants.

The subsidies for non-refoulement claimants consist of free legal assistance and waiving medical fees for accidents and emergency services. Protection claimants who are minors can attend public schools. Utilities allowance is

---

4 From here on out referred to as HKSAR Notice.

300 HKD and transportation allowance is determined depending on the distance from claimants' residence to the Immigration Office where they need to report every six weeks. Housing allowance consists of 1,500 HKD transferred by ISS-HK (the NGO contracted by the government to distribute the subsidies) directly to landlords, as are agent fees (which cannot surpass half a month's rent worth) and a one-month deposit when signing a new contract. Considering how expensive rents are in Hong Kong, asylum seekers (especially those who are single) usually find themselves in the situation of sharing flats (even rooms) with others in the same situation. While this constitutes a particular infringement of legitimate livelihood expectations of any adult person, it poses special challenges for claimants who have been through traumatic experiences and have a hard time adjusting to the presence of and sharing space with strangers.

Food allowance consists of supermarket coupons distributed in the amount of 1200 HKD, 12 non-cashable, non-refundable, non-transferable coupons each worth 100 HKD. They can only be used for purchasing food items in the Welcome supermarket chain. Choices are limited to the range of items available in these stores. Moreover, asylum seekers are denied the right to purchase items such as alcohol or cigarettes. Prior to December 1, 2015, items such as ice-cream, chocolate and other sweets could not be purchased, but this restriction has been lifted since. ISS-HK contracts are renewed every month and this is conditioned upon asylum seekers producing receipts in the amount of 1,200 HKD, a measure meant to prevent them from selling the coupons and using the cash for procuring produce elsewhere (usually at cheaper prices). Toiletries and cosmetics are distributed at ISS-HK centers on a monthly basis and, as regards clothing, "Provision of clothing relies on external donations, ISS-HK encourages service users to tap into their own resources for clothing" (ISS-HK website).

"Real People", "Failed Cases", Mortification of Selfhood

There is a lot of research pointing to the loss of credibility of the asylum determination process and that of asylum seekers, who are likened to economic migrants. Fassin and D'Halluin (2005) underline the trends of giving more weight to expert testimony and certification rather than to victims' accounts; Moore (2013) discusses labels such as "asylum shopping" which effectively undermine

narratives of persecution and cast asylum seekers as economic migrants, and Jubany (2011) talks about a culture of disbelief entrenched in the training of immigration officials who assess claims. This not only leads to increased suspicion on behalf of immigration officers when assessing claims, but it also places asylum seekers in the position of proving themselves as "genuine", "real", as opposed to "fake" or "bogus" asylum seekers, that is, economic migrants (Matthews 2011). Against this backdrop we discuss narrative efforts at establishing oneself as genuine protection claimants by our interviewees. By mirroring official criteria of assessment while leaving aside the actual merits of their claims, these accounts aim at undermining official suspicion and manage to objectify the fulfillment of official conditions into the genuine asylum seeker.

Edward is a torture claimant from West Africa and he has been in Hong Kong for over 12 years. This is his take on how the genuineness of applicants should be assessed:

> It is about how you are related to your case. Some are not related to their case. And sometimes they blame asylum seekers and sometimes I accept this partially. I don't fully accept it, but I don't fully reject it either. Some of them, yes, some of them were genuine, but to classify all of them as fake, which is not real ... So, for me, personally, I don't support all asylum seekers. I have to be generous on some part, and agree with the government on some part, and disagree with the government on some other part."

While Edward is willing to concede that there are some cases in which claims may not be justified under the CAT, he rejects the tendency of casting all asylum seekers as bogus and suggests that attention should be paid to applicants' relationship to their case. And in explaining how might one's relationship to one's case be assessed, Edward mentions, among others, consistency of the story, the extent to which an applicant is articulate enough to tell a coherent and non-contradictory story, but also sticking to one's scheduled appointments with the Immigration Department. Interestingly enough, these criteria mirror the ones listed in the HKSAR Notice under the heading "Behavior Damaging Credibility". The strategy that our interviewees resort to, that of providing cues for how to assess genuineness, we argue, accomplishes two things: one the one hand, it relays criticism of those counterparts that are only in Hong Kong looking for "greener pastures", as some of our Christian interviewees referred to those suspected of being economic migrants, thus making it harder for the "real" protection claimants to get their claims through. On the other hand, it

functions as a means of taking distance from behaviors deemed discreditable. An example of this second strategy is given by Amalan, a South East Asian refugee in his 40s who has also been in Hong Kong for over 12 years and is awaiting resettlement by the UNHCR:

> Some people maybe they need more money than they have, they will drink beer, drink something else, take drugs, make problems with other people. And then they get crazy. Local people don't like them. But real case people never. Only failed cases, that's why they do this. Failed cases.
> Failed cases, these are the people rejected?
> So many.
> So what you're saying is that if you get into trouble, they will reject your case?
> Yes, but maybe they will say they didn't have any proof. Or that they don't care, they don't look for the background."

Amalan's account comes as an explanation as to why he refused to look for (illegal) employment in Hong Kong throughout the time he has been waiting for a decision on his case (which took over 10 years) and after he was recognized as a refugee more than two years ago. As Gordon Matthews (2011) shows, these actions usually discredit asylum seekers and refugees not only in the eyes of the authorities, but also in those of their counterparts. "Real people" never engage in risky behavior – working illegally and risking getting caught and arrested, taking drugs, becoming inebriated or causing any sort of trouble that could antagonize local residents and lead to unfavorable outcomes on their claims. This is what "failed cases" do. And failed cases include two categories of people. The first one refers to those whose claims got rejected. But if we look carefully into the extract, failed cases are cast into opposition with "real people", that is, genuine refugees who are truly escaping persecution. Therefore, the second category entailed by failed cases refers to bogus asylum seekers, economic migrants who do not mind jeopardizing their claims in order to make a quick buck. Not only does Amalan's opposition of failed cases and real people illuminate the moral hierarchy of the asylum landscape in Hong Kong, it also objectifies genuineness into established, substantiated claims and fakeness into those whose cases got rejected, thus legitimating official criteria of assessment and substantiation and engendering distrust and suspicion among refugees and asylum seekers in Hong Kong of their counterparts.

Finally, we present Mihail, a protection claimant in his late thirties coming from the former USSR. His account is one of establishing himself as a true victim of political persecution while casting doubt on the reasons that drove others to the city:

> Well, personally, I know no one who came specifically to work, but I know that some just came for no reason, because they hear you can get some assistance. In my perspective, when you're lazy back in your country, you're not gonna be different anywhere else. So, there's some people with serious cases here as well, but most of the people resettled because of the war, because of uncomfortable situation in their country and all this stuff. They are different, they are normal people, they just want to live the good life. But in Hong Kong, you are banned from having a life. People from Somalia or from Afghanistan, they came here to look for better life, and they can't have this here. If they would go to a different country, to States or Australia, or Europe, they would get asylum, of course, because there is a war in your country. I think I am a little bit different from the majority of asylum seekers."

