

Business Immigration to Hong Kong: A Practical Guide

by

**Mr. Stephen D. Barnes,
Co-Founder,
Hong Kong Visa Centre**

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Hong Kong

LSHK 3.0 CPD Points

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Course Presenter

Mr. Stephen D. Barnes
Co-Founder, Hong Kong Visa Centre

A graduate of the London School of Economics, Stephen started his first dedicated Hong Kong immigration practice, LL.B Consultancy, in Kowloon in 1993 straight out of law school. In 1996, Stephen wrote, then published, the first edition of the Hong Kong Visa Handbook on the internet - which went on to be the leading D-I-Y guide to the Hong Kong visa and immigration process. Stephen is an acknowledged expert in all matters relating to Hong Kong immigration and for many years has delivered CPD programmes to the legal community of the HKSAR. Frequently invited to speak on the topic of Hong Kong visas, Stephen is widely sought after for commentary from the Hong Kong press, to deliver talks to business and HR organisations and appears regularly as guest on RTHK Radio 3 answering visa and immigration questions live on air.

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Course Schedule

Time	Content	Presenter
14:30	Opening	
14:35	<ul style="list-style-type: none">▪ Visitor Visa▪ Employment Visa▪ Admission of Mainland Talents & Professionals▪ Training Visa▪ Non-Local Graduates▪ Supplementary Labour Scheme	Mr. Stephen D. Barnes
16:00	Break	
16:15	<ul style="list-style-type: none">▪ Business Investment Visa▪ Capital Investment Entrant Scheme▪ Quality Migrant Admission Scheme▪ Family Visas▪ Long Stay & Permanent Residence▪ Refusals	Mr. Stephen D. Barnes
17:35	Summary and Conclusion	
17:45	End	

- 1.1 Visitor Visa: Entry Visitor
- 1.2 Visitor Visa: Visitor Extension
- 1.3 Visitor Visa: Travel Pass
- 2 Employment Visa
- 3 Admission of Mainland Talents & Professionals
- 4 Training Visa
- 5 Non-Local Graduates
- 6 Supplementary Labour Scheme
- 7 Business Investment Visa
- 8 Capital Investment Entrant Scheme
- 9 Quality Migrant Admission Scheme
- 10.1 Family Visas: Legal Dependants
- 10.2 Family Visas: Defacto Spouse
- 10.3 Family Visas: Same Sex Partners
- 11.1 Long Stay & Permanent Residence:
Right of Abode
- 11.2 Long Stay & Permanent Residence:
Unconditional Stay

12.1 Refusals: Reconsideration

12.1 Refusals: Final Appeal

Addendum 1 Hong Kong Visa Application Planning Tool

Addendum 2 Hong Kong Visa Extension Kit



Visa Information

Visitor Visa

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VISITOR VISAS

Entry Visas for Nationals Not Enjoying Visitor Status Upon Arrival

(or otherwise seeking a longer limit of stay)

HONG KONG VISA
CENTRE

GENERAL RULES

www.hongkongvisahandbook.com

Permitted Activity

- Genuine business or leisure visit – ‘do your thing’ then finally depart
- Pre-relocation for business residence subsequently
- Trade fair participation, speaking at conferences

Has ‘Intention to Reside’ Crystallized?

- If so, your Visitor Visa is no longer appropriate.
- Need to approach the HKID and change status.
- Possible inadvertent breach of conditions of stay.

HKID Ultimately Decide

- If challenged, they will assess your actions and intentions
- Prosecution, removal or cancellation of Visitor visa consents all possible
- Short Conditional Landing a real possibility

NEXT STEPS



Visa Information





Eligibility

Most foreign nationals do not need to apply for any visa in advance of a Visit to Hong Kong. They are granted visitor permissions upon arrival. The length of stay is nationality-dependant. Canadian's get 90 days, citizens of Chad, 14. For historical reasons, British Citizens secure a six month Visitor visa each time they land in the HKSAR. A complete list is available at:

[HKID Links: Visitor Visa](#)

Approvability Test

When a visitor presents himself at (a) an overseas mission or (b) at the borders of the HKSAR they must be able to satisfy Hong Kong immigration officials that they are a **'bona fide Visitor'** to Hong Kong. For tourism purposes, this is relatively straight forward: return tickets, a firm itinerary, your travelling companions, sufficient funds etc. all suffice. If coming to the HKSAR for a business visit the examining immigration officer will take into consideration the following:

- Is there an existing place of residence and work outside of Hong Kong available to the visitor to return to at the end of the visit?
- Is the visit for a set period of time limited to the maximum period of stay available upon arrival?
- Does the visitor anticipate paid remuneration of any kind from Hong Kong sources during the course of the business visit?
- Is there sufficient funds available to complete the business visit trouble free?
- Is the visitor able to detail a specific plan for the business visit and is it actually realistic?

Applying Before Arrival

If you need a visa before you arrive in Hong Kong, the application process is managed via the global network of Chinese diplomatic and consular missions. Therefore apply at your nearest. Alternatively, you can also submit your visa application direct to the HKID either directly by post or through a local sponsor. To shorten the processing time, application forms and supporting documents can be sent by fax to (852) 2824 1133 in the first instance. However, the original copy of the completed application form and the accompanying photographs should be immediately dispatched to the HKID by air mail so that the visa can be issued. If you are a Chinese resident of Taiwan, you should submit your application for an entry permit through one of the authorised airlines. There are separate processes regarding the arrangements for entry in respect of residents of the Mainland of China and for overseas Chinese which go beyond the scope of this Visa Information sheet. You can find this information at:

[HKID Links: Entry Permits for Mainland Residents](#)

Refusal & Appeal

There is no process of appeal where a visitor visa has been refused either prior to or upon arrival. Moreover, any person holding visitor status can be removed from Hong Kong at any time.

Visitor Visa



Preparing Your Case

[\(Click to Watch\)](#)

Highlights

- Most nationalities secure visas upon arrival
- Stay can be from 7 to 180 days
- Must be a 'bona fide visitor'
- If required, apply via a Chinese diplomatic mission
- Otherwise direct to the HKID via fax/original form follow up
- Mainland residents have special processes



Documents Required

Applicant Documents

- 1 HKID form ID1003A
- 2 Recent photo to be attached to the form
- 3 Photocopy of the applicant's travel document containing personal particulars, date of issue, date of expiry and/or details of any re-entry visa held (if applicable)
- 4 Photocopy of proof of the applicant's financial standing, e.g. bank statements, savings accounts passbooks, tax receipts, etc. and proof of employment (if any), e.g. company leave letter, salary slips, etc.
- 5 Photocopy of proof of transportation arrangement, e.g. flight itinerary
- 6 Photocopy of proof of the proposed leisure visit to Hong Kong, e.g. receipt of joining a package tour to Hong Kong, itinerary, etc. *(for leisure visit only)*
- 7 Photocopy of proof of the proposed visit in the next destination after visiting Hong Kong, itinerary, etc. *(for transit only)*
- 8 Photocopy of proof of the proposed business visit to Hong Kong, e.g. letter issued by the applicant's employing company to confirm his/her proposed business activities in Hong Kong, invitation letter issued by a local company, letter issued by a trade body to confirm the applicant's attendance at trade fairs and exhibitions, etc. *(for business visit only)*
- 9 Photocopy of proof of relationship with the local sponsor *(for family visit only)*
- 10 Photocopy of proof of the proposed visit to Hong Kong *(for purposes of visit other than leisure, transit, business or family visit)*

Sponsor's Documents

- 1 HKID form ID 1003B
- 2 Photocopy of Business Registration Certificate *(if a company sponsor)*
- 3 Photocopy of the sponsor's Hong Kong identity card *(and if not a permanent resident a Photocopy of the sponsor's travel document containing personal particulars, date of issue, date of expiry, and the latest arrival stamp/extension of stay label in the HKSAR)*



Discussion

A Space for Your Notes





Visitor Visa

Applicant Documents

- ☐ HKID form ID1003A
- ☐ Recent photo to be attached to the form
- ☐ Photocopy of the applicant's travel document containing personal particulars, date of issue, date of expiry and/or details of any re-entry visa held (if applicable)
- ☐ Photocopy of proof of the applicant's financial standing, e.g. bank statements, savings accounts passbooks, tax receipts, etc. and proof of employment (if any), e.g. company leave letter, salary slips, etc.
- ☐ Photocopy of proof of transportation arrangement, e.g. flight itinerary
- ☐ Photocopy of proof of the proposed leisure visit to Hong Kong, e.g. receipt of joining a package tour to Hong Kong, itinerary, etc. *(for leisure visit only)*
- ☐ Photocopy of proof of the proposed visit in the next destination after visiting Hong Kong, itinerary, etc. *(for transit only)*
- ☐ Photocopy of proof of the proposed business visit to Hong Kong, e.g. letter issued by the applicant's employing company to confirm his/her proposed business activities in Hong Kong, invitation letter issued by a local company, letter issued by a trade body to confirm the applicant's attendance at trade fairs and exhibitions, etc. *(for business visit only)*
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Discussion

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Visitor Visa

Notes



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Visa Information

Visitor Visa Extensions

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VISITOR VISAS

Applying for an Extension to a Visitor Visa

HONG KONG VISA
CENTRE

VISITOR VISA EXTENSIONS

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NEXT STEPS



Visa Information





Visitor Visa Extensions

Eligibility

Once admitted into Hong Kong, first extensions of stay to visitor visas are readily granted.

Approvability Test

Upon application, the visitor visa holder must be able to satisfy the HKID that he or she remains **a bona fide visitor to Hong Kong**. Particularly, the examining officer is looking to ensure that you are not breaching/will not breach your conditions of stay if they allow you to remain in Hong Kong as a visitor for a further period of time.

Structuring Your Argument

When applying at the HKID Immigration Tower in Wanchai, you will need to prepare in advance a letter justifying your reasons for the extension and also provide a written undertaking as when you will finally end the visit and exit Hong Kong. First extensions are usually granted for the period of time requested, such being no longer than the original visa granted upon or prior to arrival. If you believe you will be requiring a further extension it is wise to anticipate this and provide for it in your written representations the first time around. Securing the support of a local business or social contact is very helpful in promoting your case, especially if the same writes to substantiate the essential rationale for your extension request.

Further Extensions & Appeal

Second and subsequent applications are not granted lightly and are scrutinized thoroughly. Hence the importance of anticipating the possibility of a further extension when you make your first application. A similar process to the first is followed for subsequent applications; namely the same type of representations and third party communications in support (which are even more critical). If refused, there is no right/process to appeal.

Documents Required

- Immigration Department Form ID91
- Letter from Applicant
- Third Party Letter of Support



The Shenzhen Shuttle

In a practical sense, you may choose to leave Hong Kong just prior to the expiry of your current period of stay as a visitor and immediately (or after a relatively short period of time, in any event) re-enter the HKSAR with a fresh period of stay. This often involves a quick visit across the boundary to Shenzhen or Macau. Whilst seemingly common practice, it is not recommended. The immigration officials are alert to these techniques and still subject the traveller to the Approvability Test each time they present at immigration control. There is a real risk of refusal of entry.



Preparing Your Case

(Click to Watch)

Highlights

- Apply at Immigration Tower in Wanchai
- First extensions are readily forthcoming
- Need to provide representations in writing
- The support of a local contact is invaluable
- No right of appeal if your application fails
- Beware the Shenzhen Shuttle



Discussion





Visitor Visa Extension

- ☐ Immigration Department Form ID91
- ☐ Letter from Applicant
- ☐ Third Party Letter of Support

Notes



Discussion

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Visa Information

Travel Pass

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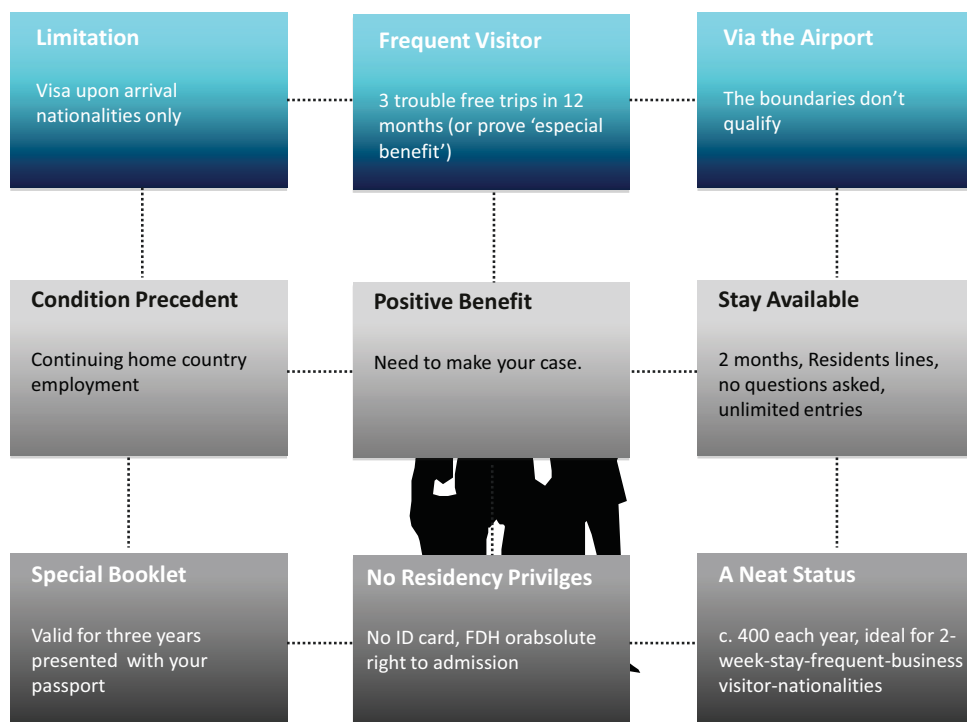
VISITOR VISAS

The Hong Kong Travel Pass

(a super-charged Visitor visa)

HONG KONG VISA
CENTRE

TRAVEL PASS

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NEXT STEPS



Visa Information





Eligibility

You are eligible to apply for a HKSAR Travel Pass if you have made, at a minimum, 3 separate trips to Hong Kong in the previous 12 months entering via the airport. Therefore, this excludes 'side visits' to Macau and China via the immigration control points at the boundaries. You are expected to have a pre-existing employment in another country (which will continue after successful receipt of Travel Pass) and be able to satisfy the Director of Immigration that granting you a Travel Pass will positively benefit the economy of Hong Kong. In special circumstances the Immigration Department are prepared to waive the 3 trips rule. To be eligible for a Travel Pass you must be citizen of a country which enjoys 'visa-upon-arrival' access to Hong Kong.

