



New UK visa category for Hong Kong BN(O)s

07 August 2020

From January 2021, BN(O) citizens – a status given by the UK government to those who had British Dependent Territories citizenship, who were born no later than 1997 – will be able to apply for visas to enable them to live and work in the UK, leading to British citizenship. There are approximately 2.9 million people who hold BN(O) status.

Although the route does not formally begin until January 2021, Home Office guidance states that for citizens in “exceptional circumstances” who wish to travel sooner, “Border Force Officers will be able to consider granting Leave Outside the Rules (‘LOTR’) for a period of six months to BN(O) citizens and their accompanying dependants at the UK border, if they do not satisfy Border Force that they are eligible for entry via another immigration route. It will still be open to Border Force Officers to refuse individuals entry to the UK where there is good reason to do so.”

They will not be required to meet skills tests, minimum income requirements, economic needs tests, or to hold a job before coming to the UK. They will also not need to hold a current BN(O) passport, as long as they are BN(O) citizens. They can also bring immediate dependants (spouses or under 18 children) including non BN(O) citizens. Even if their children are over 18, they will be able to apply for a discretionary visa as a dependant in ‘compelling and exceptional circumstances’.

The offer is not unconditional, however, Applicants 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 financially support themselves in the UK for at least six months;
- 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 (indefinite leave to remain) after five years;
- hold a current tuberculosis test certificate from a clinic approved by the Home Office where necessary;
- pay a fee for the visa and the Immigration Health Surcharge both payable in full at the point of the visa application; and
- 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.

Applicants will need to pay visa fees, the Immigration Health Surcharge and, if they subsequently apply for citizenship after they become settled, will be required to pay the relevant fee and meet the criteria. They will also have No Recourse to Public Funds during their first five years.

If granted a visa, they will be awarded up to 5 years Leave to Enter (this could either be on a rolling 30 month basis or an immediate grant of 5 years, if the applicant is prepared to pay up front). After 5 years, they can apply for Indefinite Leave to Remain and after another year they can apply to naturalise as a British citizen. They will be subject to the ordinary rules around settled status – for example maximum absences.

Our Citizenship & Immigration team can be contacted for specific advice. Please contact one of the partners Kathryn Bradbury or Matt Ingham or your usual contact in the Citizenship & Immigration team.