Mihail's account aims at establishing him as a genuine refugee, one that can be verified by looking into the five categories listed under Article 33 of the Refugee Convention. He challenges both potential economic migrants (as lazy people who come to HKSAR to live on government assistance) and people who are displaced because of wars in their countries, seeing how these are not legitimate grounds for obtaining international protection.

Proving themselves as genuine asylum seekers in a sea of over 10,000 suspected economic migrants not only speaks to our interviewees' strives to demonstrate their entitlement to being in Hong Kong. It establishes their moral status as people fleeing from persecution, by means of mirroring official criteria while, at the same time, challenging official suspicion. The merits of their cases are brought up only to the extent that they match up official criteria, institutional requirements for genuineness.

Time, exclusion and untraining

Another salient issue in our interviewees' accounts is the experience of temporality which indexes exclusion and unpredictability as markers of mortification of the self. Asylum seekers in Hong Kong have all the time in the world. Matthews (2011) and Shum (2014) talk about the psychological distress posed by the issue of boredom: prohibited from working, asylum seekers are under the constant stress of wasting away and have to find a way to spend their time. Some of them resort to illegal employment (even some of our interviewees, who concede that working illegally is wrong, have admitted to us that they worked at some point during their stay in Hong Kong), others to volunteering with different NGOs, some attend classes either to make some money or simply to be in the

company of others and feel useful. But the general feeling is that of helplessness engendered by the inability to control the pace of the decision-making process, to influence the policy barring them from working and to be able to plan for the future.

Alice, a South-East Asian mother of a three-year-old in her thirties talks about the impossibility of envisioning a future:

> I cannot do work. This means I cannot support myself, even give myself food from my own pocket, my own money, that I cannot do. Then how can I start building my future? They don't allow us to work … they just let us stay here and eat and sleep. They give us a very small amount that we can rent the room, so is very tough, the life here is really very tough, we just manage to eat, just to keep us alive. We are just like prisoners, they give us food, they give us place to stay, that's all. You cannot do work, that means you cannot buy what you want. But how can you think of your future if you are not working now? Future will be coming later, but you have to work now. So, that's why, if they don't let me work, there is no more future, there is no more life ahead. Because I have the energy, I have the life to do anything. I am still young; I can do many things to change my life. But they don't allow us. So later, we will get older, and then our life is getting slow, losing our energy, we don't have the power to do everything later, so that's why we have no future here.

Alice voices the concerns of an unbearable present and that of an unforeseeable future. Her account opens the way for understanding the processes of untraining and disculturation asylum seekers are subject to during their stay in Hong Kong. Many of them arrived in the city while in their 20s and still find themselves in a state of indeterminacy in their 30s and even 40s. Their needs are narrowly established according to an institutional definition of measures preventing destitution, which barely provide for shelter and food. Regarded as economic migrants flooding Hong Kong to wallow in its wealth, protection claimants are barred from engaging in things that would suggest they are welcome: work, education, social and cultural integration. By means of this, they are effectively rendered into outsiders to Hong Kong society. Alice's account is by no means singular. The recurrent theme of wasted time, energy and potential can be read through in all the accounts we gathered. Tariq, a South Asian man in his fifties voices out the same malcontent: the feeling of living an outsider's life in the beautiful city of Hong Kong. It conveys not only the experience of poverty, but also that of exclusion, of a parallel existence:

> I am not free, I am not very happy. I am an asylum seeker, I am stateless now, it means this is not my country, I am here, I just want protection for my life. I was thinking, long time ago, I am in this country, Hong Kong is a very beautiful country, with nice buildings and shopping malls, nice people, but I don't obey the law … so it means I am not feeling well. It's not happy, how can it be? It means I am limited as a human being. But to be here for 15 years, just to eat like a dog? I can't work, my children are just only asking for clothes, I give them just to live. Collecting food just to live, this is not life.

Feeling limited as a human being, reduced to someone whose needs consist of eating and sleeping. Many of our interviewees have told stories about transcending this condition (by forming families, by looking for ways to empower themselves, militating for their rights, taking classes to better themselves). But the fact remains that, in official classifications, asylum seekers are defined as illegal immigrants and while barred from working, they are only offered assistance meant to prevent destitution. And keeping in mind that Hong Kong is one of the most expensive places in the world, the assistance does not even suffice to cover the bare necessities (such as rent costs) and places further strains on our interviewees to find solutions for themselves.

Asad is an East African refugee in his mid-twenties waiting for resettlement. He compares seeking asylum in Hong Kong to being in prison: unable to work, study or travel, the city itself is a prison:

> Time is moving, everybody is productive, everybody is doing something. I am the only person who is not doing anything. And sometimes they go for a holiday for 3-4 weeks, and then they are coming back. You are just in the same place. It's very hard and it's very bad. To possess all that and to accept that you are that kind of person, it's very hard. To accept the fact that you cannot work and travel or … it's basically just like you are in a prison, it's the same thing. […] you can predict I will do this and that in the coming five years, because you are working on it right now. Either you are working, or you are saying I will get promoted to do this job, or you study, you say you will be graduating and applying for that kind of job. But for us, it's like … it looks like we live on another planet which is the total opposite. Asylum seekers and refugees cannot see themselves in the coming five years, they don't see themselves, it's dark.

Asad's account is powerful in evoking the contradictions so deeply entrenched in Hong Kong society. On the one hand, it evokes a city of extreme speed and mobility, where thousands of people come and go every day, a cosmopolitan city of business and finance. On the other hand, it brings to light the parallel existence of asylum seekers who, in many cases, see the city as their prison. Without an ID that would allow him to travel, work or study, without being able to predict when a decision will be made on his case, Asad cannot even allow himself to

envision a future (as opposed to the interviewer whom, in his opinion, is working on her future as they are talking). The next five years could bring anything: he could still be in Hong Kong (in his thirties) waiting to be resettled or he can be on his way to starting life as a refugee.

Discussion and conclusion

This paper aims at broadening the understanding of Erving Goffman's concept of total institutions and extending it to settings that do not wall its incumbents in and has no clearly stated purpose of working on their selfhood. We look into rules and practices as resources shaping experience and impacting selfhood. We argue that, by means of institutional arrangements, official classifications and definitions as well as by means of official and institutionalized suspicion, the Unified Screening Mechanism in Hong Kong functions as a total institutional context that shapes the experience of seeking protection in Hong Kong and plays an important role in the elaboration of selfhood of asylum seekers. We discussed the governmental assistance – humanitarian, not concerning human rights – meant to prevent destitution. Grounded in an egalitarian and bureaucratic practice of claims processing, the food allowance is not only limited in amount, but also in content and choice: only the items carried by one supermarket chain are technically available to asylum seekers. This effectively shapes the diet of asylum seekers and is irreverent to their culinary and cultural customs. The housing allowance is limited in amount and compels asylum seekers to share their apartments or, in many cases, even their rooms. This measure is indifferent to the special needs of claimants who have been through traumatic experiences and face special challenges when it comes to forming bonds of trust or sharing their space with strangers.