Approvability Test

You will have to provide the HKID with evidence that you have a genuine need for the frequent visits to Hong Kong underpinning your requirement for a Travel Pass and that such visits will be of benefit to Hong Kong's economy. This will require detailed written representations, ideally supported by a local sponsor, alongside the application form. Moreover, the HKID will occasionally waive the 3 trips rule and accept applications for a Travel Pass from foreign nationals who can prove that their visits will be of substantial (especial) benefit to the HKSAR. In these instances such applications will be treated on special grounds and on their individual merits. The burden of proving the extent of the benefit to Hong Kong lies with you and you will have to furnish significant documentary evidence in support.

Benefits & Limitations

Your Travel Pass affords efficient clearance through immigration formalities upon arrival and departure from Hong Kong as you are allowed to use the Hong Kong Residents' counters (as opposed to the much lengthier Visitors'). However, the Travel Pass does not avail 'residency' rights in the HKSAR. Consequently, you will not be able to secure a Hong Kong Identity Card, Dependant Visas for your family nor employ/sponsor a foreign domestic helper.

Permitted Activity

The Travel Pass does not allow the holder to take up employment in Hong Kong, nor establish or join in any business. It does NOT allow a business entity in Hong Kong to employ the holder. The Travel Pass enables you to enjoy frequent, extended periods of stay as a visitor to the HKSAR allowing the Hong Kong originated business matters of your overseas employer to be readily and efficiently pursued without any immigration hindrances. A Travel Pass does not afford the holder the right to land in Hong Kong so you should not expect to be admitted to Hong Kong as a matter of legal right.

Structuring Your Arguments

The challenge to making a successful case for a Travel Pass is to articulate clearly the reasons why you have been travelling frequently to the HKSAR these last 12 months. Explain how these trips have led to growth opportunities which conceivably could lead to your employer needing to establish some kind of formal business presence in Hong Kong in due course. Indicate the specific value of the turnover of your firm which is ascribed to your Hong Kong activities and how your local contacts have benefitted. If you believe that the upcoming activities of your firm in Hong Kong are going to require frequent extended visits and you have not satisfied the 'three trips' rule it is advisable to lay out your company's plan vis Hong Kong in some considerable detail and illustrate exactly where you fit in. Solid, extensive representations from your Hong Kong contacts will go a long way to helping secure the Travel Pass.

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Travel Pass



Preparing Your Case

(Click to Watch)

Highlights

- The Travel Pass is a 'supercharged' Visitor visa
- Available to frequent visitors to Hong Kong
- Only available to 'visa upon arrival' nationalities
- Travel Pass is not an employment visa
- Enlist the help of a local Hong Kong contact



Discussion





Travel Pass

Documents Required

- Hong Kong SAR Travel Pass Application Form ID 888 (to be completed and executed by the applicant along with a recent passport sized photograph duly affixed on the space indicated the same).
- Duly completed Acknowledgement Card ID 889. Address Labels ID 839 (duly completed with full correspondence address of the applicant).
- Photocopy of valid passport (relevant personal particulars pages and records showing the minimum three visits to Hong Kong in the preceding 12 months).
- Second passport sized photograph of the applicant which is identical to that appended to the Form.
- Prescribed fee of HKD575 in the form of a cashier order or bank draft
- Letter from your current employer in support of the application (indicating the background information of the company).
- If the visits are mainly for business purposes, a supporting letter from your major business contact in Hong Kong.
- If the visits are for purposes other than business, detailed representations illustrating to the HKID how your frequent/ extended visits will be of 'especial benefit' to Hong Kong.



Validity & Booklet

Once approved, the Travel Pass allows a two month period of stay upon each entry, with unlimited entries permitted. Once granted it will be valid for three years. The Travel Pass itself is manifested in a special booklet issued by the HKID which is presented during immigration clearance formalities along with your passport.

Refusal & Appeal

There is no process of appeal where a Travel Pass has been refused. Moreover, any person holding a Travel Pass can be removed from Hong Kong at any time.

A Space for Your Notes



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Travel Pass

- ☐ Hong Kong SAR Travel Pass Application Form ID 888 (to be completed and executed by the applicant along with a recent passport sized photograph duly affixed on the space indicated the same).
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- ☐ If the visits are for purposes other than business, detailed representations illustrating to the HKID how your frequent/extended visits will be of 'especial benefit' to Hong Kong.

Notes



Discussion

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Visa Information

Employment

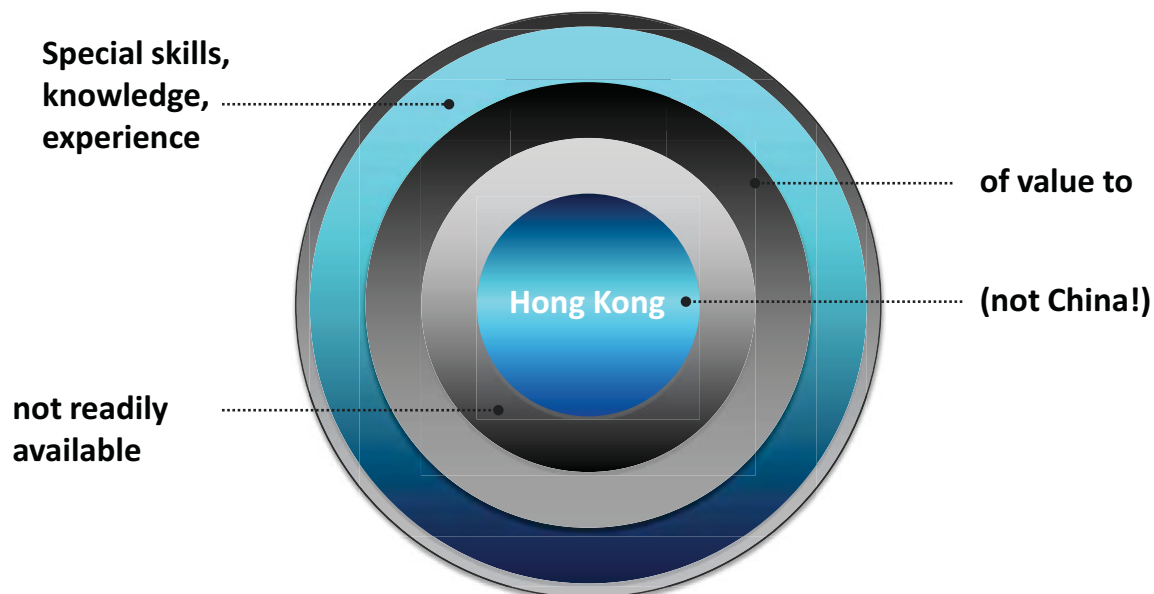
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EMPLOYMENT VISAS

Visa to Take Up Employment in the HKSAR

HONG KONG VISA
CENTRE

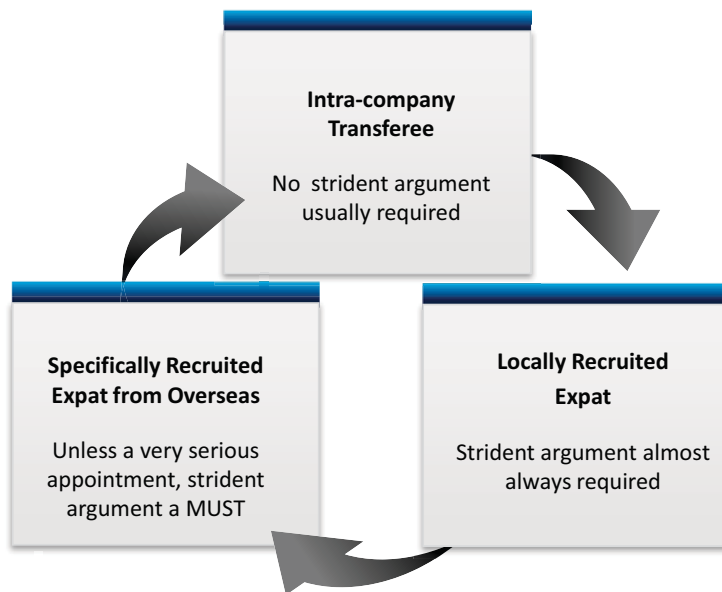
ANALYSING THE APPROVABILITY TEST

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+ your employer must be justified in engaging the services of an expatriate

THREE TYPES OF APPLICANT

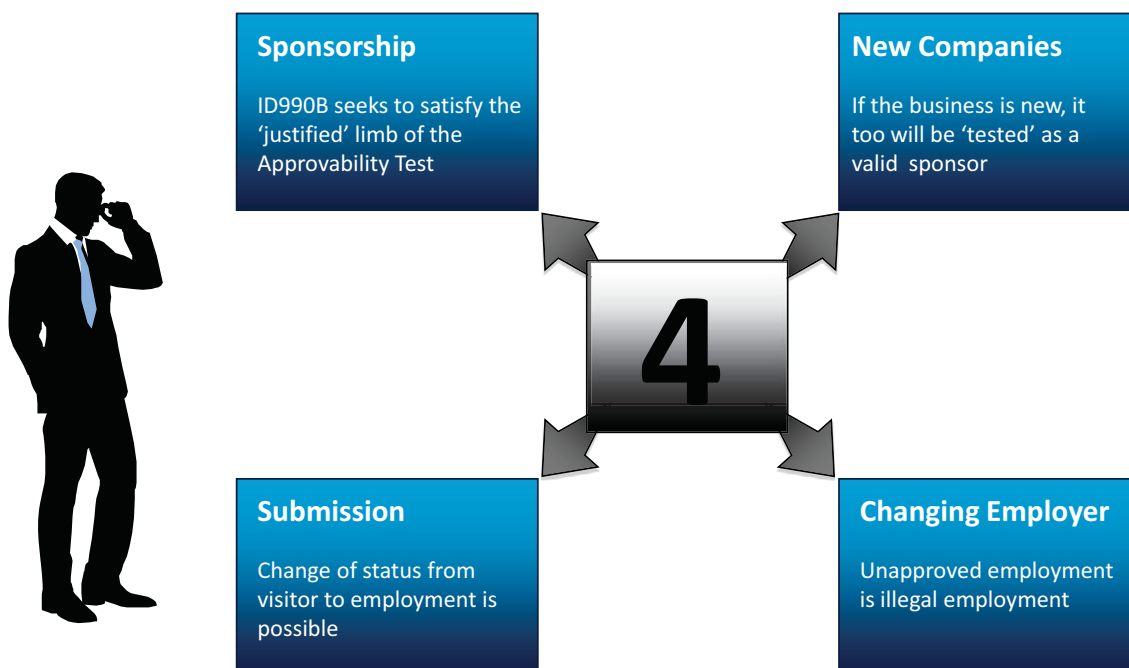
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Ensure you know the case type and where it sits on the admin/argue axis

FURTHER CONSIDERATIONS

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OWNER 'EMPLOYEE'

1

You cannot 'self sponsor'

2

If you have 'value at risk' in the employer, you are likely an 'investor'

3

Don't play games with the HKID—they always get to the bottom of business ownership

4

If the situation genuinely stacks up, you will receive an approval

Do you own the business or merely going to work for it?

NEXT STEPS



Visa Information





Eligibility

An application for a visa to take up employment will be successful if:

- There is no security objection and no known record of serious crime.
- You have a good educational background in the relevant field but in special circumstances good technical qualifications, proven professional abilities and/or relevant experience.
- There is a genuine job vacancy.
- You have a confirmed offer of employment.
- You will be employed in a job relevant to your qualifications or working experience.
- That job cannot be readily taken up by the local work force.
- The remuneration package. Including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

Approvability Test

You must possess **special skills, knowledge or experience of value to and not readily available in Hong Kong**. Moreover, **your employer must be justified in engaging the services of an expatriate staff**.

