

## British National (Overseas) visa for persons from Hong Kong



### Legal Information Briefing

This Legal Information Briefing provides guidance on a new immigration scheme for people from Hong Kong who are British Nationals (Overseas). This scheme went live on 31 January 2021.

The UK government estimates that approximately 300,000 persons from Hong Kong and their family members may come to the UK under this scheme.

The UK government devised this scheme following the Chinese government's imposition of the National Security Law in Hong Kong in July 2020, which the UK views to be in breach of international law. China argues that, by making this visa scheme available to the people of Hong Kong, the UK has violated China's sovereignty to make this visa scheme available to people from Hong Kong.<sup>1</sup>

**For free, tailored advice on any of the issues discussed in this FAQ or any other aspect of immigration law, please call (028) 9024 4401 and ask to speak to an immigration adviser.**

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<sup>1</sup> See: UK government, 'World news story: BN(O) Visa Route: response to misleading claims' 20 January 2021.

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## What is the British National (Overseas) visa?

On 31 January 2020, a new visa became available for persons who are British National (Overseas) from Hong Kong (“BNO”). The visa is also available for family members and permits holders to live, work and settle in the UK.

## Safety considerations

The Chinese government has voiced its opposition to the BNO visa. There are reports that China may impose exit bans on some people wishing to leave Hong Kong to avail of this new immigration route.<sup>2</sup> Please consider your safety and be careful about who, and by what means, you discuss the BNO visa.

## Who can apply for a BNO visa?

To be eligible to apply, you must be a British National Overseas and 18 years or older. You must be ordinarily resident in Hong Kong (if applying from abroad) or in UK (if applying from NI).

You can apply to ‘switch’ into this visa from other immigration visa categories.

## How long can I stay?

You can apply for a BNO visa to stay in the UK for either:

- 2 years and 6 months: or
- 5 years

You can extend the visa as many times as you need.

## How much does a BNO visa cost?

Each applicant needs to pay the fee:

- 2 years and 6 months: £180
- 5 years: £250

Each applicant must also pay the NHS Healthcare surcharge:

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<sup>2</sup> Emma Graham-Harrison, ‘Britain’s citizenship offer to Hong Kong: how China could respond’, The Guardian, 2 July 2020.

- 2 years and 6 months (Adults: £1,560; Children under 18: £1,175)
- 5 years: (Adults: £3,120; children under 18: £2,350)

There is also a biometric fee of £19.20.

## What can I do with a BNO visa?

A holder of BNO visa can:

- Work
- Study
- Access healthcare

A holder of BNO visa cannot:

- Access social security benefits.

The No Recourse to Public Funds (NRPF) condition applies to the BNO visa. If this creates financial hardship for you or your family, please seek immigration advice.

## Can my family members apply?

Yes, eligible family members can apply for a BNO visa with you. This includes:

- Wife, husband, civil partner or unmarried partner;
- Child / grandchild;
- Parent / grandparent / brother / sister / adult son or daughter if they live with you and are dependent on you for care.

All family members should apply together and provide evidence of their relationships.

## What are the requirements?

### *Financial*

You must be able to demonstrate that you can adequately maintain and accommodate yourself and your dependents for at least six months. Unlike other visas, there is no minimum income requirement or requirement to have a job offer.

### *Tuberculosis TB test*

You must have a tuberculosis test certificate. This can be obtained prior to arrival or from the UK.

At present, there are no [Home Office approved TB testing clinics in Northern Ireland](#)

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and you may have to travel to Great Britain. The Home Office is currently looking at the issue of TB test certificates for persons living in NI. Please contact Law Centre for more up to date requirements.

### *Good character*

Applications can be refused due to criminality depending on the nature of the offences. Crimes committed overseas are also taken into account. If you have a criminal record, please seek immigration advice prior to applying. This also applies if you were convicted under the National Security Law.

## **How do I apply?**

Applications can be made [online](#). Applicants living in Hong Kong will need to book an appointment at a visa application centre to prove their identity.

## **Can I apply by app?**

If you have a biometric chip in your passport, it will soon be possible to apply for a BNO visa with a smartphone app (similar to the EU Settlement Scheme). This process will open on 23 February 2021.

Using the online app may be a safer option, especially if you and/or your family members are in Hong Kong, as you will not have to attend a visa application centre.

## **Will I be able to stay permanently in the UK?**

Once you have held a BNO visa for 5 years, you will be able to apply for settlement (also known as Indefinite Leave to Remain). After a further year, you may be able to apply for British citizenship. Both applications have strict eligibility criteria.

Applicants in the UK who switch to a BNO visa from another route may be able to combine the years spent under their previous route. This means that some BNO visa holders will be able to obtain settlement before 5 years.

## **Can I claim asylum?**

The BNO visa enables people from Hong Kong to obtain leave to remain without having to apply for asylum. Given the difficulties associated with the asylum system – i.e. potentially lengthy processing period, no permission to work, risk of poverty, etc. –

the BNO visa route will be preferable for many.

The existence of the BNO scheme does not, however, prevent you from claiming asylum. Some people from Hong Kong may wish to claim asylum because they wish to be recognised as refugees or because they cannot afford the fees associated with the BNO visa. Anyone in this position should urgently seek immigration advice. There may be other immigration options too.

## **Where can I get advice?**

If you have any questions about the BNO visa or the application, you can obtain free, specialist immigration advice from Law Centre NI.

Contact the Law Centre or see our website for the details of our immigration advice line: 028 9024 4401.

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