A second issue we tackled were official definitions rifled with suspicion of protection claimants of being economic migrants rather than genuine victims of persecution in their home countries. This transfers institutional suspicion onto asylum seekers themselves in their evaluation of counterparts. Moreover, we presented our interviewees' attempts at undermining this suspicion and entertaining the institutional expectations by mirroring official standards for claims assessment while setting aside the merits of their own claims. Lastly, we looked into the experience of restrictions and the unpredictability of the process and their impact on selfhood.

We contend that the institutional arrangements for asylum seekers in Hong Kong amount to disculturation or untraining in Goffman's understanding. Asylum seekers are not allowed to work, they cannot perform the jobs they were doing in their home countries (although many of them were highly skilled professionals) and they cannot learn new skills in Hong Kong. And even though some manage to fend for themselves and find alternative means of making money, there are no institutional ropes for incumbents. On the contrary, whatever they manage is grounded in their own talent for making connections, their own creativity and inventiveness. Those lacking these qualities or those who are unwilling to put them to use and risk jeopardizing their claims, are sentenced to living on humanitarian assistance. Disculturation and untraining result in further removal and exclusion from the broader society. In Goffman's words, the institution does not seek cultural victory or assimilation, there is no effort to ensure the integration or adjustment of asylum seekers in Hong Kong. The purpose of institutional arrangements is not to make them comfortable in a society which can be their host, at times, for more than 10 years. The egalitarian manner of processing claims and the level of assistance regardless of potential individual special needs is indicative of "encompassing conceptions" of the institution regarding its members. Living under these institutional arrangements effectively transfers onto the incumbents the institutional vision of themselves with great impacts on processes of identity loss and identity construction. Access to the wider society is leveraged by holding an ID card. Lacking that, asylum seekers' behavior is consequential for the outcome of their claims.

References

Desjarlais, R. 1997. *Shelter Blues. Sanity and Selfhood among the Homeless*. Philadelphia: Pennsylvania University Press.

Fassin, D., and E. D'Halluin. 2005. "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers." *American Anthropologist* 107 (4):597–608.

Goffman, E. 1961a. *Asylums. Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Anchor Books.

Goffman, E. 1961b. *"Role Distance". In Erving Goffman. Encounters. Two Studies in the Sociology of Interaction*, 73–134. Harmondsworth: Penguin Books.

HKSAR Immigration Department. "Notice to Persons Making a Non-Refoulement Claim." http://www.immd.gov.hk/pdf/notice_non-refoulement_claim_en.pdf.

"HKSAR LegCo Panel on Security: Unified Screening Mechanism for Non-Refoulement Claims, LC Paper No. CB(2)1832/14-15(03)." http://www.legco.gov.hk/yr14-15/english/panels/se/papers/se20150707cb2-1832-3-e.pdf.

"HKSAR LegCo Panel on Welfare Services: Humanitarian Assistance for Non-Refoulement Claimants, LC Paper No. CB(2) 1595/14-15 (05)." http://www.vfnow.org/wp-content/uploads/2015/06/Security-Bureau-Humanitarian-Assistance-for-Non-refoulement-Claimants-8Jun2015.pdf.

Hong Kong SAR Immigration Department. http://www.immd.gov.hk/eng/facts/enforcement.html.

Hughes, Everett C., eds. 1945/1984. "Dilemmas and Contradictions of Status". In *The Sociological Eye. Selected Papers*, edited by E. Hughes, 141–150. New Brunswick and London: Transaction Publishers.

ISS-HK. http://www.isshk.org/en-us/services/index/NRC.

Jubany, O. 2011. "Constructing Truths in a Culture of Disbelief." *International Sociology* 26 (1):74–94.

Loper, K. 2013. "Prospects for Refugee Rights in Hong Kong: Towards the Legalization and Expansion of Protection from Refoulement." In *Protection of Refugees and Displaced Persons in the Asia Pacific Region*, edited by A. Francis and R. Maguire, 75–93. Burlington: Ashgate.

Loseke, D. R. 2001. "Lived Realities and Formula Stories for Battered Women." In *Institutional Selves. Troubled Identities in a Postmodern World*, edited by J. F. Gubrium and J. A. Holstein, 107–126. New York, Oxford: Oxford University Press.

Matthews, G. 2011. *Ghetto at the Center of the World*. Chicago and London: The University of Chicago Press.

Moore, K. 2013. "'Asylum Shopping' in the Neoliberal Social Imaginary." *Media, Culture and Society* 35 (3):348–365.

Pollner, M., and J. Stein. 2001. "Doubled over in Laughter. Humor and the Construction of Selves in Alcoholics Anonymous." In *Institutional Selves. Troubled Identities in a Postmodern World*, edited by J. F. Gubrium and J. A. Holstein, 46–63. New York, Oxford: Oxford University Press.

Scott, S. 2011. *Total Institutions and Reinvented Identities*. London: Palgrave Macmillan.

Shum, C. T. T. 2014. ""Refugee" and Migration: A Study of Asylum Seeking in Hong and Thailand." PhD Thesis. City University of Hong Kong

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx.

United Nations Convention and Protocol Related to the Status of Refugees. http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html.

Weinberg, D. 2001. "Self-Empowerment in Two Different Therapeutic Communities." In *Institutional Selves. Troubled Identities in a Postmodern World*, edited by J. F. Gubrium and J. A. Holstein, 2001, 84–104. New York, Oxford: Oxford University Press.

刘佩欣*、 尤莉亚· 乔治乌

香港免遣返声请者在统一审核机制下消失的自我

摘要： 本文藉用厄文·考夫曼 (Erving Goffman) 对全控机构的分析以及相关的自我羞辱概念，以探讨香港难民和免遣返声请者对自我的建构和逐渐丧失自我的过程。我们认为，香港统一审核机制 (Unified Screening Mechanism) 缓慢的审核速度以及对难民的工作权利和基本福利上所附加的严格限制导致他们与香港主流社会隔绝，这些限制性的条件也令滞留在香港多年等待受理申请的免遣返声请者丧失原来的自我身份认同，他们除了无法保存生活在自己原居地时所感受到的自我认同外，也被剥夺了构建新的身份认同的过程所需要的社会和制度条件。