Assessing Your Case Type

How you go about structuring your argument will depend on which classification your application falls. You must first discern the type you generally fit in to and then approach your case accordingly. The three general classifications are:

1. Intra-company transferee.
2. Locally recruited expat.
3. Non-local expat specifically recruited from overseas.

Intra-company Transferee

Typically no need to engage in substantive argument. These cases tend to be administrative in nature. However, it is always worthwhile setting out specifically how the applicant satisfies the separate limbs of the approvability test. It may be very obvious to you, but not necessarily so to the examining immigration officer so the more detail you can provide, the easier it will be for him to positively assess the application (suggesting a speedier approval process).

Locally Recruited Expat

If the applicant is already a 4 years + resident of Hong Kong and is set to move jobs within the same industry but over to a different employer (a change of employers/sponsorship application) these cases tend to be administrative in nature. Any less than four years prior residence or where a previous employment visa was just recently approved or, most typically, where a visitor to Hong Kong is seeking to change status to take up an offer of employment in Hong Kong, the case must be forthrightly argued.

Non-local Expat Specifically Recruited From Overseas

The 'newly-hired-gun-for-Hong-Kong' scenario. Great care must be taken in preparing and how you present these applications. Consideration must be given to the size, scope and nature of the Hong Kong operation requiring these skills brought in from overseas specifically and the case made out that Hong Kong will very definitely benefit if the HKID approve the application. The application must be strenuously argued if the Hong Kong business is only recently established or if it is not a particularly sizeable operation. The HKID frown upon overseas recruitment so the case must be suitably presented and correctly argued.

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Employment



Preparing Your Case

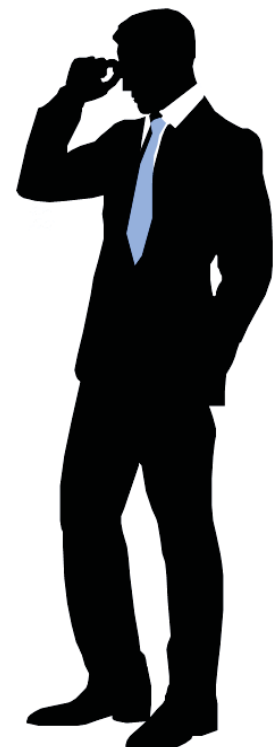
(Click to Watch)

Highlights

- You must pass the employment visa Approvability Test
- Your employer has an important role to play in the process.
- You need to properly assess your application 'type' and prepare accordingly
- A strong case has a strong argument
- Visitor visa to Employment visa is possible



Discussion



Considering Your Argument

To ensure the best possible chance of an approval, you need to promulgate a good case argument. Good arguments are derived from a careful application of your individual circumstances as applied in the context of the job offer in hand. Moreover, the particular circumstances of your proposed employer's business and their specific need for exact skills needs to be interwoven throughout. Please refer to the following narrative for guidance on what you should be articulating to the HKID when arguing your case for an employment visa approval:

Special Skills, Knowledge, Experience

'Special' as compared to other foreign nationals and also locals. 'Skills, Knowledge and Experience' in the context of the actual work to be done.

Of Value

Value here can be economic, social or educational. Not all activities are deemed of value, however. It depends on the nature of the work.

Not Readily Available

The HKID have their own methods of determining whether such skills are in fact available from within the local workforce. They will often interact with other government agencies to seek official guidance. Running job advertisements and stating no one/no one suitable applied can be a double edged sword. On the one hand, by virtue of the fact that you advertise locally for a candidate you are admitting that there remains the possibility of the employer finding the skills they need locally (and so it's just a matter of time before a suitable candidate emerges). On the other, if you do advertise and claim that no suitable candidate has emerged, the HKID will ask to see the CV's procured in response. Either way, it's a struggle. Interestingly though, the HKID do not as a rule place the burden of proving that the skills in question are not available locally on the shoulders of the applicant and their proposed employer. However, in making the argument, this element of the approvability test must be addressed, if not directly, then certainly by implication from all the other things you will be saying in support of the application.

Articulating Your Argument

You have a good educational background in the relevant field but in special circumstances good technical qualifications, proven professional abilities and/or relevant experience.

Normally, a first degree is required. In the event that you do not have a degree, it is acceptable to cite your prior qualifications and experience. Your CV is a vital document in these instances as are any testimonial and references from previous employers.

There is a genuine job vacancy.

Here representations need to be made which detail how the vacancy came about and where it sits within the organisational chart of the employing company as a whole. The HKID are on the look out for 'contrived employments' with a view to residence in the absence of a bona fide employment opportunity.

You have a confirmed offer of employment.

This requires the HKID having sight of an offer of employment a condition of which is that the employment is "subject to the approval of the Director of Immigration".

You will be employed in a job relevant to your qualifications or working experience.

In other words, if you are an investment banker seeking to change careers to a PR expert, the likelihood of you satisfying this limb of the approvability processes is slight,

That job cannot be readily taken up by the local work force.

Please see the comments above in relation to "Not Readily Available".

The remuneration package. Including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

In stark terms, any employment package valued at any less than HKD260,000 p.a. will likely struggle to approval.

In addition, the six **Approval Markers** must be satisfied in each and every case.



Documents Required

- Application form ID990A (employee) and ID990B (employer).
- Recent photograph affixed to the form.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- Copy up-to-date CV.
- Photocopy of all graduation certificates/proof of academic qualifications.
- Copies of prior employment references and testimonials.
- Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- Copy Business Registration Certificate.
- Copy of latest audited financial report and/or management accounts.
- Copy latest profits tax return to the Commissioner for Inland Revenue.
- Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1), along with Companies FORM D1 (Notification of First Secretary and Directors) and FORM D2 (Notification of Changes of Secretary and Directors) if applicable, and FORM SC1 (Return of Allotments).
- Detailed letter introducing the company, its business and list of staff (with HKID numbers).
- Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- Office tenancy agreement copy.
- If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required.



Submitting Your Application

The application is submitted to the HKID either (a) via post from overseas or in person to the Receipt & Dispatch Unit of the Immigration Tower (2/F) or (b) as part of an application to Change Status, Visa Category or Sponsorship (Employer) if you are presently in Hong Kong as a resident or as a visitor.



The Consideration Process

Once your application has been submitted, the process will play out via mail and/or fax. Occasionally the HKID will communicate with you via email. Processing time is usually 6-8 weeks but can be considerably longer in more complex cases. It is rare that a case, unless it is an Inter-company transferee type, will be approved without some element of a dialogue whereby the HKID will raise questions and requests for further information. These subsequent submissions are usually required within 14 days, although the HKID are quite flexible, proving you with sufficient time to respond. Careful consideration should be given to these requests; they can provide very real clues as to the attitude the HKID are adopting to the case. Remember, the challenge is to ensure that the Approvability Test is very properly addressed so the materials you submit in response to the request of the HKID should carry forward your substantive argument for approval. Once approved, the HKID will write to you with a notice as to the positive outcome and invite you to complete the approval formalities which will differ depending on how you submitted your application.



Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.





Employment Visa

- ☐ Application form ID990A (employee) and ID990B (employer).
- ☐ Recent photograph affixed to the form.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ Copy up-to-date CV.
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Copies of prior employment references and testimonials.
- ☐ Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- ☐ Copy Business Registration Certificate.
- ☐ Copy of latest audited financial report and/or management accounts.
- ☐ Copy latest profits tax return to the Commissioner for Inland Revenue.
- ☐ Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1), along with Companies FORM D1 (Notification of First Secretary and Directors) and FORM D2 (Notification of Changes of Secretary and Directors) if applicable, and FORM SC1 (Return of Allotments).
- ☐ Detailed letter introducing the company, its business and list of staff (including HKIDs)
- ☐ Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- ☐ General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- ☐ Office tenancy agreement copy.
- ☐ If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required (however the Form ID990B is required in all instances).



Discussion

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Employment Visa

Notes



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Visa Information

Mainland Talents & Professionals

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ADMISSION OF MAINLAND TALENTS & PROFESSIONALS

Employment Visas for Chinese Nationals Resident on the Mainland

HONG KONG VISA
CENTRE

ADMISSION OF MAINLAND TALENTS & PROFESSIONALS

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To attract qualified Mainland talents and professionals who possess skills & knowledge not readily available locally.

Such talents must contribute with a view to facilitating Hong Kong's economic development, the arts, culture, sports and the culinary profession.

The objective of the Scheme = to enhance HK's status as an Asian world city

GENERAL ELIGIBILITY CRITERIA

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Good Education

First degree in relevant discipline OR associated expertise and experience

Relevant Offer

Confirmed offer for a job relevant to the applicant's background

Competitive Package

Must be broadly commensurate with prevailing market rates

Special skills knowledge & experience of value to and not readily available in Hong Kong

No Security Objection

And no known record of serious crime

Genuine Job Vacancy

Which a local person cannot reasonably be expected to perform

Local Sponsor

Validly registered local entity is required

There is no quota nor sector specificity for Admission of Mainland Talents & Professionals

MAINLAND BUSINESS OWNERS

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The Mainland Owner

- Comes as a business visitor
- Establishes a new company
- Leaves Hong Kong
- Applies for AMT&P Visa

Transfer to Hong Kong

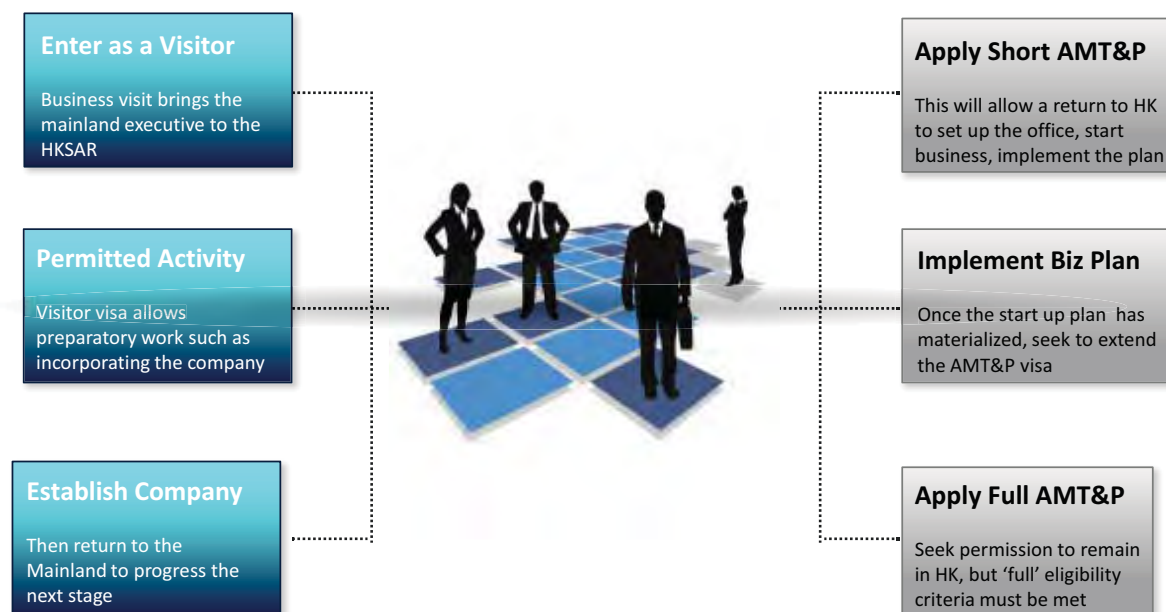
- HKID considers the application
- Applies the approvability test
- Owner must be 'skills eligible'
- If OK, AMT&P visa issued

