

## Hong Kong British National (Overseas) Guidance

### Introduction

Hong Kong British National Overseas (BNO) status is a type of British nationality created for people from Hong Kong. It enabled them to retain a connection to the UK following the 1997 handover of the UK's responsibilities for Hong Kong to China. Anyone who was a British Dependent Territories Citizen through a connection with Hong Kong could apply to register as a BNO and then apply for a BNO passport.

People could apply for BNO status for a period of ten years prior to the handover to China on 1 July 1997. It is not possible to apply for BNO status now.

Due to the new security legislation that the Chinese Government introduced in Hong Kong, the UK government has announced a new Hong Kong British National (Overseas) visa route.

### What is the new Hong Kong British National (Overseas) visa and who should apply for it?

The new route will be open to British National (Overseas) (BNO) citizens and their family members **provided that they are ordinarily resident in Hong Kong**.

Applications will be made via a new digital process similar to the arrangements under the EU/EEA Settlement Scheme. This means that applicants will not need to attend any appointments in-person.

A digital visa will be granted. The standard visa will be granted for an initial period of two and a half years. It is possible to extend this and after five years, apply for Indefinite Leave to Remain (also known as settlement) which will grant the right to remain in the UK indefinitely. There will also be the option to apply for an initial five year visa (avoiding the need for an extension application). However, this will be at a higher cost.

Once the visa is granted, you and your family members will be able to live in the UK and if desired, work on an employed or self-employed basis. You will also be able to study at any level with no restrictions. Children can be enrolled at either a public school or an independent school.

At the time of the application you will be asked to pay for the Immigration Health Surcharge (IHS), giving you access to the National Health Service. However, you will not be able to access public funds.

### Where should I apply for the Hong Kong BN(O) visa?

The policy statement confirms that from 31 January 2021, applications will be accepted from within and outside the UK. **This is provided you are ordinarily resident in Hong Kong at the time of the application.**

### How much does it cost to apply for the Hong Kong BN(O) visa?

You and each of your family members will need to pay the visa application fee and the Immigration Health Surcharge (IHS).

The application fee depends on the length of leave you have applied for:

- £180 to apply to stay for 30 months.
- £250 to apply to stay for 5 years.

The Immigration Health Surcharge for each adult will be:

- £1,560 if you're applying to stay for 30 months.
- £3,120 if you're applying to stay for 5 years.

The Immigration Health Surcharge for each child under the age of 18 will be:

- £1,175 if you're applying to stay for 30 months.
- £2,350 if you're applying to stay for 5 years.

### Is there a deadline to apply for the Hong Kong BN(O) visa?

Currently, there isn't a deadline, but you will not be able to apply before 31 January 2021.

### What documents will I need to submit with my Hong Kong BN(O) visa application?

When you apply, you'll need to submit the following:

- Evidence of being a BN(O) citizen. You don't need a valid a BN(O) passport to show this and you don't need to request a new passport if it's expired or has been lost, as the Home Office should be able to check your status from records. If you have an expired BN(O) passport you can submit it with your application.
- A valid travel document, i.e. a valid Hong Kong Special Administrative Region passport.
- Evidence to show that you can accommodate and provide financial support for yourself and your family members for at least 6 months in the UK, unless you've been living in the UK for more than a year when you apply.
- A tuberculosis (TB) test certificate from an approved centre, unless you were last given permission to stay in the UK for more than 6 months and you've provided a TB test certificate before.

### Do applicants need to be able to provide evidence of their English language?

To apply for the initial visa, applicants need to demonstrate a 'commitment to learn English in the UK where appropriate'. There isn't a formal English language requirement.

Applicants will need to meet a formal English language requirement if they wish to settle in the UK after five years. This can either be an approved English language qualification at Level B1 or above or a degree taught or researched in English.

### Can my family/friends/partner/spouse/children apply together with me for the Hong Kong BN(O) visa?

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 do not need to have BN(O) status themselves to be eligible. Dependent grandparents or other relatives will not be eligible unless they are BN(O) citizens in their own right.

Children of BN(O) citizens who were born after the 1 July 1997 and who are still dependent on the BN(O) citizen will also be able to apply as dependants, provided one of their parents holds BN(O) status and they apply together as a family unit.

**If you're applying as a family unit, you must apply together.** The main applicant who is a BN(O) should apply first and receive their unique reference number. Any family members applying will need to quote this unique reference number in their applications.

In exceptional circumstances of high dependency, other adult dependants of a BN(O) citizen applying for the visa may also be eligible at the UK Government's discretion and this will be considered on a case by case basis.

You can find the policy statement on the following webpage:

<https://www.gov.uk/government/publications/hong-kong-bno-visa-policy-statement/hong-kong-british-national-overseas-visa-policy-statement-plain-text-version>

### **What should I do if I want to enter the UK before the Hong Kong BN(O) visa is available?**

If you're not eligible to enter the UK under an existing immigration route, UK Border Force officers may consider granting '**Leave Outside the Rules**' at the UK border for a period of up to 6 months to you and your accompanying dependants. You can then apply for the Hong Kong BN(O) visa from within the UK when it is available.

Please see the following webpage for further details:

<https://www.gov.uk/guidance/british-nationals-overseas-in-hong-kong>

### **What should I do if I am already in the UK?**

If you're already in the UK, you can apply for the Hong Kong BN(O) visa from within the UK when it opens for applications on 31 January 2021. You can also apply from within the UK if you were granted 'Leave Outside the Rules' at the UK border when you arrived.

If your existing immigration leave expires before January 2021 and you want to stay in the UK before applying for the Hong Kong BN(O) visa, there are a number of options open to you:

- Extend your existing immigration leave (if possible).
- Switch into another immigration route – you can submit an application form from within the UK where you would usually need to apply for a visa from your home country.
- Re-enter the UK after leaving – at the border you may be eligible to be granted 'Leave Outside the Rules' as a BN(O) as set out above.
- Apply for 'Leave Outside the Rules' from within the UK for up to 6 months.

You'll need to meet the requirements of the route you're applying for and pay any application fee that applies.

Please see the following webpage for further guidance:

<https://www.gov.uk/guidance/british-nationals-overseas-in-hong-kong>

### **When will I be eligible to apply for Settlement visa in the UK under the Hong Kong BN(O) visa?**

You'll be able to apply for settlement in the UK once you've lived here for 5 years.

If you've already spent time in the UK on a route to settlement (e.g. a general work (Tier 2) visa), this will count towards the 5 years.

Time spent on Tier 4 (now called the Student visa) or Tier 5 (now called the Temporary Worker – Government Authorised Exchange visa (T5)) are not routes to settlement and will **not** count towards the 5 years.

Once you've been settled in the UK for 12 months you will be able to apply for full British citizenship (if you wish to do so).

### **Where can I find further guidance on the Hong Kong BN(O) visa?**

You can find the policy guidance for the visa on the following webpage:  
<https://www.gov.uk/guidance/hong-kong-british-national-overseas-visa-applications>

You can also find further guidance on this webpage:

<https://www.gov.uk/guidance/british-nationals-overseas-in-hong-kong>

If you need further guidance after reading this resources or would like to discuss your individual case, please write to International Student Advice at [visaadvice@law.ac.uk](mailto:visaadvice@law.ac.uk)