Keywords: 寻求庇护者，香港，厄文·考夫曼，自我羞辱

引言

直至 2016 年 9 月，香港特别行政区共有 10,477 宗免遣返保护声请。尽管香港社会拥有长久的难民涌入的历史，却是世界上处理免遣返声请时间最长、接纳程度最低的地区之一。根据香港入境处[的数据]，自 2004 年以来，近 3 万宗申请而经已被视为获确立的仅仅有 65 宗，相当于申请总数的不足 0.4% 虽然香港没有签署《难民公约》，但 1992 年《联合国禁止酷刑公约》（United Nations Convention against Torture）的适用范围已扩展到香港，这个公约被香港入境处用作处理免遣返声请的主要国际人权法律条文，联合国难民署（UNHCR）则作为评估根据 1951 年《难民公约》提出的声请而决定难民身份的组织。直至 2004 年，处理和评估酷刑声请的法律机制并没有十分清晰的指引，由 2004 年起，香港终审法院就声请人的上诉作出多项裁决，随后上诉决定就作为建立酷刑审核机制的法律基础（Loper 2013）。2014 年 3 月，香港建立了统一审核机

---

1 有必要简短地澄清一下术语。香港特别行政区的「保护声请人」的正式名称为「免遣返声请人」。由于香港不给予难民身份，香港入境处的术语中并不承认「寻求庇护者」和「难民」标签的合法性。然而，本研究参与者认定自己属于后两个标签，而几乎从来不认同前者，所以我们介绍受访者时，会把那些申请尚待审核的称为「寻求庇护者」；那些申请经已被视为获确立而存在迫害风险，更已转介至联合国难民署及准备移居的受访者，则称为「难民」。

*联络作者: 刘佩欣博士，香港树仁大学，社会学系，助理教授，
电子邮箱: pylau@hksyu.edu
尤莉亚·乔治乌，香港大学，社会学系。
电子邮箱: iulia.gheorghiu@gmail.com

制（USM）[1]，由入境处负责执行，并基于所有可能的理由来处理申请，即是包括列在《联合国难民公约》（UN Refugee Convention）第 33 条的迫害风险。根据《联合国禁止酷刑公约》第 3 条，获确立的声请直到被评估的风险于声请人的原居地消失前都免被递解离境，而已确立的声请而存在迫害风险的就转介至联合国难民署。然后，难民署会进行独立的评估，倘若其声请被接纳，他们将[为声请人]安排移居。

这篇文章深入了解香港寻求庇护者和难民（被称为免遣返声请人）对自我的建构和逐渐丧失原来自我的过程。我们认为制度安排是建构和塑造经验的工具，它促成了特定类型的自我（selfhood）的出现，但同时抹杀了其他类型的自我的崛起。利用厄文·考夫曼对全控机构的洞见，我们把统一审核机制比作一个全控机构的环境，并旨在研究那些因制度安排而促成的自我。我们认为申请庇护的时期是保护声请人生活里的一个阈限阶段（liminal stage）－他们不再是在原居地生活时的那个自己，但是还没有成为一般人期望中的难民。我们探讨法律条文对时间性（temporality）的概念化，以及它对受访者所经历的自我羞辱的影响，我们认为申请庇护是一个充斥着不信任和怀疑的过程，我们亦对研究参与者就「真」与「假」寻求庇护者的区分进行分析。

方法论

這篇文章是關於香港尋求庇護者的日常生活，主要利用了作者在 2016 年 3 月至 12 月期間進行了 25 個深入访谈，所有访谈都以英语进行，访谈的长度从 1 小时到 7 小时不等。除了寻求庇护者的逗留时间、来港前的生活以及寻求庇护的原因等背景资料外，我们还探讨他们与同路人、非政府组织（NGOs）和主流社群的关系，以及他们可以利用的社会资源。所有的访谈都完整地转录成文字并编入相关的主题。我们透过两间为香港寻求庇护者和难民提供支持的非政府组织招募了受访者，所有的访谈都是在非政府组织的办公室或者公共地方如咖啡厅店和公园进行。

8 位被访者是女性（来自东非和东南亚），17 位是男性（来自非洲，东南亚，中东和前苏联的不同地方）。我们使用了化名，只显示了他们所来自的地区，而没有其国家的名字，以确保他们匿名。受访者的平均年龄是 38 岁，最年轻的是 25 岁，最年长的则是 57 岁。当中 11 位受过高等教育，在来港前各在不同行业工作，另外 10 位曾经从事管理、教育或专业的工作，其中 4 位受访者在提出免遣返声请时为香港的外籍家庭佣工。在婚姻状

况方面，绝大多数受访者在访谈时是单身（未婚），另有 5 位来港之前是单身，却在香港建立了家庭。此外，6 个女性受访者是单身母亲（当中 3 位带着小孩逃离了她们的国家，另外 3 位在香港做了妈妈）。

理论框架

我们质疑「经历是普遍事实」的说法。反之，站在 Roger Desjarlais (1997) 的立场，我们主张经历是「具体文化表达的自我（即具有深度，内在性，统一性，稳定性，和超越能力的自我意识），以及在特定社会和技术条件下促进和合法化的自我意识的结果」(Desjarlais 1997: 13)。故此，我们探讨有关对寻求庇护者的规定和条文，来揭示这些规则对于构成自我的影响。

为了深化我们的论点，我们进一步探讨厄文·考夫曼对庇护的论述（1961）。我们认为其论述有助于理解个别寻求政治庇护者的自我建构和逐渐丧失自我的过程，我们的论点是：香港寻求庇护者和难民的制度安排形塑了他们的经历，同时也有类似考夫曼讨论中自我羞辱的后果，把政治庇护看作成事实上的过渡阶段（transient phase），我们就是要去理解当事人是如何处理自我认同。虽然在香港处于庇护申请决定过程中的生活没办法说等同于考夫曼（1961a）在论文里所描述的全控机构的生活，但我们觉得这里有类似性，特别是制度安排对自我构成的威胁上。[2] 对政治庇护者的制度定义、他们的权益、和最重要的是对他们施加的限制，都意味着道德价值的观念、归属和被排除的方式、提出声请前悬空的自我认同，以及无情地处理声请的平等主义原则。我们的受访者把在香港寻求保护的经历比作坐牢，除了个人权利被剥夺，尽管时间流逝还困在其中。[3]

我们把考夫曼对全控机构 (Goffman 1961a) 的论述视为个体与机构的互动中所产生的自我和身份认同所经历的转变的注释。把精神病院当作一个理想型，考夫曼把其存在理解为实施社会控制的手段，关键不在于治愈精神病，而是针对有缺陷、有瑕疵并需要改造的自我的道德行动（Scott 2011）。考夫曼的分析描绘了一种完全纪律化的生活，生活上各方面都经过精心设计，严密地受到机构的监控，因此，一个被墙壁包围而界限分明的组织，实际上是标记和隔离组织内部和外部的人：囚犯和主流社会清楚地隔开了，前者不仅与后者隔绝起来，而且实际上把后者塑造成外来者，这个过程不但制造两个世界的紧张关系，同时给予机构「在人类管理上的战略