Establishing a new Hong Kong operation & seeking to relocate to the HKSAR



MAINLAND BUSINESS EXECUTIVES

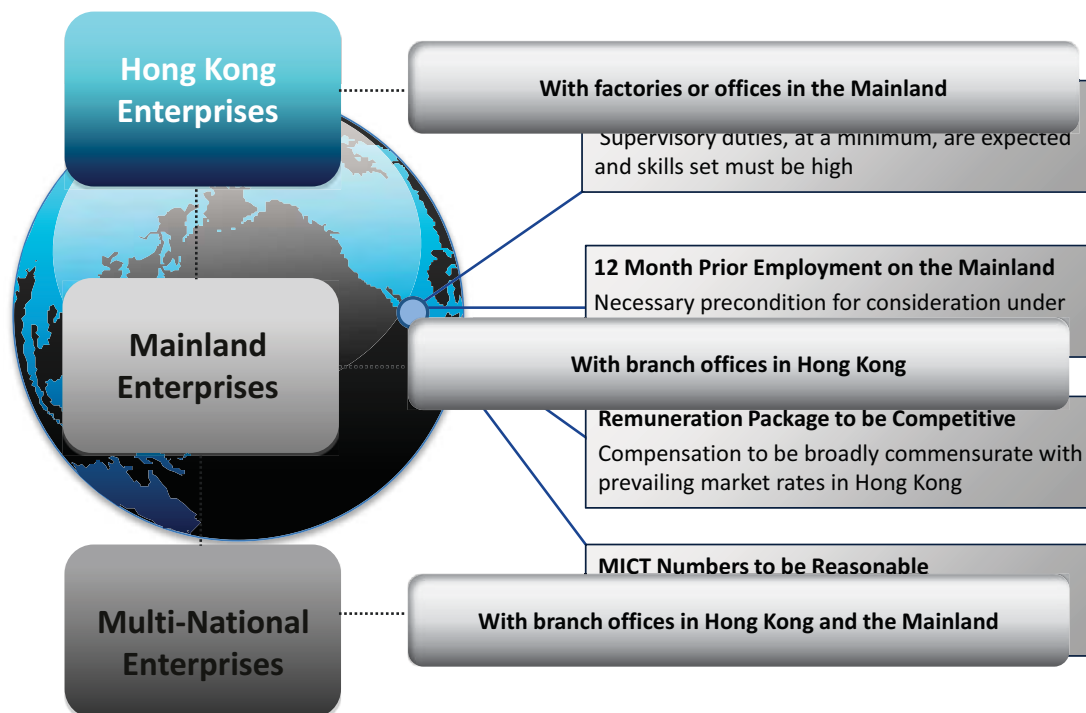
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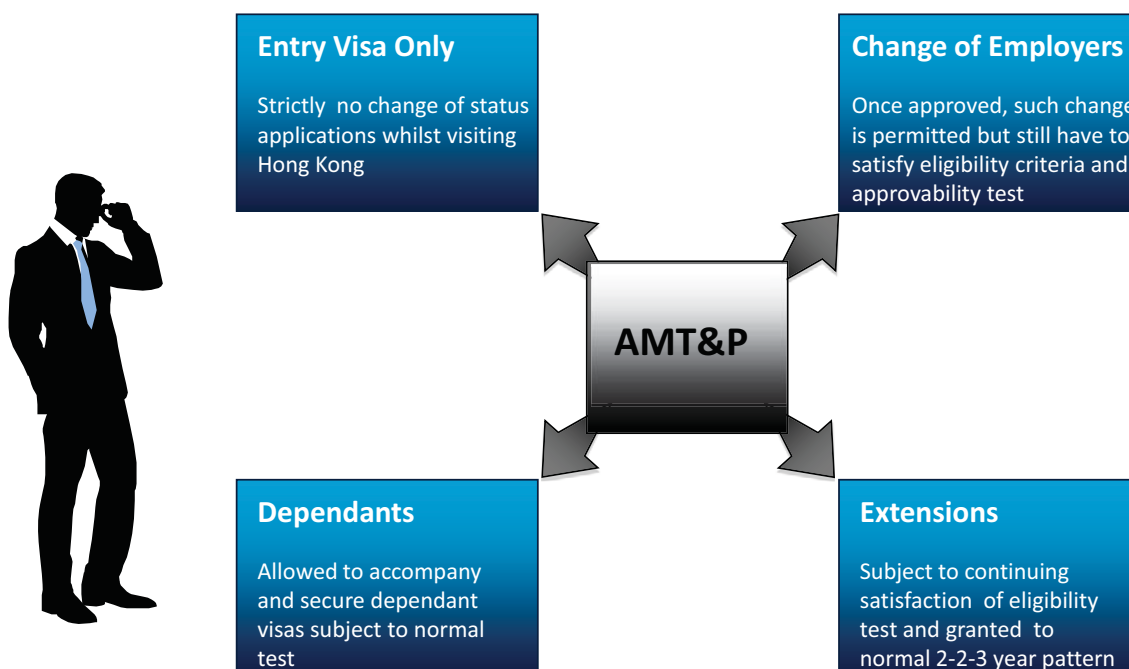
Mainland business executive seeks to set up a new operation in Hong Kong

MAINLAND INTERCOMPANY TRANSFEREE

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LOOSE ENDS

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NEXT STEPS



Visa Information





Mainland Talents & Professionals

Rationale

Hong Kong seeks to attract qualified mainland talent in order to keep Hong Kong competitive in a globalised market and to meet local manpower needs. The programme sets up an immigration mechanism for Chinese residents of the mainland separate from, but aligned to, the employment visa process which applies to other foreign nationals (or other PRC passport holders who are presently resident overseas).

Approvability Test

The mainland talent must possess ***special skills and knowledge not readily available or otherwise in shortage in Hong Kong***. Moreover, successful candidates under the programme must be able to help to ***facilitate the economic development of Hong Kong*** or work in the ***arts, culture, sports or culinary segments so as to enhance Hong Kong's status as an Asian world city***.

Eligibility

An application for admission under the Mainland Talents & Professional Scheme will be successful if:

- You are a mainland resident seeking to take up employment in Hong Kong.
- There is no security objection and no known record of serious crime.
- You have a good educational background in the relevant field but in special circumstances good technical qualifications, proven professional abilities and/or relevant experience.
- There is a genuine job vacancy.
- There is a confirmed offer of employment.
- You will be employed in a job relevant to your qualifications or working experience.
- That job cannot be readily taken up by the local work force.
- The remuneration package. Including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

Who Can Apply?

This Scheme can be used in a number of creative ways to facilitate the entry of suitably qualified mainland residents to take up employment in Hong Kong.

Headhunted Mainland Talent

Needed by Hong Kong businesses for a specific employment position.

Mainland Business Owner

Who seeks to transfer him or herself to their self owned Hong Kong business.

Mainland Business Executive

Who works for a Mainland business seeking to establish new operations in the HKSAR.

Mainland Intercompany Transferee

Who works for a substantial Hong Kong, Mainland or Multinational Enterprise with operations in both Hong Kong and on the Mainland.



Preparing Your Case

(Click to Watch)

Highlights

- Applicable to PRC nationals resident on the Mainland
- Must pass the usual employment visa approvability test
- No quota or sector specificity
- Typically 4 types of applicant
- No change of status from Visitor to AMT&P



Discussion



Mainland Talents & Professionals

Considering Your Argument

To ensure the best possible chance of an approval, you need to promulgate a good case argument. Good arguments are derived from a careful application of your individual circumstances as applied in the context of the job offer in hand. Moreover, the particular circumstances of the proposed employer's business and their specific need for exact skills needs to be interwoven throughout. Please refer to the following narrative for guidance on what you should be articulating to the HKID when arguing your case for an approval under the Mainland Talents & Professionals Scheme:

Special Skills, Knowledge, Experience

'Special' as compared to other foreign nationals and also locals. 'Skills, Knowledge and Experience' in the context of the actual work to be done.

Of Value

Value here can be economic, the arts, cultural, sports or culinary. Not all activities are deemed of value, however. It depends on the nature of the work.

Not Readily Available Locally

The HKID have their own methods of determining whether such skills are in fact available from within the local workforce. They will often interact with other government agencies to seek official guidance. Running job advertisements and stating no one/no one suitable applied can be a double edged sword. On the one hand, by virtue of the fact that you advertise locally for a candidate you are admitting that there remains the possibility of the employer finding the skills they need locally (and so it's just a matter of time before a suitable candidate emerges). On the other, if you do advertise and claim that no suitable candidate has emerged, the HKID will ask to see the CV's procured in response. Either way, it's a struggle. Interestingly though, the HKID do not as a rule place the burden of proving that the skills in question are not available locally on the shoulders of the applicant and their proposed employer. However, in making the argument, this element of the approvability test must be addressed, if not directly, then certainly by implication from all the other things you will be saying in support of the application.

Articulating Your Argument

You have a good educational background in the relevant field but in special circumstances good technical qualifications, proven professional abilities and/or relevant experience.

Normally, a first degree is required. In the event that you do not have a degree, it is acceptable to cite your prior qualifications and experience. Your CV is a vital document in these instances as are any testimonial and references from previous employers.

There is a genuine job vacancy.

Here representations need to be made which detail how the vacancy came about and where it sits within the organisational chart of the employing company as a whole. The HKID are on the look out for 'contrived employments' with a view to residence in the absence of a bona fide employment opportunity.

You have a confirmed offer of employment.

This requires the HKID having sight of an offer of employment a condition of which is that the employment is "subject to the approval of the Director of Immigration".

You will be employed in a job relevant to your qualifications or working experience.

In other words, if you are an investment banker seeking to change careers to a PR expert, the likelihood of you satisfying this limb of the approvability processes is slight,

That job cannot be readily taken up by the local work force.

Please see the comments above in relation to "Not Readily Available".

The remuneration package. Including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

In stark terms, any employment package valued at any less than HKD260,000 p.a. will likely struggle to approval.



Mainland Talents & Professionals

Documents Required

- Application form ID990A (employee) and ID990B (employer).
- Recent photograph affixed to the form and copy of your Mainland Resident ID Card.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- Copy up-to-date CV & Letter of Consent from your current working unit/other Mainland authority.
- Photocopy of all graduation certificates/proof of academic qualifications.
- Copies of prior employment references and testimonials.
- Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- Copy Business Registration Certificate.
- Copy of latest audited financial report and/or management accounts.
- Copy latest profits tax return to the Commissioner for Inland Revenue.
- Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1), along with Companies FORM D1 (Notification of First Secretary and Directors) and FORM D2 (Notification of Changes of Secretary and Directors) if applicable, and FORM SC1 (Return of Allotments).
- Detailed letter introducing the company and its business.
- Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- Office tenancy agreement copy.
- If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required.



Submitting Your Application

The application is submitted to the HKID either (a) via post from overseas or in person to the Receipt & Dispatch Unit of the Immigration Tower (2/F). It can be submitted by a local sponsor or directly by the Hong Kong entity which is seeking to employ the talent in their Hong Kong operations (they are not always the same party).



The Consideration Process

Once your application has been submitted, the process will play out via mail and/or fax. Occasionally the HKID will communicate with you via email. Processing time is usually 6-8 weeks but can be considerably longer in more complex cases. It is rare that a case, unless it is an Inter-company transferee type, will be approved without some element of a dialogue whereby the HKID will raise questions and requests for further information. These subsequent submissions are usually required within 14 days, although the HKID are quite flexible, proving you with sufficient time to respond. Careful consideration should be given to these requests; they can provide very real clues as to the attitude the HKID are adopting to the case. Remember, the challenge is to ensure that the Approvability Test is very properly addressed so the materials you submit in response to the request of the HKID should carry forward your substantive argument for approval. Once approved, the HKID will write to you with a notice as to the positive outcome and invite you to complete the approval formalities.



Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.



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Mainland Talents & Professionals

- ☐ Application form ID990A (employee) and ID990B (employer).
- ☐ Recent photograph affixed to the form and your Mainland Resident ID Card.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ Copy up-to-date CV & Letter of Consent of your Mainland working unit or other authority
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Copies of prior employment references and testimonials.
- ☐ Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- ☐ Copy Business Registration Certificate.
- ☐ Copy of latest audited financial report and/or management accounts.
- ☐ Copy latest profits tax return to the Commissioner for Inland Revenue.
- ☐ Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1), along with Companies FORM D1 (Notification of First Secretary and Directors) and FORM D2 (Notification of Changes of Secretary and Directors) if applicable, and FORM SC1 (Return of Allotments).
- ☐ Detailed letter introducing the company and its business.
- ☐ Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- ☐ General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- ☐ Office tenancy agreement copy.
- ☐ If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



Discussion

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Mainland Talents & Professionals

Additionally, further information will be requested by the Hong Kong Immigration Department where the application relates to a Mainland Inter-company Transferee, Mainland Business Owner or Mainland Business Executive. The exact make up of these documents varies from case to case and you will be advised by the HKID of their specifics at the point of their first response after you have submitted the application.

NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required (however the Form ID990B is required in all instances).

Notes



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Visa Information

Training

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EMPLOYMENT VISAS

A Visa to Give or Receive Training in Hong Kong

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TRAINING VISAS

www.hongkongvisahandbook.com**To Receive Training**

Usually from the Hong Kong entity of a related party

Mainland Residents OK

Must be associated with 'good' companies/multi-nationals in Hong Kong

No Change of Status

Exit required when training is completed

Accompanying family members are eligible for dependant visas

Maximum Stay

12 months, more typically 6 months

Training Plan Essential

Well documented plan underpins the approval

Extensions Problematic

Your training plan will be deemed 'definitive'

Undergo training in Hong Kong to acquire special skills and knowledge not available in the applicant's country/territory of domicile

NEXT STEPS



Visa Information





Training

Eligibility

An application to enter Hong Kong for a limited period (not more than 12 months) of training to acquire special skills and knowledge not available in the applicant's country/territory of domicile may be favourably considered if:

- There is no security objection and no known record of serious crime in respect of the applicant.
- The bona fides of the applicant and the sponsoring company are satisfied.
- The sponsoring company is a well-established company, capable of providing the proposed training.
- There is a contract signed between the sponsoring company and the applicant.
- The sponsoring company guarantees in writing the maintenance and repatriation of the applicant and that the applicant will receive training in the sponsor's premises until the end of the agreed period, after which the applicant will return to his/her place of residence; and
- The proposed duration and content of the training programme can be justified.

Approvability Test

The essence of approvability for a training visa boils down to (a) the bona fides of the sponsoring entity providing the training (b) whether the training can be provided in the applicant's home country or not and (c) the scope and length of the training is reasonable in all the circumstances.

