

HONG KONG (BRITISH NATIONALS OVERSEAS VISA) UK IMMIGRATION GUIDE



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OVERVIEW

From 31 January 2021, the United Kingdom opened a new bespoke immigration route for British Nationals (Overseas) (BN(O) citizens) from Hong Kong.

The new Hong Kong BN(O) Visa will allow BN(O) citizens (those who hold BNO status) to reside and work or study in the UK, with a pathway to settlement (also known as permanent residence or indefinite leave to remain) and then citizenship.

An applicant will be able to apply to enter or stay in the UK for either a period of 30 months (which can be

extended by a further 30 months) or a period of 5 years. The applicant will be able to apply for this visa both from outside or inside the UK. Whilst on this visa the holder will remain subject to UK immigration control. After 5 years in the UK and provided that the visa holder has stayed free of criminality, has supported themselves financially and otherwise complied with the terms of the visa, they will be able to apply for settled status and 12 months after achieving settled status, they may then apply to naturalise as a British citizen.

WHAT IS BNO STATUS?

British National (Overseas) status is a class of British nationality granted by voluntary registration and created by the Hong Kong Act 1985, specifically for British Dependent Territories citizens of Hong Kong, before the transfer of sovereignty to China in 1997. To secure BN(O) status a person had to apply to register for it before the cut-off date of 1 July 1997. Those people who didn't register for BNO status and had no other nationality or citizenship on the 30 June 1997 automatically became BN(O) status holders on the 1 July 1997.

BNO status is granted for life and is only ended if the holder renounces it or if, in very limited circumstances, it is revoked by the UK government. Children of those with BNO status cannot inherit their parent's BN(O) status. However, the UK government has stated that those entering the UK with BN(O) status under the new visa will be able to bring dependants with them (see below for further information).



ELIGIBILITY

Only those applicants with British Nationals Overseas Citizenship status can apply for the new visa. In addition to holding BNO status, the applicant and his/her immediate dependants must:

- be ordinarily resident in Hong Kong, which includes those currently in the UK but who are ordinarily resident in Hong Kong;
 - be able to demonstrate their ability to accommodate and support themselves in the UK for at least six months;
 - hold a current tuberculosis test certificate from a clinic approved by the Home Office;
 - pay a fee for the visa and the Immigration Healthcare Surcharge both payable in full at the point of the visa application (please see below for details); and
 - be able to demonstrate a commitment to learn English in the UK where appropriate – on entry, there will be no English language requirement but applicants will require a good knowledge of the English language if they choose later to make an application for settled status (permanent residence/ indefinite leave to remain) after five years;
 - have no serious criminal convictions, have not otherwise engaged in behaviour which the UK Government deems not conducive to the public good, and not be subject to other general grounds for refusal set out in the Immigration Rules.
- In compelling and compassionate circumstances, the UK Immigration authorities will use their discretion to grant a visa to the child of a BN(O) citizen who was born after 1997 and over the age of 18 but still dependent on the BN(O) citizen, if the application is made as part of a family unit.
 - Dependent grandparents or other relatives will not be eligible for the new visa if they are not BN(O) citizens in their own right.
 - Only in exceptional circumstances of high dependency, can other adult dependants of a BN(O) citizen, who is applying for the new visa, be considered. This will always be at the UK Government's absolute discretion and on a case by case basis.

APPLICATION PROCESS

- Applications for the Hong Kong BN(O) Visa will be via a digital online application.
- There will be no requirement for applicants to apply for or hold a valid BN(O) passport in order to make the application. However, valid or expired BN(O) passports should be kept and submitted with the application as evidence of BN(O) status.
- Successful applicants will be able to travel to the UK on a valid Hong Kong Special Administrative Region Passport.
- Applications for the Hong Kong BN(O) Visa can be made from both Hong Kong and from within the UK if the applicant is already in the UK.
- All applicants will be required to provide biometric data as part of the application; facial biometrics for the BNO status holder and fingerprint biometrics for all dependants.

DEPENDANTS

- BN(O) citizens with their immediate family dependants, comprising spouse or partner and children aged under 18, will be eligible to apply for the Hong Kong BN(O) Visa.
- Dependants need not have BN(O) status themselves to be eligible.



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CONDITIONS AND ENTITLEMENTS

BN(O) citizens and their dependants who apply and meet the requirements set out above will have the following entitlements and restrictions in the UK for the period of leave granted under Hong Kong BN(O) Visas:

- leave to remain in the UK for a period of five 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 Healthcare Surcharge for the duration.
- the ability to apply for settlement (indefinite leave to remain) in the UK after five years' leave under existing rules and to apply for UK citizenship after 12 months settlement under existing rules.
- no recourse to public funds.
- the right to work in the UK in almost any capacity as an employed or self-employed person, consistent with
- UK employment laws and subject to having the appropriate skills and qualifications.
- access to education including:
 - schooling for under 18 child dependants
 - education and training for young people aged 16-19
- the ability to apply for higher education courses
- access to healthcare free at the point of use on the same terms as British residents, contingent on payment of the Immigration Healthcare Surcharge.

BN(O) citizens and their dependants will be expected to comply with UK laws. Anyone convicted of a criminal offence in the UK will be liable for removal.

COSTS OF MAKING THE APPLICATION (EXCLUDING LEGAL COSTS)

The costs of applying for a Hong Kong (BNO) visa are as follows:

Fee for 2.5 year visa	£180 (per applicant)
Fee for 5 year visa	£250 (per applicant)
NHS Surcharge fee for each visa applicant (£624 per year) [the cost is the same for each dependent]	£1,560 on the basis of a 2.5 year visa £3,120 on the basis of a 5 year visa
All government fees are correct at the time of producing this note but are subject to change in April every year.	



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Charlie is a Partner in our Trusts, tax and estate planning team, specialising in advising resident non-domiciliaries, UK and international trustees and domestic clients on matters spanning pre-immigration planning, residency and domicile rules, international tax planning and UK wills and estate planning. Charlie also advises on a full range of immigration matters. On the personal immigration side, he specialises in advising private clients and their families throughout their immigration journey, from initial visa applications through to applications for indefinite leave to remain and naturalisation. He also advises entrepreneurs about setting up businesses in the UK under the Innovator or Start-Up immigration routes, and advises younger clients on Student visas and the Graduate visa. With businesses, Charlie advises corporate clients on recruiting and retaining top talent from the global market.

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