手段（原文！）」（Goffman 1961a: 13）。实施中的机制以环绕着一种官僚主义和平等主义的形式处理新来者，这都不尊重他们的身份认同、自我观念和外界的生活方式，将特定的行为和行动变成不可能（比如持有工作或是决定怎样利用自己的时间和身体）相当于「去文化」（disculturation）和「去技能」（untraining），故自主权和自决权都被剥夺了。在全控机构中，所呈现的是羞辱的自我，经历「一系列的自我贬低、堕落、羞辱与亵渎，他（原文！）在他的道德生涯开始了彻底的转变，这个生涯包含在信念上产生于自身和至亲的进一步变化」（Goffman 1961a: 14）。具体而言，自我羞辱的过程是从入狱开始的，自那时起囚犯的外观被剥去了，被分配了一个数字（而不是根据他们的名字─自我认同最重要的部分来处理），他们被剥夺了履行在外界习以为常的角色的权利，更被关进了另一种主要身份（Hughes 1993/1945）：即是囚犯。

考夫曼继续说明全控机构包含的倾向：导致进一步与外界移除和隔绝的正是对囚犯的时间和利益所作出的要求，另外一点是关于全控机构及在外界运作的工作与报酬结构之间的不一致性，根据考夫曼所言，组织与机构制造了其成员全面的构想，不仅是他们作为成员的身份，而是作为人类而言。因此，个人以任何方式嵌入或融入机构都会产生对自我带来重大意义的身份认同的构想。「以指定的精神从事某种特定的活动是接受成为住在特定世界的某种特定类型的人。」（Goffman 1961a: 186; 1961b），其后，全控机构的全面倾向给予囚犯的自我一个道德层面，也就是有缺陷而需要改造的自我。

许多学者强调自我和身份认同跟不同的制度环境互动中的流动性。Pollner 和 Stein（2001）清晰地阐述了在「自我处理组织」所进行的传记工作，围绕着对当前的、错误的和通过艰苦工作可以达成更好的自我作出非常明确的区分。Weinberg（2001）分析了诊所为精神病患病提供支持，以及鼓励他们控制自身的病情以作充权策略所作出的努力。Loseke（2001）考察了给受虐妇女提供支持的避难所，其故事模板的制作过程相当于受害者和受虐者的自我的建构。在不考虑全控机构的环境下，这些作者提出了自我和身份认同的关系，以及制度安排对自我阐述的影响。

本文的目的是为了扩展考夫曼全控机构的概念，探讨寻求庇护者制度安排对其自我的影响，纵使没有如考夫曼论述中实体墙壁的限制，也没有改造自我的明确目的，但其结果亦导致自我的转型。有鉴于此，我们旨在理解香港的政治避难情况。Susie Scott (Scott 2011) 有关重建全控机构的研究已经显示有效的自我改造工作可以在不受限制的环境下自愿进行，此外，Scott 带出了考夫曼把机构和组织混为一谈：考夫曼认为组织是制度化实践的集合，Scott 则指出组织的结构层面与机构的实践导向性质之间的区别作为「文化上规范性的日常互动」(Scott 2011: 14)。

对这个修订，我们要加另一点补充：事实上，在某些的机构环境，虽然没有物理上的界限，对其成员的时间也没有明显的要求，也没有将他们从主流社会移除，却

---

2 我们不认为失去自我认同等同完全失去能动性（agency），寻求庇护者在策划非正式的过活方式和维护自己权益上展现了很大的能动性，我们集中分析制度安排和其对自我可能产生的影响。

3 我们承认我们看到的考夫曼的论述与香港特别行政区对寻求庇护者的制度安排之间最主要的差异在于没有人身拘禁和完全没有对寻求庇护者加上时间要求。

是通过将某些特定的行动模式变成不可能，强加为成员的默认互动模式，因此实际上塑造了他们在社会上可担任的角色、可成为的自我的多样性，并通过制定自我的方式为他们留下一点的自由。在考夫曼对全控机构的描述中，外部世界和庇护世界构成是由两个截然不同的领域组成的，重新进入前者取决于后者和囚犯的行为。

我们认为，通过法律的定义、规定和条文，在香港寻求免遣返保护使当事人的自我不断转化，在去文化和去技能的过程下，造成自我羞辱。他们不是被通缉的人：被定义成非法移民，被怀疑是经济移民，他们因此被禁止聘用；用来构建自我认同的官方途径和手段实际上都是无效的（比如培训，教育和职业化；即使他们参加这些课程，获取证书和得到官方的承认几乎是不可能的）。寻求庇护者被双重污名化，一方面是他们的种族差异，另一方面是他们的法律地位，除了他们的担保书之外，他们没有任何形式的身份证（进入主流社会的制度手段），这阻止他们获得官方承认的—合法的—香港特区居民应有的机会。虽然这个全控机构对寻求庇护者的时间要求不高（他们每四到六个星期就要向入境处报到），但他们的存在处于不稳定的状态，令到他们被边缘化及被主流的社会排斥的情况更为严重，导致进一步自我羞辱。

在香港寻求免遣返保护

「你不应该称呼我们为寻求庇护者和难民，香港没有寻求庇护者，因为香港没有庇护，我们是免遣返声请人。」(Mihail，38，前苏联)

法律用语避免了使用「被接受的声请」和「被拒绝的声请」两个用词，声请不是获确立就是不获确立[香港特别行政区，向提出免遣返声请的人士发出的通知书（Notice to Persons Making a Non-Refoulement Claim）]，[4] 被视为不获确立的申请是可以上诉的，酷刑声请获确立的申请人会被给予免被递解离境的酌情逗留权，直至评估的风险被认为已经消失，基于迫害理由提出并获确立的声请会被转介至联合国难民署的香港办事处，该声请会再进一步调查，如果声请被视为成功的话，联合国难民署会为申请者安排移居（resettlement）。香港政府拒绝成为《难民公约》的成员和给予申请声请者政治庇护，这反映出在政府视免遣返申请者为「非法入境者」和「偷渡入境的外国人」（立法会CB(2)1832/14-15(03)号文件）而可被遣返的。事实上，提出免遣返声请的条件就是可能被遣返和必须向入境处自首，在港持有有效签证的人士则无法提出声请(香港特别行政区通知书)，因此，官方记录建议不要把他们称为「寻求庇护者」或者「难民」；

联合国《1951年关于难民地位的公约》从来未曾适用于香港；在香港要求免被遣返的非法入境者不会被视为「寻求庇护者」或「难民」。举例而言，无论他们的声请结果为何，处方都不会批准他们在港合法定居，只会暂缓遣返他们。事实上，长久以来，政府的一贯政策，是不给予任何人庇护，亦不会决定或确认任何人为难民。（立法会CB(2)1595/14-15(05)号文件）

政府援助寻求庇护者，但援助只是防止赤贫，并不是人权问题，这显示了处理声请的平等主义原则，往往不尊重特殊案例和个人需要，例如性别、年龄、创伤经历和可能构成的更大挑战。虽然补贴几乎不足以扶贫，更不用说保障体面的生活，政府坚持说维持低水平补贴是为了防止「磁铁效应」（magnet effect），换句话说，防止它吸引太多潜在的经济移民。