The Training Plan

A detailed schedule of training which breaks down the exact activities which will go to make up the training plan is absolutely essential. It should, at the very least, include the topics to be covered, the location of the training, the number of hours of training each day/week, details of the trainer, the department involved and the like. The more information which can be provided in the make up of this plan the better.

Documents Required

Applicants

- Application form ID992A.
- Recent photograph affixed to the form.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- If PRC national not holding travel document of any kind a photocopy of your PRC resident ID card.
- Photocopy of HKID card, if any.
- Photocopy of all graduation certificates/proof of academic qualifications
- Proof of relevant working experience..
- If Taiwan resident, copy of your household registration and Taiwan identity card.
- If Macau resident presently, a copy of your Macau ID card.



Sponsoring Training Providers

- Application form ID992B.
- Copy of the training contract detailing work role and emoluments.
- Copy detailed training plan
- If the employing company is less than 12 months old, a detailed business plan.
- Copy sponsor-company's business registration certificate.
- Latest audited financial statements, management accounts or profits tax return
- Collection of public-facing information which details how the business operates

NB — if the employing company has had a prior employment or training visa approved in the previous 18 months the last three listed documents are not required.

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Preparing Your Case

(Click to Watch)

Highlights

- Good for PRC nationals who work for well-established or multi-national companies
- Training contract and training plan essential
- Maximum 12 months period of stay, non-extendable.
- Applicant must leave Hong Kong at the end of the training period
- Accompanying family members secure dependant visas



Discussion



Submitting Your Application

The application is submitted to the HKID either (a) via post from overseas or in person to the Receipt & Dispatch Unit of the Immigration Tower (2/F) or (b) as part of an application to Change Status or Visa Category if you are presently in Hong Kong as a resident or as a visitor or (c) via the nearest Chinese diplomatic mission in your country of domicile.



The Consideration Process

Once your application has been submitted, the process will play out via mail and/or fax. Occasionally the HKID will communicate with you via email. Processing time is usually 4-6 weeks. Once approved, the HKID will write to you with a notice as to the positive outcome and invite you to complete the approval formalities which will differ depending on how you submitted your application. Please note that applications for training visas from PRC nationals resident on the mainland will only be entertained if the applicant is an employee/associate of a well established or multinational company with operations in both Hong Kong and the Mainland.

Once Approved

Your maximum period of stay will be for 12 months which is non-extendable. The actual period of stay is tied to the formal length of the training contract.

Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.

A Space for Your Notes





Training

Applicants

- ☐ Application form ID992A.
- ☐ Recent photograph affixed to the form.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ If PRC national not holding travel document of any kind a photocopy of your PRC resident ID card.
- ☐ Photocopy of HKID card, if any.
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Proof of relevant working experience.
- ☐ If Taiwan resident, copy of your household registration and Taiwan identity card.
- ☐ If Macau resident presently, a copy of your Macau ID card.

Sponsoring Training Providers

- ☐ Application form ID992B.
- ☐ Copy of the training contract detailing work role and emoluments.
- ☐ Copy detailed training plan.
- ☐ If the employing company is less than 12 months old, a detailed business plan.
- ☐ Copy sponsor-company's business registration certificate.
- ☐ Latest audited financial statements, management accounts or profits tax return.
- ☐ Collection of public-facing information which details how the business operates.



Discussion

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Training

Notes



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Visa Information

Non-Local Graduate

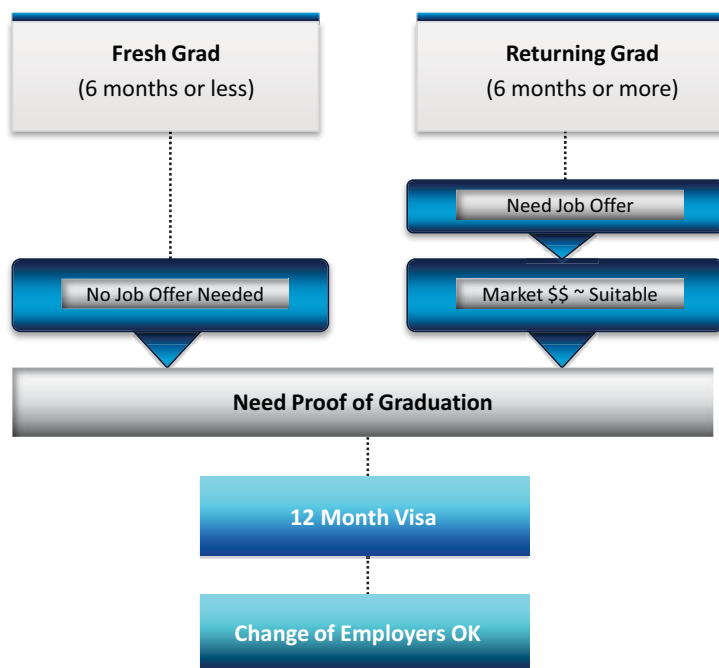
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EMPLOYMENT VISAS

Employment Visa for Non-Local Graduates of Hong Kong Universities

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NONLOCAL GRADUATES

www.hongkongvisahandbook.com

Earn a degree at a HK tertiary education institute and receive Employment visa privileges

NEXT STEPS



Visa Information



Non-Local Graduate

Eligibility

Under a new visa type which was introduced in 2008, if you are a person from outside of Hong Kong and have obtained a degree or higher qualification in a full-time and locally-accredited programme in the HKSAR, you are entitled to apply for an employment visa under a liberalised approvability test.

Under the Immigration Arrangements for Non-local Graduates (IANG) such non-local graduates who submit applications to the Immigration Department within six months after the date of their graduation (i.e. the date shown on their graduation certificates) are classified as 'fresh graduates'. Fresh graduates who seek to work in Hong Kong after their studies are complete are not required to secure an offer of employment as part of their application to change from student visa status to employment visa status — which is approved, effectively, almost as of right.

Non-local graduates who submit applications after six months of the date of their graduation are classified as 'returning graduates'. Such returning graduates who wish to return to work in the HKSAR are required to secure an offer of employment in order to secure an employment visa. These applications are 'favourably considered' so long as the job is 'suitable' and the remuneration package is set at market levels.

Approvability Test

Fresh Graduates: Production of proof that you have graduated (six months limit).

Returning Graduates: Production of proof that you have graduated (no time limit) and an offer of employment in Hong Kong commensurate with your education at an emolument set at market levels.

Documents Required

All Applicants

- Application form ID990A.
- Recent photograph affixed to the form.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- If PRC national not holding travel document of any kind a photocopy of your PRC resident ID card.
- Photocopy of HKID card, if any.
- Photocopy of all graduation certificates/proof of academic qualifications/transcripts showing graduation (and date) from a Hong Kong tertiary education institute.
- If PRC national currently resident on the Mainland, a letter of consent from your present working unit or relevant Mainland authority.
- If PRC national current resident overseas, copies of documents showing your third country immigration status and limit of stay.
- If Macau resident presently, a copy of your Macau ID card.

Returning Graduates

- Application form ID990B.
- Offer of employment letter detailing work role and emoluments.
- Copy employing company's business registration certificate.
- Latest audited financial statements, management accounts or profits tax return
- If the employing company is less than 12 months old, a detailed business plan.

NB — if the employing company has had a prior employment visa approved in the previous 18 months the last three listed documents are not required.



Preparing Your Case

(Click to Watch)

Highlights

- Graduates of Hong Kong tertiary education institutes receive favourable employment visa treatment
- Fresh graduates are almost automatically approved.
- Returning graduates need only a suitable job offer paying market rates
- Subsequent change of employer permitted without undergoing a change of sponsorship





Non-Local Graduate

Submitting Your Application

The application is submitted to the HKID either (a) via post from overseas or in person to the Receipt & Dispatch Unit of the Immigration Tower (2/F) or (b) as part of an application to Change Status or Visa Category if you are presently in Hong Kong as a resident or as a visitor or (c) via the nearest Chinese diplomatic mission in your country of domicile.



The Consideration Process

Once your application has been submitted, the process will play out via mail and/or fax. Occasionally the HKID will communicate with you via email. Processing time is usually 4-6 weeks. Once approved, the HKID will write to you with a notice as to the positive outcome and invite you to complete the approval formalities which will differ depending on how you submitted your application.

Once Approved

Your initial period of stay will be for 12 months which is then extendable subject to the normal 2-2-3 year pattern. Holders of employment visas issued under the Immigration Arrangements for Non-Local Graduates are able to change employers without needing to seek the prior approval of the HKID but will need to demonstrate they are presently employed or engaged in a business at the point of making the application for extension.

Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.

A Space for Your Notes



Discussion



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Non-Local Graduates

All Applicants

- ☐ Application form ID990A.
- ☐ Recent photograph affixed to the form.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ If PRC national not holding travel document of any kind a photocopy of your PRC resident ID card.
- ☐ Photocopy of HKID card, if any.
- ☐ Photocopy of all graduation certificates/proof of academic qualifications/transcripts showing graduation (and date) from a Hong Kong tertiary education institute.
- ☐ If PRC national currently resident on the Mainland, a letter of consent from your present working unit or relevant Mainland authority.
- ☐ If PRC national current resident overseas, copies of documents showing your third country immigration status and limit of stay.
- ☐ If Macau resident presently, a copy of your Macau ID card.

Returning Graduates Only

- ☐ Application form ID990B.
- ☐ Offer of employment letter detailing work role and emoluments.
- ☐ Copy employing company's business registration certificate.
- ☐ Latest audited financial statements, management accounts or profits tax return.
- ☐ If the employing company is less than 12 months old, a detailed business plan.



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Non-Local Graduates

Notes



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Overview of The Supplementary Labour Scheme (SLS)

March 21, 2014

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www.hongkongvisacentre.com



About the Supplementary Labour Scheme (SLS)

The Supplementary Labour Scheme (SLS) commenced operation on 1 February 1996. It is a scheme which allows employers with genuine difficulties in finding suitable staff locally to import workers at technician level or below. There are no industry-specific quotas under the SLS. However, to ensure the priority of local workers in employment, and to safeguard their salaries and benefits, employers must accord priority to fill available job vacancies with local workers, and take active efforts to train local workers for the vacancies.

These workers are normally allowed to stay for an initial period of 12 months. They are required to return to their places of origin on completion of their employment contracts which are valid for a maximum period of 2 years.

Who can apply

All interested employers may apply under the SLS to import workers to fill vacancies which they have genuine difficulties in finding suitable staff locally. Applications will however not normally be considered if the vacancies fall within the job categories listed below: (current as at March 2014)

Sales Representative	Presser
Sales Assistant	Hair Stylist
Waiter/Waitress	Warehouse Keeper
Receptionist	Cutter
Cashier	Cutting Room Operative
Junior Cook	Inspection Operative
Food Processing Worker	Delivery Worker
Clerical Worker	Driver
Teller	Demolition Worker
Computer/Key Punch Operator	Mason
Telephone Operator	Spray Paint Worker
Linen Attendant	Drain Layer
Washer	Leakage Worker

Imported workers admitted under this arrangement are NOT allowed to bring in their dependants. This entry arrangement does NOT apply to nationals of Afghanistan, Albania, Cambodia, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

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Application Procedures

Stage ONE Application – (to Labour Department):

Employers intending to import workers under the SLS need to first submit the completed application form (Form SLS-1) together with the required documents and apply to the SLS Application Office of the Labour Department for approval-in-principle.

The wages offered by the applicants should attain at least the median monthly wages.

The Application Office will inform the applicants within one week whether the wages offered are at or above the median wage level, and whether the stipulated requirements of the vacancies are acceptable. As the statutory minimum wage becomes effective on 1 May 2011, the amount of wages offered must be in compliance with the statutory minimum wage requirements.

Employers whose applications are accepted for further processing must undergo a four-week local recruitment exercise. During the period, employers should advertise the vacancies at least once in a week in each of the two local newspapers in the first two weeks. Concurrently, the Labour Department will also provide active job matching for the vacancies to identify suitable local job-seekers for referral to the employers for interview. If necessary, employers will be asked to organize training programmes with the assistance of the Employees Retraining Board for local workers.

At the end of the recruitment period, employers have to provide information on local recruitment efforts (Form SLS-9) to the Application Office. Employers who have undergone recruitment procedures before submitting applications may provide information on local recruitment for consideration of early approval by the Labour Advisory Board.

In the course of application processing, Labour Inspectors of the Labour Department will visit the employer's office premises and inspect the intended workplace(s) of the imported worker(s) to verify the information supplied by the employers concerned.

The Application Office will assess the employer's request and make a recommendation to the Labour Advisory Board comprising an equal number of employer and employee representatives.

Upon the advice of the Board, the Government will consider whether to approve or refuse each application. All applications will be considered on their own merits, such as the genuine need for importation of labour, the size of the local workforce, activeness in business and financial situation of the employers.

Stage TWO Application- (to Immigration Department)

Upon approval, employers may apply, within three months from the date of issue of the approval-in-principle letter, to the Immigration Department of the Government of the Hong Kong Special Administrative Region (Immigration Department) which will process the visa/entry permits application of the prospective imported worker.

The approval-in-principle will automatically lapse if the visa/entry permit application is not submitted on time.

