



GMS Flash Alert

Immigration Edition

2020-331 | July 28, 2020



United Kingdom – Hong Kong BN (O) Visa Set to Open from January 2021

The U.K. government released a policy statement on 22 July 2020, in which the Home Secretary Priti Patel said the U.K. will create a new bespoke immigration route for British Nationals (Overseas) (BN(O) citizens) from Hong Kong. The U.K. government is planning to open the Hong Kong BN (O) Visa for applications from January 2021.¹ (For prior coverage, see GMS [Flash Alert 2020-304](#), 7 July 2020.)

The new Hong Kong BN(O) Visa will allow BN(O) citizens to reside and work or study in the U.K., with a pathway to settlement and then citizenship. For their part, BN(O) citizens wishing to come to the U.K. will be expected to be self-sufficient and to integrate into and contribute to the betterment of U.K. society. They may bring their immediate dependants, including non-BN (O) citizens.²

WHY THIS MATTERS

This is a major change to the U.K.'s immigration law with respect to British Nationals (Overseas) and opens up the possibility of U.K. residency and British citizenship to many Hong Kong residents. It should bring some relief to those Hong Kong citizens who may be anxious about the implications for their freedoms and rights of the new national security law being implemented by the Chinese government in Hong Kong.

Context

Hong Kong is a former British colony, which was handed back to the People's Republic of China ("PRC" or "China") in 1997. The U.K. government³ says the decision of the Chinese government to impose its national security legislation on Hong Kong constitutes a breach of the 1984 Sino-British Joint Declaration, undermining the "one country, two systems" framework.

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BN(O) status is a form of British nationality created for people from Hong Kong so they could retain a form of British nationality and connection to the U.K. after the handover to China in 1997 in line with the Sino-British Joint Declaration. Anyone who was a British Dependent Territories citizen through a connection with Hong Kong was able to apply to register as a BN(O) and apply for a BN(O) passport. People could apply for BN(O) status for a period of 10 years prior to the handover to China on 1 July 1997. It is not possible to apply for BN(O) status now. Approximately 3.4 million people acquired BN(O) status. The U.K. government estimates there may be 2.9 million BN(O) citizens still alive.⁴

Who Is Eligible to Get the 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 need not have BN(O) status themselves to be eligible.⁵

In exceptional circumstances of high dependency, other adult dependants of a BN(O) citizen applying for the visa may also be eligible at the U.K. government's discretion, considered on a case-by-case basis.⁶

Requirements

In addition to holding BN(O) status, applicants and their dependants must also be able to support themselves financially. They will need to have a tuberculosis (TB) test certificate and no serious criminal convictions, though those convicted only of offences related to the recent demonstrations in Hong Kong will still qualify. They also need to show a commitment to learn English which will be a requirement if they choose later to make an application for settled status.⁷

Applicants will have to show a valid passport to show proof of identity, there will be no requirement for applicants to apply for or hold a valid BN(O) passport and successful applicants will be able to travel on a valid Hong Kong Special Administrative Region Passport.⁸

What Are the Conditions and Entitlements?

The applicants will be able to apply to enter or remain in the U.K. for an initial period of 30 months, extendable by a further 30 months, or a single period of five years. They will be able to work and study, but will not be able to access public funds such as social welfare benefits.⁹

They will be able to apply to settle in the U.K. once they've lived in the U.K. for five years. After 12 months with settled status, they can apply for British citizenship.¹⁰

KPMG NOTE

The U.K. government has noted that if the above does not apply, then the existing youth mobility scheme is open to people in Hong Kong aged between 18 - 30, with 1,000 places currently available each year. Individuals from Hong Kong will also be able to apply to come to the U.K. under the terms of the U.K.'s new Points Based System (for related coverage, see GMS [Flash Alert 2020-319](#), 20 July 2020), which will enable individuals to come to the U.K. across a wider range of professions and at a lower general salary threshold than in the past.¹¹

The government also said that¹² it does not wish to split family units where there are dependent children over the age of 18, given the particular challenges linked to the timing of obtaining BN(O) status. Therefore, in compelling and compassionate circumstances, it will also use discretion to grant a visa to the children of a BN(O) citizen who fall into this category and who are still dependent on the BN(O) citizen.¹³

FOOTNOTES:

1 See Hong Kong BN (O) settlement policy statement at: <https://www.gov.uk/government/publications/hong-kong-bno-visa-policy-statement> .

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 Ibid.

11 Ibid.

12 Ibid.

13 Ibid.

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in the United Kingdom.

The KPMG Legal Services – Immigration Team has a wealth of experience in transactional, advisory, and compliance assurance services. We will be able to advise your business in relation to practical considerations in light of the above changes, as well as what this means for your long-term recruitment and compliance strategies.



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The information contained in this newsletter was submitted by the KPMG International member firm in the United Kingdom.

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