政府向免遣返声请人提供的补贴包括免费法律援助和免除事故和紧急服务的医疗费用，未成年的保护声请人可以就读公立学校，公用设施援助为港币 300 元，交通津贴则视乎从声请人的住所到入境处办公室的距离而定，而他们必须每六个星期报到一次。住宿援助包括由香港国际社会服务社（ISS-HK）（政府承包以发放补贴的非政府组织）直接支付给业主港币 1,500 元、代理费用（不超过半个月租金的金额），以及签订新合约时的一个月押金。考虑到香港昂贵的租金，寻求庇护者（特别是单身的）通常都要与跟自己同样情况的人共享单位（甚至房间），这构成了对任何成年人合理生活期望的显著侵害，也对曾经历创伤和难以适应与陌生人共存和共享空间的声请人带来重大挑战。

食物援助包括发放价值港币 1,200 元的超市食物券，即 12 张不能兑换现金，不能退还的，不能转让，面值港币 100 元的食物券，它们只能用于购买惠康连锁超市的食物，选择仅限于这些商店里可买到的东西。再者，寻求庇护者被剥夺购买酒类和香烟等物品的权利，2015 年 12 月之前，冰淇淋、巧克力和其他甜食都不能购买的，不过后来限制已被取消了。寻求庇护者跟香港国际社会服务社的契约每月更新一次，条件是声请人要提供价值港币 1,200 元的收据，这个措施是为了防止他们转卖食物券并在其他地方使用现金购买产品（通常是以较低的价格）。香港国际社会服务社的中心每月亦会派发基本日用品和化妆品，至于衣履，「衣履受外界捐赠多寡决定，国际社鼓励受助人透过个人支持网络满足这方面的需求」（香港国际社会服务社网站）。

「真实的人」、「失败的个案」与自我羞辱

不少研究指出决定庇护的过程连同寻求庇护者都会失丧信誉，以致他们被比作成经济移民。Fassin 和 D'Halluin (2005) 强调决定庇护过程对专家证词和证明比受害者亲身说法更为重视的趋势；Moore (2012) 讨论「购买庇护」（asylum shopping）等标签，它们轻易地破坏有关被迫

---

4 以下简称为香港特别行政区通知书。

害的叙述，并影射寻求庇护者为经济移民，Jubany (2011) 就谈及评估声请的入境处官员的训练里存在着一种根深蒂固的不信任文化，这不仅导致评估声请的入境处官员增加对寻求庇护者的怀疑，也使寻求庇护者处于一个状态要证明自己是「真正的」和「真实的」，而非「假的」和「伪造的」寻求庇护者，即是经济移民（Matthews 2011），在这个背景下，我们来讨论受访者将自己塑造成真正的保护声请人的叙述上努力，通过反映官方的评估标准，同时撇开其声请的实际价值，这些说法是为了减低官方的怀疑，以及设法满足官方条件以实体化为真正的寻求庇护者。

Edward 是来自西非的酷刑声请人，他留港超过 12 年，以下是他对应该如何评估申请人真实性的看法：

> 这是关于怎样把你的个案连系到你自己，有些人无法把个案连系到他们自己。有时候，他们[政府]指责寻求庇护者，我有时接受部分[的指责]，我不完全接受它，但我也不完全否认它。我们一些人，是的，一些人是真的，但是把所有人都看成假的，就不符合事实 … 所以，对我个人而言，我不支持所有的寻求庇护者，在某些部分我必须很慷慨，有些部分同意政府，另外一些部分不同意政府。

虽然 Edward 坦言有些个案声请未必符合《联合国禁止酷刑公约》，他反对影射所有寻求庇护者都是伪造的意向，并建议应该把注意力放在申请人与其个案的关系上。在解释如何评估个人与个案之间的关系时，Edward提到故事的一致性是其中之一，申请人能否清楚讲述一个既连贯一致又不自相矛盾的故事，同时又能遵守与入境处约定的会面。有趣的是，这些标准跟列于香港特别行政区通知书中「损害公信力的行为」的段落不谋而合。我们认为，受访者所采用的策略，即为评估真实性提供线索，达成了两件事：一方面，它传达了对那些只是在香港寻求「更好的归宿」（greener pastures）的同路人的批评，就如部分基督教的受访者提到那些被怀疑是经济移民的人，从而令「真实的」保护声请人的声请更难以通过审核，另一方面，它可以作为与那些有损声誉的行为保持距离的手段。40 多岁的 Amalan 是来自东南亚的一位难民，在香港待了超过 12 年，正在等待联合国难民署的移居安排，他为第二种策略提供了一个例子：

> 有些人也许有了更多的钱，就会喝啤酒，或者喝其他的东西，吸毒，或是跟别人产生冲突，然后他们就变得疯狂，本地人不喜欢他们，但是真个案的人从来不会这样，只有那些失败的个案，那就是为甚么他们要这么做。失败的个案。
> 失败的个案，这些是被拒绝[庇护声请]的人吗？
> 很多。
> 所以你说的是如果你惹上麻烦，他们会拒绝你的个案吗？
> 是的，但是也许他们会说他们没有任何证据，或者他们不在乎，他们不会查找其背景。

Amalan 的说法是要来解释为甚么他在整个等待决定期间（花了超过 10 年）和 2 年前被确认是难民以来，都拒绝在香港寻找（非法）工作。正如 Gordon Matthews (2011) 所表明的，这些行动通常不仅损害当局眼中寻求庇

护者和难民的信誉，他们在同路人之间也备受怀疑，「真实的人」从来不从事危险行为－冒着被逮捕和拘捕的风险非法工作、吸毒、酗酒，或者惹来任何麻烦而触怒当地居民，导致对他们的声请不利的后果，这些是「失败的个案」所做的事。失败的个案包括两类人，第一类是指那些声请被拒绝的人，不过，如果我们仔细研究其摘要的话，失败的个案被归纳成与「真实的人」相对，也就是真正逃离迫害的难民。因此，第二类意味着失败个案所指就是伪造的寻求庇护者，即是不惜影响自己的声请以赚取快钱的经济移民。Amalan 跟失败的个案和真实的人对立起来，不仅体现了在香港庇护情况里的道德阶层，它也将已认定获确立声请的真实性和那些被拒绝个案的虚假性具体化，从而合法化评估和确立声请的官方标准，使香港的难民和寻求庇护者之间产生不信任和怀疑。

