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Hong Kong's BNO Visa: Details of the New Visas for British Nationals Overseas Citizens in Hong Kong

Home Secretary announces details of the Hong Kong British National (Overseas) BNO Visa

The UK government has released details of the new Hong Kong British National (Overseas) 'BNO' Visa that it committed to introduce after the Chinese government's decision to impose a new National Security Law in Hong Kong. This will create a new immigration route to enable British National Overseas 'BNO' citizens resident in Hong Kong, and their immediate family, to move to the UK to work and study, as well as the opportunity to acquire indefinite leave to remain and British Citizenship.

Who will benefit from the scheme?

Former British Dependant Territories Citizens in Hong Kong who applied to register as British National (Overseas) Citizens (BNO) before 1 July 1997, when sovereignty of Hong Kong returned to China, together with their immediate family dependants.

Key Features:

The new Hong Kong BNO visa will allow BNO citizens to reside and work or study in the UK. The visa is valid for 5 years.

After 5 years, visa holders are entitled to apply for settled status/indefinite leave to remain. To qualify for settled status/indefinite leave to remain, visa holders must:

- a) Have resided in the UK continuously for 5 years,

- b) Not been absent from the UK for more than 180 days in any 12 months period throughout the 5 years period,
- c) Be free of criminality,
- d) Have supported themselves financially, and
- e) Fulfil the English Language and Life in the UK Test

If granted settled status or indefinite leave to remain, visa holders will be eligible to apply for British Citizenship after a further 12 months.

Who are classified as immediate family dependants?

Spouse or Partner and Children under 18 of BNO citizens

What are the requirements for a BNO visa to be granted?

To be eligible:

- i) The BNO citizen and their dependants must be ordinarily resident in Hong Kong. This includes those who are currently in the UK but who are ordinarily resident in Hong Kong.
- ii) The BNO citizen must demonstrate their ability to accommodate and support themselves and their dependants in the UK for at least 6 months.
- iii) There is no English Language requirement. However, applicants must demonstrate a commitment to learn English in the UK.

Can dependent children over 18 be eligible?

If they were born after 1997, and therefore are not BNO citizens, they will not be eligible. However, the UK Government Policy Statement (July 2020) states that they do not wish to split family units where there are dependent children over the age of 18. In compelling and compassionate circumstances, they will use discretion to grant visas to the children of a BNO citizen who fall into this category if they are still dependant on the BNO citizen and apply together as a family unit.

Are dependent grandparents and other relatives eligible to apply as dependants of a BNO citizen?

Dependent grandparents or other relatives are not eligible if they are not BNO citizens in their own right. However, in exceptional circumstances of high dependency, other adult dependants of a BNO citizen applying for a visa may be granted a visa at the UK Government's discretion. This will be considered on a case by case basis.

What are the length conditions and entitlements of the BNO visa?

After being granted the BNO visa, applicants and their family dependants will be granted leave to enter into the UK for 5 years. This will consist of an initial period of 30 months leave, renewable by a second charged application for a further 30 months. Alternatively, applicants will be able to apply for 5 years leave from the outset, upon payment of a higher fee and the immigration health surcharge for the duration.

BNO visa holders and their immediate family dependants are prohibited from claiming any benefits or public funds. However, they are allowed:

- To work in the UK in almost any capacity as an employed or self-employed person

- To access education including schooling for under 18 child dependants, education and training for young people aged 16-19 and higher education
- Access to free NHS care

How can applications be made?

Applications for the Hong Kong BNO visa will be via a digital online process. Applications for the visa can be made from Hong Kong and from within the UK or elsewhere. Documentary evidence of valid or expired BNO passports should be submitted as evidence of BNO status. If a BNO passport has been lost, it is possible for the UK authorities to check the applicant's status by searching the historical records held by the HM Passport Office. Applicants who are BNO citizens are only required to submit their facial biometrics. Dependants are required to submit their facial biometrics as well as their fingerprints.

There will be no requirement for applicants to apply for and travel with a valid BNO passport. Successful applicants will be able to travel on a valid HK Special Administrative Region passport.

When will BNO citizens and their dependants be able to apply for the Hong Kong BNO Visa?

The Hong Kong BNO visa will be open for applications from BNO citizens from January 2021.

Can applicants be admitted on this basis before the scheme opens in January 2021?

In exceptional circumstances, Border Force Officers will be able to consider granting leave outside the rules for a period of 6 months to BNO citizens and their dependants who arrive at the UK border before the scheme opens for

applications in January 2021, provided that the BNO citizens are able to demonstrate the following:

- a) They have BNO status. The UK Government Policy Statement (July 2020) says a BNO passport is not required. Border Force will be able to access the majority of the records, although holding a current or former passport may make the process quicker.
- b) They are ordinarily resident in Hong Kong.
- c) They can produce evidence of their dependant's family link to them.
- d) They have the ability to support themselves and their dependants in the UK for the 6 months period.
- e) They have no serious criminal convictions, have not otherwise engaged in behaviour which the UK Government deems not conducive to the public good or be subject to other general grounds of refusal under the Immigration Rules.

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If you would like advice or assistance on any of the issues raised in this note/article, please contact Agnes Lai by email at

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