Completed application forms, i.e. ID 1001A and ID 1001B, and all supporting documents should be submitted by the applicant by post directly or through the employer in the HKSAR to Immigration Department for consideration.

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The employer may also be invited to provide additional information or to attend an interview. Decisions on individual applications will be conveyed to the imported worker through the employer.

Overall Processing Times

It will normally take 6 weeks for Immigration Department to process a visa/entry permit application for employment as an imported worker upon receipt of all the required documents, where the grant of approval-in-principle by Labour Department with a full four weeks local recruitment exercise involved takes around 5 weeks.

Employer's Responsibilities and Legal Obligation

Copy of employment contract

The employer must give the imported worker, free of charge, one of the four original copies of the employment contract.

Briefing session

The employer must grant leave to the imported worker to attend briefings organised by the Labour Department within eight weeks of his/her arrival.

Accommodation and meals

Employers will be requested to arrange the accommodation for inspection by the Labour Inspectors of the Labour Department during the stay of the imported workers. The maximum amount of deduction for provision of accommodation is 10% of the worker's normal wages, or the actual cost of accommodation, whichever is less.

Employers are not obliged to provide meals to imported workers but if they do, it must be free of charge and no deduction from wages may be made for the provision of meals.

Free medical care

The employer must provide free medical care, including hospital stay and urgent dental treatment to the imported worker if he/she suffers from illness or injury, no matter whether it is attributable to the employment or not.

Passage and visa/entry permit fee

Expenses for passage to and from Hong Kong on commencement and termination or expiry of the contract, visa/entry permit fees and subsequent extension fees should be paid by the employer.

Termination of contract prior to its expiry

The employer or the imported worker may terminate the employment contract prior to its expiry by giving to the other party notice in writing or wages in lieu of notice as stipulated in the employment contract. The employer shall notify both Labour Department and Immigration Department upon termination of employment.

No displacement of local workers by imported workers

The employer shall not displace local workers with imported workers. In the event of redundancies, imported workers should be the first to be retrenched.

Levy

Successful employers are required to pay a non refundable levy that goes to the Employees Retraining Board to augment the provision of training or retraining for local workers who are vulnerable in the economic restructuring

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process to changing their employment. The levy payable in a lump sum in respect of each imported worker is HK\$400 multiplied by the number of months covered by the employment contract up to a maximum of 24 months.

(Note: With effect from 1 August 2008, employers of imported workers are not required to pay the levy if the visas/entry permits for the imported workers are granted by the Immigration Department between 1 August 2008 and 31 July 2013.)

Withdrawal of approval granted to employers

(a) Employers who breach the Laws of Hong Kong will be liable to prosecution.

(b) Administrative sanction in the form of withdrawal of approval for importation of labour will be taken against an employer who is found to have breached any statutory provision, any provision of the employment contract or any condition of the labour importation schemes, including the Supplementary Labour Scheme.

Procedure for application for extension of stay in Hong Kong

(a) A visa/entry permit is usually granted for an initial period of 12 months. An imported worker must apply for extension of stay if the duration of the employment contract is more than 12 months. Extension of stay beyond the employment contract period will not be granted.

(b) Under the SLS, the approval granted to an employer to import workers would not be automatically renewed. An employer who wishes to continue employing imported workers upon the expiry of their contracts are required to submit an application a fresh to the Labour Department and the application will be considered on its own merits.

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Visa Information

Business Investment

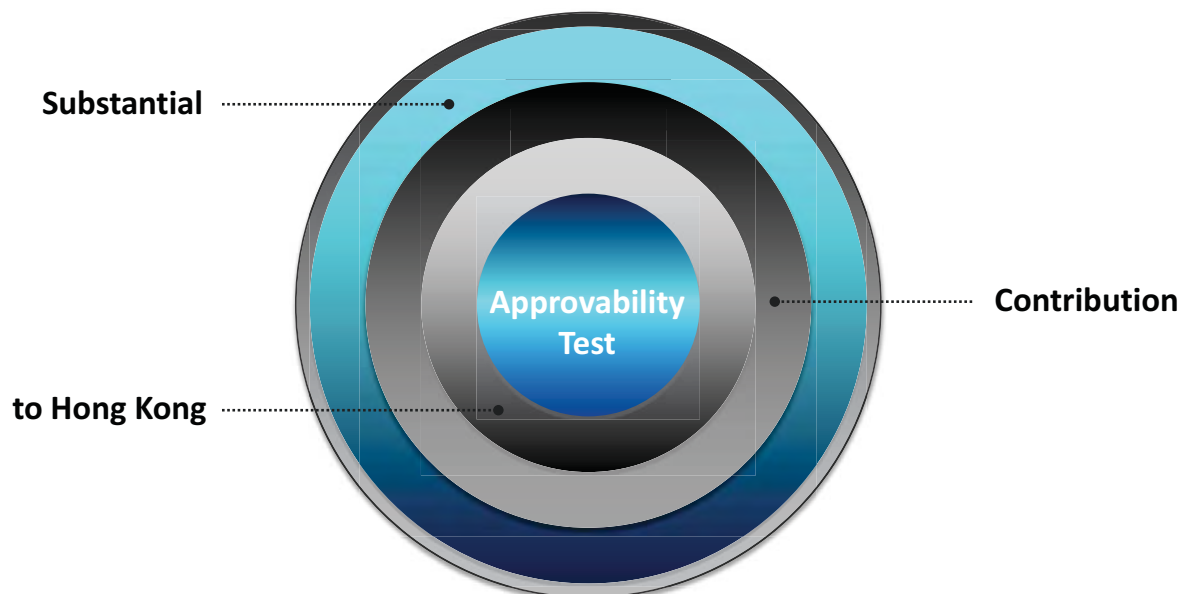
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INVESTMENT VISAS

Visa to Establish or Join In a Business

HONG KONG VISA
CENTRE

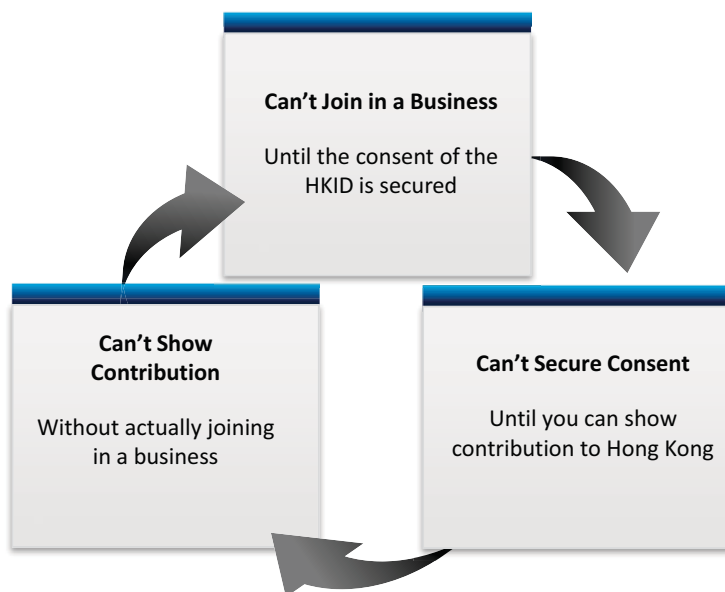
BUSINESS INVESTMENT VISA

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**Will the applicant make a substantial contribution to the economy of Hong Kong?
(or how long is a piece of string?)**

CATCH 22

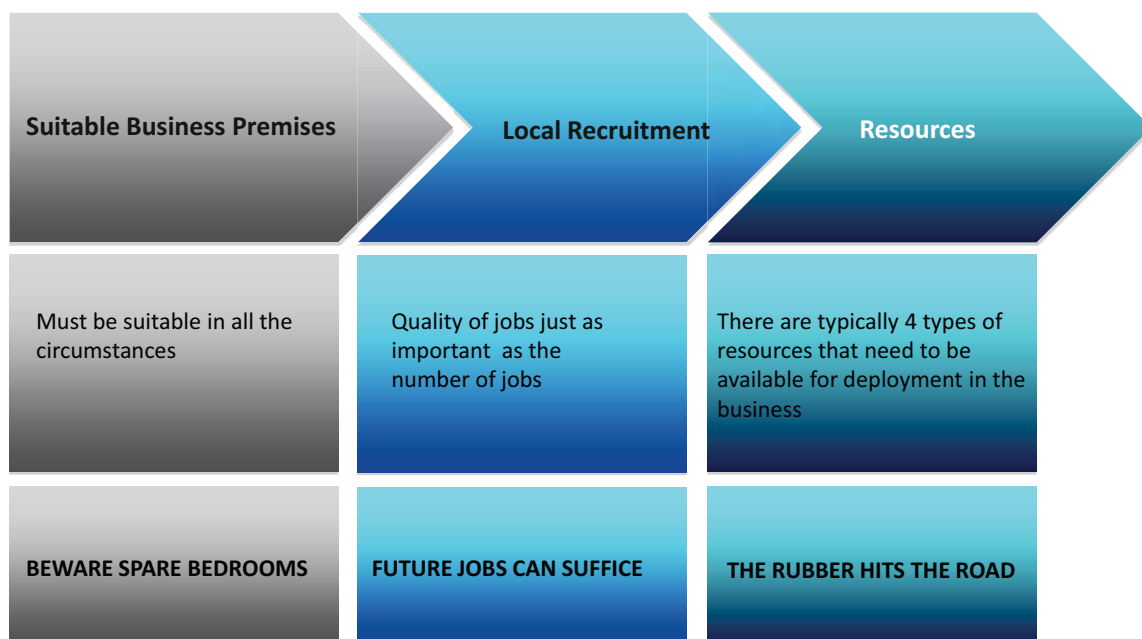
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Test requires showing only prospective (not immediately observable) contribution

PASSING THE APPROVABILITY TEST

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Obvious commitment to the business = manifest commitment to Hong Kong

RESOURCE REQUIREMENTS

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OLD CHESTNUTS

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"My Successful Business Will be Paying Tax"

"You Need HKD XXX,XXX Minimum"

"My Friend Got Approved &"

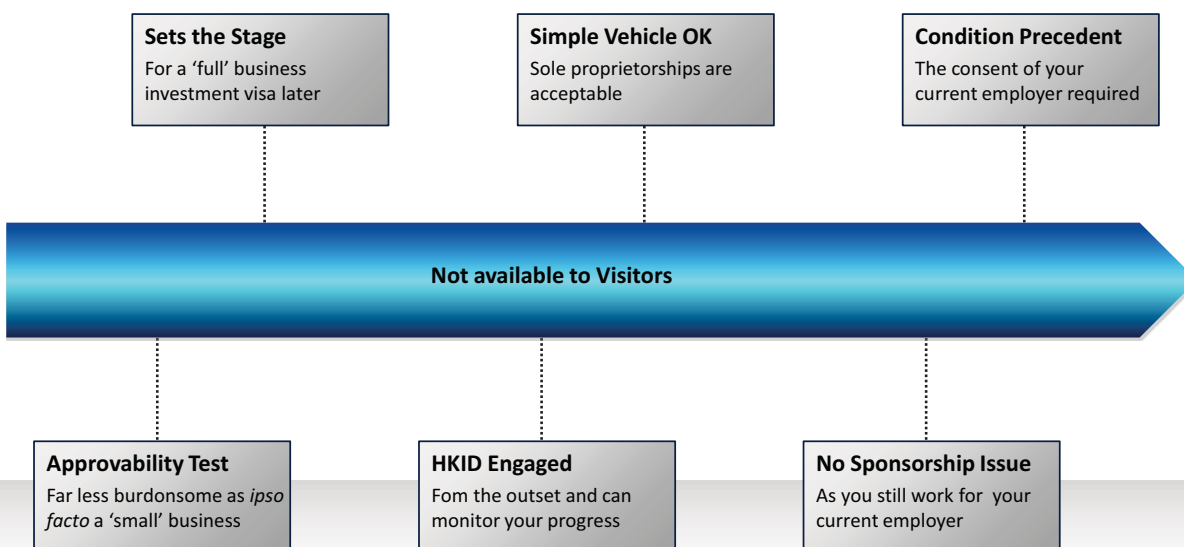
IMPROVE YOUR CHANCES

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SIDE BUSINESS

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Joining in a side business is a real solution for currently employed, one-man operations

SPECIAL CONSIDERATIONS

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1

Your existing visa is not transferrable to your new business

2

You must apply to change your visa category to Business Investment

3

Until you are at least 3 years resident, the Approvability Test is just as onerous

4

The Catch 22 still applies

Currently Hong Kong resident with an Employment visa sponsored by another firm?

SPONSORSHIP CONSIDERATIONS

www.hongkongvisahandbook.com**WHY?**

Technical mechanism to fund repatriation if necessary

WHO?

Any 'bona fide' Hong Kong resident (related party preferred)

WHEN?