最后，我们要介绍 Mihail，一位接近 40 岁来自前苏联的保护声请人，他将自己塑造成一位真正受政治迫害的受害者，同时又质疑其他人被迫来到香港的原因：

> 好吧，据我所知，没有人是专门来这里找工作的，但是我知道有些人没甚么理由来这里，他们就是听说你能[在这里]得到一些援助。对我来说，在自己国家是个懒人的话，去哪里都一样，所以，就像这里也有一些人有严重的问题，但绝大部分人都是因为战争而移居，因为自己国家情况不理想等等。他们是不一样的，他们只是正常人，只想过好的生活，但是在香港你被禁止有生活。来自索马里或阿富汗的人，他们来到这里寻求更好的生活，可是他们无法在这里过这样的生活。如果他们去另外一个国家，像美国、澳洲或者欧洲，他们会获得庇护，当然，因为你们国家在打仗。我觉得我和大多数寻求庇护的人有点不同。

Mihail 的说法目的是将自己塑造成一个真正的难民，即可以通过《难民公约》第33条所列的5类确认难民所进行的审核，他既质疑潜在的经济移民（来到香港靠政府援助为生的懒人），又质疑因为自己国家的战争而流离失所的人，并指出这些是怎样都无法视作获得国际保护的合法依据。

在超过一万名被怀疑是经济移民并证明自己是真正的寻求庇护者当中，不仅说明我们的受访者努力争取留港的资格，也在逃离迫害时通过反映官方的标准建立道德地位，同时又挑战官方的怀疑，这些个案的价值只在符合官方的标准和对真实性的制度要求上体现出来。

时间，排斥与去技能

在我们的受访者的说法中提出了另一个重要的议题，就是指出排斥和不可预测性的时间性经验是作为自我羞辱的标志。香港的寻求庇护者一直遍布世界各地，Gordon Matthews (2011) 和 Terence Shum (2014) 谈及百无聊赖的问题带来的心理困扰：在被禁止工作下，寻求庇护者持续处于虚度光阴的压力中，不得不寻找消磨时间的方

法，他们有些人采取非法聘用的手段（甚至有些受访者即使承认非法工作是错的，也向我们坦言他们在香港逗留期间曾经工作），其他则在不同的非政府组织当志愿者，有的就为了赚取一些金钱，或只是为了在别人的陪伴下和自我感觉有用而去上课，但是整体的感觉就是无力控制决策过程的步伐，无法影响禁止他们工作的政策，以及不能计划未来而带来的无助感。

30 多岁来自东南亚的 Alice 是一位三岁小孩的妈妈，她谈及展望未来的不可能性：

> 我不能工作，这意味着我不能养活自己，甚至不能从自己的口袋拿出自己的钱买食物给自己，那么我怎能开始建设我的未来？他们不允许我们工作 … 他们只是让我留在这里吃饭和睡觉，他们给我们非常少量金钱，让我们能够租房，所以非常艰难，这里的生活实在非常艰难，我们勉强喂饱自己，只是为了让我们活下去。我们就像犯人，他们给我们食物，给我们地方住，仅此而已。你不能工作，意味着你不能买你想要的东西，但是如果你现在不能工作，你怎么去为你的未来着想？未来将会来临，但现在你必须工作，所以，这就是为甚么，如果他们不让我工作，就再不会有未来，将来再没有生活。因为我有精力，所以我有生命去做任何事情，我还年轻，我可以做很多事情来改变我的生活，但是他们却不允许我们这样做，所以之后我们会变老，然后我们的生活会变得缓慢，失去精力，我们之后就没有力量去做所有事情，这就是为甚么我们在这里没有未来。

Alice 表达了对难以忍受的现在和不可预见的未来的担忧，她的说法开通了对寻求庇护者在香港遭受的去技能和去文化过程的理解，他们当中许多人在 20 多岁来到这里，在 30 多甚至 40 多岁的时候，发现自己仍然处在一种不确定的状态。根据扶贫措施下的制度定义，这仅仅提供了居所和食物，勉强地确立了他们的需要。被视为觊觎香港财富而蜂拥而至的经济移民，保护声请人被禁止从事他们喜欢的事情：工作、教育、社会和文化融合，藉此把他们塑造成香港社会的外来者。Alice 的说法绝非单一事件，从我们所收集的所有说法中都说明这些重复出现的议题：浪费时间、精力和潜能。一位 50 多岁的南亚男士 Tariq 表达了同样的不满：以外来者身份在香港这美丽的城市中生活的感觉，它不但传达了贫穷的经验，同时存在排斥的经验：

> 我并不自由，我也很不快乐。我是寻求庇护者，我现在没有国家，这意味着这里也不是我的国家，我在这里，只是想保护我的生命。我在想，很久以前，我在这个国家，香港是个非常美丽的国家，有漂亮的建筑物和商场，友善的人，但是我不遵守法律 … 所以意味着我感觉不良好，这样让人不开心，怎么可能呢？这意味着我仅限于作为一个人，我是受限制的，但在这里15年了，就是为了吃得像狗一样？我不能工作，我的小孩只是想要衣服，我给他们只是为了生存，收集食物只是为了生存，这不是生活。

限于作为一个人而受到的限制，被简化到只有吃饭和睡觉的需求。我们许多的受访者已经讲述了突破这种状况的故事（通过组织家庭，寻求为自己充权的方法，为他们的权益奋斗，上课来自我增值），但事实依然是，在官方的分类中，寻求庇护者被定义为非法移民，同时被禁止工作，他们仅仅被给予扶贫的援助，要知道香港是全世界最昂贵的地方之一，这些援助甚至不足以涵盖最基本的必需品（比如租金），并且给我们的受访者为自己寻求解决方案带来进一步的负担。

Asad 是位 20 多岁的东非难民，正在等待移居，他把在香港寻求庇护比作坐牢：无法工作，学习或旅行，他觉得这个城市本身就是一座监狱：

> 时间在流逝，每个人都有生产力，每个人都在做一些事情，我是唯一甚么都不做的人，有时候他们会去度假 3 至 4 个星期，然后回来，而你就留在同一个地方，这是非常难受，也是非常糟糕的，要承受这一切并接受你是那种人，这是非常难受，要接受这个事实：你无法工作和旅行或者 … 基本上你就像在监狱里一样，都是同一回事[…]你现在就可以预计将来五年我会做这个或那个，因为你正在做这件事。[对你来说]无论你是在工作，还是你在说我会得到晋升而去做这项工作，或者你正在学习，你说你将毕业然后申请这样的工作，但是对我们来说，这就像 … 看起来我们生活在另一个完全相反的星球。寻求庇护者和难民不能够看到自己未来五年的样子，他们不能够看到自己，那里一片漆黑。

Asad 的说明强而有力地引出了香港社会的深层次矛盾。一方面，它引出了香港极端的速度和流动性，他作为每天成千上万的人进出的城市，也是以商业及金融为主的国际大都会。另一方面，它揭示了寻求庇护者同时存在的情况，他们之中很多人都视这个城市为他们的监狱，没有可以让他旅行、工作或者学习的身份证，不能够在他的个案有决定之前去做任何预测，Asad 甚至不允许自己想象未来（相对于访问员，他认为，他们正在谈论的只是她的未来），接下来的五年可以带来任何事情：他可能仍然留在香港（在他 30 多岁时）等待移居，或者以他自己的方式开展作为难民的新生活。