Arrange at the outset and be strategic

IN SUMMARY

Need

When intention to join in a business has crystallized

Vulnerable

If no application in the system but business has started

Approvability Test

Single most difficult Hong Kong visa challenge

**Think/Act BIG**

'Substantial' frequently rules out 1 man businesses

Lengthy Process

Will tax your emotional and time resources

Advice

Consider taking professional advice

NEXT STEPS



Visa Information





Business Investment

Rationale

Somewhat surprisingly, for an entrepreneurial driven economy such as Hong Kong's, there are only relatively few business investment visas granted each year. The 200-300 approvals recorded are extremely modest compared to the 25,000 employment visas annually and indeed, the 1,300 Capital Investment visas which were granted in 2010. As the HKID do not provide statistics on the number of applications received, it does appear safe to assume that the low number of business investment visa approvals is less an indication of the interest of foreign nationals who wish to establish or join in a business in Hong Kong but more a reflection of the reality that getting a business investment visa approved is one of the most challenging of all the Hong Kong visa processes. That notwithstanding, foreign nationals arrive in droves to participate in the amazing business possibilities which Hong Kong has to offer and naturally enough, the Director of Immigration does not discourage applications from people to start up new, or join in existing, businesses in the HKSAR.

Employment Visa vs. Business Investment Visa

The difference between the two types of visa lies in the nature of the approvability tests and the fundamental issue of whether the applicant has value at risk in the enterprise seeking to justify his employment in their business operations. Consequently the HKID look carefully at the ownership structure of the business vehicle in which the applicant will be engaged and, as a general guide, anything more than a 10-15% ownership in the hands of the applicant will steer the HKID towards the application of the more onerous business investment visa approvability test instead of the employment visa approvability test. Masking the shareholding in an effort to get around this general rule of thumb is fraught with difficulty as the Immigration Department will peer under every nook and cranny in an effort to fully understand the underlying ownership arrangements. Consequently, the use of nominees purely for immigration purposes is not recommended.

Business Plan

If the enterprise is a completely new start up, a fully fledged plan for the business is mission-critical to visa approval. Business investment visas typically take between 4 and 6 months for formal approval to eventuate (compared to the maximum 6-8 weeks for out and out employment visas) and the reason for this is to allow the new business to grow a pair of legs and avail the opportunity for the HKID to assess if the business plan is a realistic one as measured by new 'facts on the ground' resulting directly from the actual implementation of business activities. Very few business investment visas are granted purely on the basis of a paper plan; indeed such approvals are usually related directly to very well resourced organisations extending their operations into Hong Kong from overseas. But where the business investor visa-applicant is in Hong Kong, typically as a visitor, though sometimes seeking to change visa status from sponsored employment, the HKID expect to see the business moving forward before they will grant the business investment visa. This creates a Catch 22 situation which is discussed below.

Catch 22

You cannot join in a business until the consent of the HKID is secured. You can't secure the consent of the HKID without showing contribution to Hong Kong. You can't show contribution to Hong Kong without joining in a business! The Immigration Department is very well aware of this conundrum and are pragmatic in their work around. In essence, if you have made an application for a business investment visa they will close their eyes to the technical breach of conditions of stay inherent in running a new business prior to having your business investor visa approved. The risk lies in not having an application in the system. So in order to protect yourself from the risk of prosecution, you need to empower the HKID to take an early view of your activities and apply for your business investment visa right at the very outset, of your commercial endeavours, not later on after 'its all moving forward'.

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Preparing Your Case

(Click to Watch)

Highlights

- The most difficult application type in the Hong Kong visa system
- Need to show substantial contribution to the economy of Hong Kong
- 4-6 months process
- Businesses on a shoe-string struggle to get approved
- Only 2-300 approvals annually



Discussion



Business Investment

Approvability Test

The business investment visa approvability test: ***“Is the applicant in a position to make substantial contribution to the economy of the HKSAR?”*** This is in many ways like asking how long is a piece of string as the test has to be applied in the context of the business in hand and no two cases are ever alike. Moreover, the state of the economy impacts (poor economic conditions = easier path to approval: robust economic outlook = the HKID can cherry pick the businesses they like.) However, years of experience has demonstrated that there are certain themes which run writ large through those applications which do get approved. In general, the applicant must be able to show that good local jobs will be created; local vendors and suppliers will play an important part of the business activity chain; overall, the business will contribute to its sector of the economy in some direct or indirect fashion and that over the long haul, the business investment activities of the applicant will result in a soundly established enterprise operation, which provides substantial benefit to Hong Kong.

A Suitable Business Vehicle

Whilst experience has demonstrated that it **is** possible to have a partnership at will or a sole proprietorship serve as the business vehicle which underpins a successful business investment visa approval, these entities are not recommended. The HKID are seemingly geared towards the limited liability company incorporated in Hong Kong as the default business vehicle for the purposes of business investment visa consents.

Four Cornerstones

Successful business investment visas applications tend to have four key elements present by the time the HKID approve the case. These are:

Local Jobs

No minimum number is expected but the potential for jobs must be manifest.

Suitable Business Premises

Running the business from your spare bedroom or kitchen table will simply not suffice!

Proof of Capital & Other Resources

These must be available, suitable in the context of the business and the capital invested beneficially owned by the applicant for at least 2 years immediately prior to funding the business.

Adequate Administration Arrangements

In a nutshell, one man businesses typically fail to pass the ‘substantiality’ test.

Examples



Discussion

Articulating Your Argument

Investment visas which get approved tend to have one thing in common; the applicants have fully committed themselves to their ventures and such commitment is manifestly evident in their business activities. Remember, the HKID do not insist that the ‘substantial contribution’ requirement of the approvability test be immediately observable or satisfied at the point of granting the visa approval. It is sufficient that the contribution be ‘potential’. In taking your argument to the HKID, it is vital that you do not hide your light under a bushel. Be confident in your assertions of business performance, but provide for the possibility that the exact outcomes may not materialise in fact. The HKID are more than realistic and appreciate that no battle plan survives first contact with the enemy, so to speak. If you do not have confidence in your business plan, it is hard to envisage that the HKID will impute their own confidence in it on your behalf. Ensure that your plan is realistic but not producing marginal business outcomes. In crafting your supporting representations, seek to impress on the Immigration Department that your business has the potential to go a long way, that you are all geared up to travel on that journey, and that you have all the resources required to get you to your destination. Do not lie (which is a criminal offence) but do not be afraid to be robust in your assertions which, so long as you can back them up with resources and facts on the ground subsequently, will carry you a long way to getting your visa approved.



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Business Investment

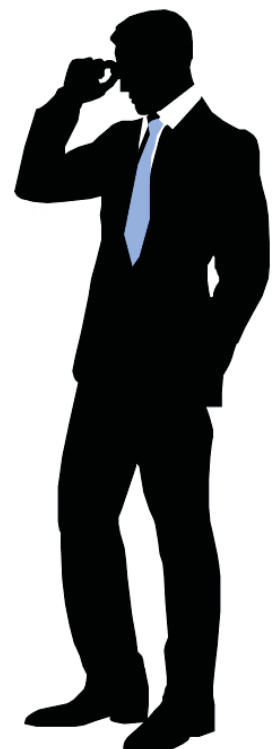
Documents Required

- Application form ID999A (applicant) and ID999B (sponsor).
- Recent photograph affixed to the form.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- Copy up-to-date CV.
- Photocopy of all graduation certificates/proof of academic qualifications.
- Copies of prior employment references and testimonials.
- Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- Copy Business Registration Certificate.
- Copy of latest audited financial report and/or management accounts (if available).
- Copy latest profits tax return to the Commissioner for Inland Revenue (if available).
- Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1) or if a new company FORM NC1.
- Company brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- General proofs of business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- Office tenancy agreement copy (if any)
- If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)
- A color print out of company's website (if available).
- Copies of Company's bank statements for the last six month period (if available).
- Company's confirmed client list (both in suppliers/buyers in Hong Kong and Overseas).
- A chart/graph showing company's projected turnover for the next 24 months, based on the current business.
- Proof of monetary injections by the applicant into the business.
- Three colour photographs of the company's office premises.
- Copy of current staff list with name, position, nationality, salary and HK Identity card and a chart showing the number of staff to be employed in the coming year together with their positions.
- Copy of Mandatory Provident Fund Certificate, debit note and bank deposit receipt of contributing funds to current staff.
- Copy of Employees' Compensation Insurance Policy, debit note and receipt of current staff.
- A complete business plan if one has already been written.



Discussion

**"An application
for a Hong
Kong business
investment visa
is more akin to
a *Picasso* than
a *Turner*."**



Business Investment

Changing from Visitor to Business Investment

It is no doubt possible to arrive in Hong Kong as a visitor and then approach the HKID to apply to adjust your immigration status through a formal in-country application for a business investment visa. Indeed, as the discussion in the section on the Catch 22 suggests, the Immigration Department are very alert to the need for intending business investment visa holders to actively get on with business during the formal application consideration process. The HKID will typically agree to extend your visitor visa all throughout the time that your application is being considered too. There is a risk in this, of course. The risk is that, even after due consideration has been given to your application, it does not meet the approval of the HKID and you now have a Hong Kong based business which you are unable to carry on without breaching your conditions of stay. Therefore, it is absolutely vital that you get your business investment visa application right. If you do get denied and then work your way through the various avenues of appeal, which themselves do not result in a positive outcome subsequently, the temptation will be to remain in Hong Kong as a visitor to-ing and fro-ing across the border on a visa-run. This is fraught with difficulty, however, because sooner or later you will amass more than 180 visitor days in any one year period and on one of your visa runs you will be stopped, vigorously questioned by the examining immigration officer and then granted a 3 day non-extendable "SCL" (short conditional landing). This will effectively bring your time and your business in Hong Kong to an end. So there is a visa end point and you need to have this in mind when considering if entering into a business in Hong Kong is the right thing for you to do.

Changing from Employment to Business Investment

This is entirely possible and will require a bit of fancy footwork if you have actually ceased working for your employer and started out in business for yourself prior to submitting your application to the HKD. The approvability test is just as onerous, however, but if you have 3 years current Hong Kong residence things are a little easier for you (but no guarantee of approval). You need to make an application to change your visa category.

Joining in a Side Business First

If you hold an employment visa and can get your current employer to agree in writing that they consent to you running a side business in addition to the work you do for them, then the HKID are happy to receive an application from you for immigration permissions to do this and, assuming that all the paperwork is in order and your arguments make commercial sense, they will likely agree to allow you to join in that side business. You should treat your application exactly as if it were a full business investment visa application. The neat thing about this route is that it sets the scene for a full investment visa approval (upon application, subsequently) later on.

Sponsorship

You will require a sponsor for your business investment visa. This can be any Hong Kong ID card holder but ideally it should be PHKID holder on behalf of a corporate or other business entity which has a commercial relationship with you and your business.

The Consideration Process

Be ready to undergo 'trial by ordeal' as it takes 4-6 months for a business investment visa application to be finalised. The HKID will very likely to and fro with you by correspondence all throughout this time (and you may get an occasional telephone call too). Be aware of specific requests for further information as these will shed light on the areas of weakness which the HKID believe are present in your application and actually afford a great opportunity to address them forthrightly and bring to their attention other positive developments which have occurred in the time since your paperwork was first submitted. Once approved, you will be notified, typically by letter, and invited down to Immigration Tower to complete the business investment visa approval formalities.

Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.

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Business Investment Visa

- ☐ Application form ID999A (applicant) and ID999B (sponsor).
- ☐ Recent photograph affixed to the form.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ Copy up-to-date CV.
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Copies of prior employment references and testimonials.
- ☐ Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- ☐ Copy Business Registration Certificate.
- ☐ Copy of latest audited financial report and/or management accounts (if available).
- ☐ Copy latest profits tax return to the Commissioner for Inland Revenue (if available).
- ☐ Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1), along with Companies FORM D1 (Notification of First Secretary and Directors) and FORM D2 (Notification of Changes of Secretary and Directors) if applicable, and FORM SC1 (Return of Allotments).
- ☐ Company brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- ☐ General proofs of business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- ☐ Office tenancy agreement copy (if any)
- ☐ If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



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Business Investment Visa

- ☐ A color print out of company's website (if available).
- ☐ Copies of Company's bank statements for the last six month period (if available).
- ☐ Company's confirmed client list (both in suppliers/buyers in Hong Kong and Overseas).
- ☐ A chart/graph showing company's projected turnover for the next 24 months, based on the current business.
- ☐ Proof of monetary injections by the applicant into the business.
- ☐ Three colour photographs of the company's office premises.
- ☐ Copy of current staff list with name, position, nationality, salary and HK Identity card and a chart showing the number of staff to be employed in the coming year together with their positions.
- ☐ Copy of Mandatory Provident Fund Certificate, debit note and bank deposit receipt of contributing funds to current staff.
- ☐ Copy of Employees' Compensation Insurance Policy, debit note and receipt of current staff.
- ☐ A complete business plan if one has already been written.