讨论与结论

本文旨在扩展对厄文·考夫曼「全控机构」这概念的理解，并延伸至不以墙壁隔开当事人，而且没有明确列明有意影响他们的自我的环境，经探讨后，我们将规则和实践视为塑造经历和影响自我的来源，我们认为，通过制度安排、官方的分类和定义，以及官方和制度化的怀疑，香港的统一审核机制正发挥全控机构环境的作用，塑造了在香港寻求保护的经历，在寻求庇护者的自我阐述上扮演了重要角色。我们讨论了政府的援助—人道主义，并非人权—就是为了扶贫，基于平等主义和官僚主义的声请处理过程，食物援助不仅数量有限，在容量和选择上也有所限制：技术上来说，寻求庇护者只能在一间连锁超市换到东西，这实际上塑造了寻求庇护者的饮食，也不尊重他们的烹饪及文化习俗，住宿援助在数量上也有限，迫使很多寻求庇护者必须合住公寓，甚至是合住房间，这项措施漠视了声请人的特殊需要，尤其是

经历过创伤，在建立关系和信任或与陌生人共享空间上面临重大挑战的声请人。

第二个我们处理了的议题就是官方定义，它充斥着对保护声请人是经济移民而非在祖国遭受迫害的真正受害者的怀疑，这把机构的怀疑转移到寻求庇护者对同路人的评价。此外，我们描述了受访者试图减低这种怀疑，通过反映评估声请的官方标准来迎合机构的期望，而不顾自身声请的价值。最后，我们探讨了受限制的经历，还有申请过程的不可预测性及其对自我的影响。

我们认为对香港寻求庇护者的制度安排相当于考夫曼的理解中的去文化和去技能。寻求庇护者不得工作，他们不能从事在家乡原有的工作（尽管他们当中许多人是拥有高技术的专业人士），他们不能在香港学习新技能，即使有些人勉强照顾到自己，并找到其他赚钱的手段，对当事人来说根本没有制度上的救生绳。反之，不管怎样他们还是要依靠自己建立网络的才能、创意和创造力去应付生活，那些缺乏素质或者害怕影响声请而不愿冒险利用这些素质的人，被迫以人道主义援助为生，去文化和去技能导致他们进一步与主流社会移除和隔绝。用考夫曼的话来说，这[官方]机构并不寻求文化胜利或者同化，它不为确保香港寻求庇护者的融入或者适应而付出。制度安排无意让他们（有时超过十年）的作客生活感到舒适，处理声请和不考虑个人潜在特殊需要而给予援助的平等主义原则，反映了这机构对于其成员的「全方位观念」，生活在这些制度安排下，实际上将自己对机构的想法转移给当事人身上，从而冲击了自我的建构和逐渐丧失自我的过程，进入主流社会是取决于持有身份证，缺乏这样，寻求庇护者的行为便是他们的声请随之而来的结果。

參考書目

Desjarlais, Robert. 1997. Shelter Blues. Sanity and Selfhood among the Homeless. Philadelphia: Pennsylvania University Press.

Fassin, Didier and Estelle D'Halluin. 2005. "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers". American Anthropologist, 107(4):597–608.

Goffman, Erving. 1961a. Asylums. Essays on the Social Situation of Mental Patients and Other Inmates. New York: Anchor Books.

Goffman, Erving. 1961b. "Role Distance". In Erving Goffman. Encounters. Two Studies in the Sociology of Interaction. Harmondsworth: Penguin Books: 73–134.

HKSAR Immigration Department, "Notice to Persons Making a Non-refoulement Claim", available at: http://www.immd.gov.hk/pdf/notice_non-refoulement_claim_en.pdf.

Hong Kong SAR Immigration Department, available at: http://www.immd.gov.hk/eng/facts/enforcement.html.

HKSAR LegCo Panel on Security: Unified screening mechanism for Non-Refoulement Claims, LC Paper No. CB(2)1832/14-15(03), available at: http://www.legco.gov.hk/yr14-15/english/panels/se/papers/se20150707cb2-1832-3-e.pdf.

HKSAR LegCo Panel on Welfare Services: Humanitarian Assistance for Non-Refoulement Claimants, LC Paper No. CB(2) 1595/14-15 (05), available at: http://www.vfnow.org/wp-content/uploads/2015/06/Security-Bureau-Humanitarian-Assistance-for-Non-refoulement-Claimants-8Jun2015.pdf.

Hughes, Everett C., eds. 1945/1984. "Dilemmas and Contradictions of Status". In The Sociological Eye. Selected Papers, edited by E. Hughes, 141–150. New Brunswick and London: Transaction Publishers.

ISS-HK, available at http://www.isshk.org/en-us/services/index/NRC.

Jubany, Olga. 2011. "Constructing Truths in a Culture of Disbelief". International Sociology, 26(1):74–94.

Loper, Kelley. 2013. "Prospects for Refugee Rights in Hong Kong: Towards the Legalization and Expansion of Protection from Refoulement". In Angus Francis and Rowena Maguire (eds.). Protection of Refugees and Displaced Persons in the Asia Pacific Region. Burlington: Ashgate, 75–93.

Loseke, Donileen R. "Lived Realities and Formula Stories for Battered Women". In Jaber F. Gubrium and James A. Holstein (eds.). 2001. Institutional Selves. Troubled Identities in a Postmodern World. New York, Oxford: Oxford University Press, 107–126.

Matthews, Gordon. 2011. Ghetto at the Center of the World. Chicago and London: The University of Chicago Press.

Moore, Kerry. 2013. "'Asylum Shopping' in the Neoliberal Social Imaginary". Media, Culture and Society, 35(3):348–365.

Pollner, Melvin anf Jill Stein. 2001. "Doubled over in Laughter. Humor and the Construction of Selves in Alcoholics Anonymous". In Jaber F. Gubrium and James A. Holstein (eds.). 2001. Institutional Selves. Troubled Identities in a Postmodern World. New York, Oxford: Oxford University Press, 46–63.

Scott, Susie. 2011. Total Institutions and Reinvented Identities. London: Palgrave Macmillan.

Shum, Chun Tat Terence. 2014. "Refugee" and Migration: A Study of Asylum Seeking in Hong and Thailand. PhD Thesis. City University of Hong Kong.

United Nations Convention and Protocol Related to the Status of Refugees. Available at http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html.

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Available at http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx.

Weinberg, Darin. 2001. "Self-Empowerment in Two Different Therapeutic Communities." In In Jaber F. Gubrium and James A. Holstein (eds.). 2001. Institutional Selves. Troubled Identities in a Postmodern World. New York, Oxford: Oxford University Press, 84–104.