Notes



Discussion

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Visa Information

Capital Investment

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CAPITAL INVESTMENT VISA

The Capital Investment Entrant Scheme

HONG KONG VISA
CENTRE

CIES OVERVIEW

www.hongkongvisahandbook.com

1

10 million Hong Kong Dollars

2

Into qualifying Hong Kong investment asset classes

3

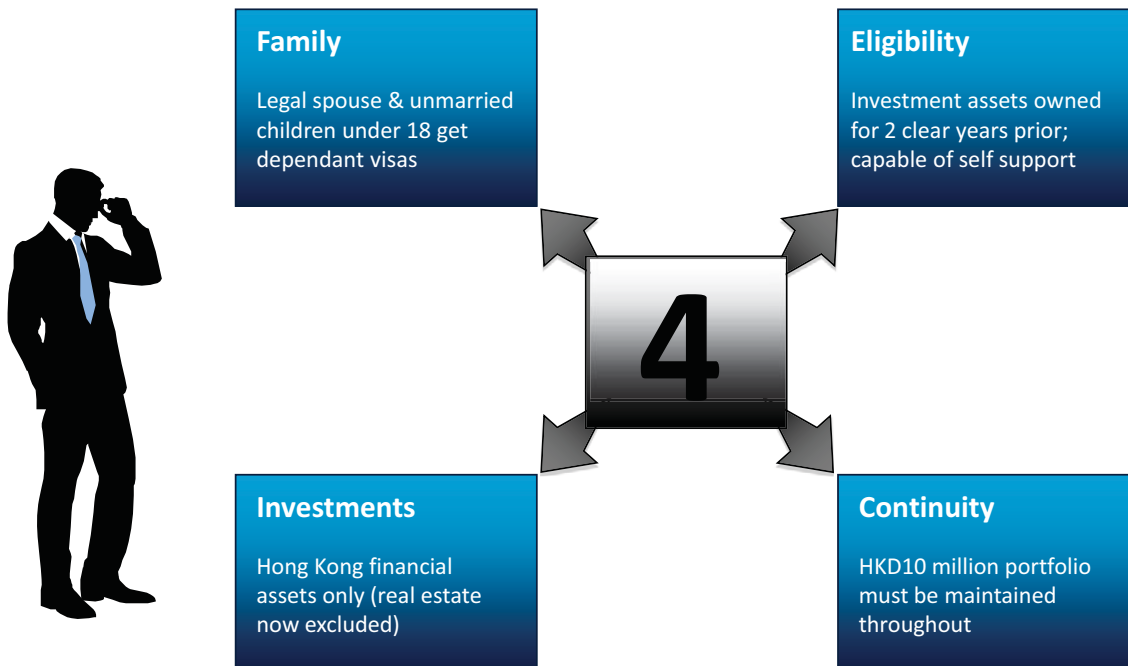
Secure a 2 year period of stay extendable every 2 years for 7 years

4

Right of Abode or Unconditional Stay available after 7 years

Invest hard cash in Hong Kong and secure residency permissions

KEY CONSIDERATIONS

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THE ORACLE

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Jake van der Kamp, Monitor, SCMP, October 1, 2004

"Let us get it straight about this initiative to give foreigners Hong Kong identity cards if they bring a certain amount of money with them. It represents a complete misunderstanding of how our balance of payments system works. Foreigners who come here do not bring Hong Kong dollars. They do not have them at home. They bring their own currencies and we then exchange them for Hong Kong dollars. This results in our holding their foreign currency denominated money, which we then spend or invest in their countries ...

... Net gain to us?

... Nothing. "

ELIGIBLE INDIVIDUALS

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Qualifying Nationalities

- Foreign nationals (except Afghanistan, Cuba, North Korea & Albania)
- Residents of Macau & Taiwan
- Chinese nationals with PR overseas
- Stateless people holding PR overseas with proven re-entry facilities

FX issues preclude Mainland residents from inclusion in the programme



ELIGIBILITY CRITERIA

www.hongkongvisahandbook.com**Amount**

10 million Hong Kong Dollars

Invest Within 6 Months

In Permissible Investment Asset Classes (cash funds)

Self Sufficient

Over and above the HKD10 million investment

Pathway to approval

Age

Minimum 18 years of age to apply

Ownership

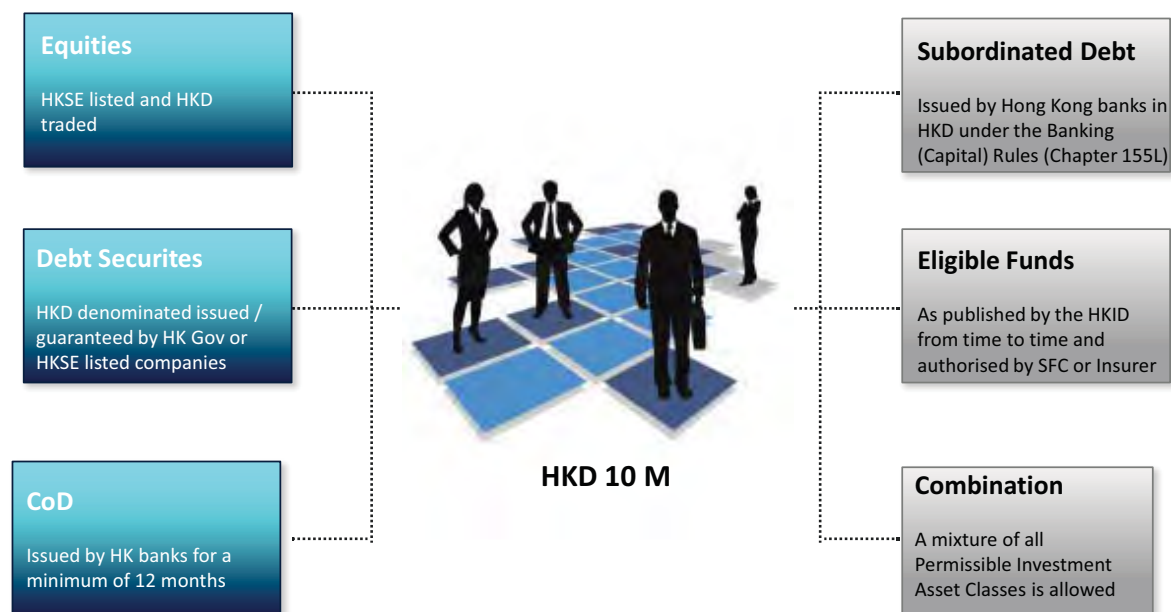
Proven 2 year prior beneficial interest

No Adverse Record

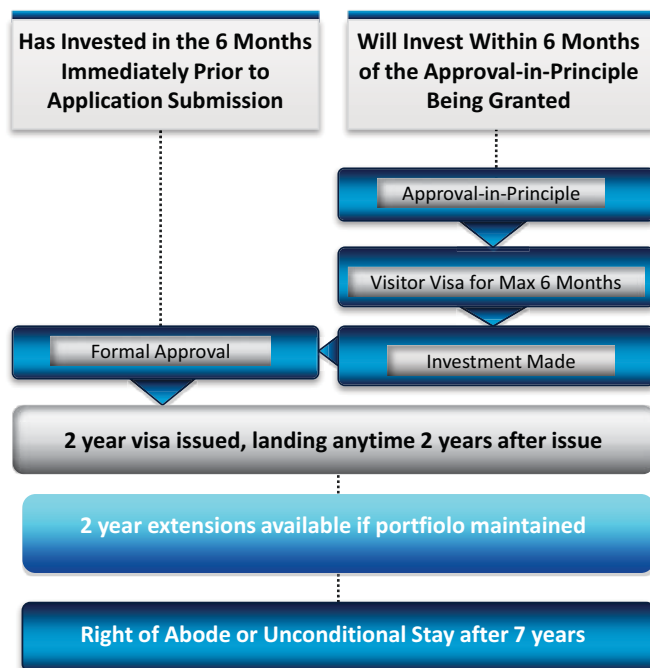
Either in Hong Kong or elsewhere

A visa programme for the very well heeled

PERMISSABLE INVESTMENT ASSET CLASSES



APPROVAL OUTCOMES



The CIES visa allows any lawful permitted activity in Hong Kong by the holder and his family

NEXT STEPS



Visa Information





Capital Investment

Rationale

The Capital Investment Entrant Scheme commenced in October 2003 with the objective of allowing well-heeled people to take up residence in Hong Kong without them needing to join in or establish an operating business. The programme rules are reviewed regularly and at this time the funds required are HKD10 million with qualifying investments now excluding Hong Kong real property.

Eligibility

An application for admission under the Capital Investment Entrant Scheme will be successful if:

- You are aged 18 or above.
- You have net assets of not less than HKD10 million to which you have been absolutely beneficially entitled for at least 2 years immediately prior to making the application.
- You have invested (within 6 months prior) or will invest (within 6 months post) not less than HKD10 million in permissible investment asset classes nominated for the CIES programme.
- You have no adverse record in Hong Kong, your country of origin and present country of domicile (if different).
- You are a Chinese national with PR overseas, a foreign national (other than citizens of Cuba, Afghanistan, Albania and North Korea), a resident of Macau or Taiwan or a stateless person with PR in a third country.

Application Procedure

Applying for a Capital Investment visa is a matter of (a) completing the application form ID967, furnishing a referee, setting out your net worth, articulating how you intend to invest at least HKD10 million into qualifying investments (if you have not yet already) and if you are going to appoint a Hong Kong CPA to attest to your net worth (speeding up the application process generally). On the basis that all of this stacks up and the normal background checks which the HKID undertake do not reveal any security objection to you becoming resident in Hong Kong, they will issue with either (a) formal approval (if you have already invested the HKD10 million) or (b) approval in principle (giving you a period of stay in Hong Kong as a visitor for up to six months in order for you to make the HKD10 million investment) whereupon, once proof is provided to the HKID that the investment has been made, your formal approval will be issued and you can become formally resident in Hong Kong under the Capital Investment programme.

Arrangements for Dependants

You are permitted to bring your dependant family members (legal spouse and unmarried children under the age of 18) under the Capital Investment Entrant Scheme who secure dependant visas (allowing them to work and/or study full time). Their period of stay mirrors the principal visa holder's exactly.

Period of Stay

You will receive a 2 year period of stay in the first instance. Extensions are readily available subject to you being able to satisfy the portfolio maintenance requirements and otherwise demonstrate to the Director of Immigration that you continue to meet the eligibility criteria. The principal applicant enters into a specific Undertaking in respect of continuing beneficial ownership of the HKD 10 million which, if breached, will lead to loss of status when the current period of stay expires.

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Preparing Your Case

(Click to Watch)

Highlights

- Scheme designed to attract new investment to Hong Kong
- HKD10 million into qualifying investments
- No longer includes real estate
- The investment funds must have been beneficially owned for at least 2 years prior
- Not available to PRC nationals resident on the Mainland



Discussion





Capital Investment

HKD10 Million & Permissible Investment Asset Classes

The applicant needs to invest not less than HKD10 million in one, or a combination, of the following qualifying investments:

Equities

HKSE listed shares and traded in Hong Kong Dollars.

Debt Securities

Issued in HKD by nominated government agencies (MTR, HK Airport etc).

COD

Issued by Hong Kong banks in HKD and for a minimum of 12 months each deposit.

Subordinated Debt

Issued by Hong Kong banks in HKD.

Eligible Collective Investment Schemes

As prescribed and authorised by the HKID from time to time.

All permissible investment assets need to be held in a designated account in the applicant's own name and operated by a single financial intermediary and a contract has to be entered into between the financial intermediary and the applicant on terms which are set out by the HKID. The financial intermediary must be either an authorised institution as defined by the Banking Ordinance or a licensed corporation licensed to perform Type 1,4 or 9 regulated activities under the Securities and Futures Ordinance.

An essential element of the Capital Investment programme is that the applicant needs to be able to demonstrate that he is capable of supporting and accommodating himself and his dependants, if any, on his own without relying on any return from the HKD10 million invested. Moreover, at the point of application, he should be sufficiently well heeled such that he does not need to rely on working in Hong Kong or need to start up a business in order to finance his residence—both of which are permitted once the Capital Investment visa is issued.



Click to Access all the
Scheme Rules

Portfolio Maintenance

The entire HKD 10 million investment is ring fenced for the life of the Capital Investment visa status. The visa holder is not required to top up the HKD10 million if the value of his portfolio drops nor is he allowed to withdraw any increase in value. Any such increase must be reinvested if a choice is made to move between permissible asset classes.

Scheme Rules

The Director of Immigration has set out detailed rules on the Capital Investment Entrant Scheme. These are available here:

[http://www.immd.gov.hk/pdforms/id\(e\)968.pdf](http://www.immd.gov.hk/pdforms/id(e)968.pdf)

Submitting Your Application

The application is submitted to the HKID either (a) via post from overseas or in person to the Receipt & Dispatch Unit of the Immigration Tower (2/F). The HKID will also entertain applications from current residents who wish to change their category of visa. Applications can also be submitted on a change of status basis, whilst a visitor in Hong Kong.



Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.



Capital Investment

Documents Required

- Application form ID967.
- Recent photograph affixed to the form.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- Copy up-to-date CV.
- Photocopy of all graduation certificates/proof of academic qualifications.
- Copies of documents which show your prior employment and/or business record for the past 5 years.
- Supporting proof of your net worth for the last 2 years showing that you have beneficially owned absolutely the HKD10 million you will be investing in Hong Kong under the Capital Investment programme.
- Supporting proof of the HKD10 million you have already invested (within the prior 6 months) - if applicable.
- If applying with Family Members, Form 997 and the following documents:
 1. A confirmation letter to be signed by the CIES applicant confirming that he will be responsible for meeting his dependant's financial needs in Hong Kong.
 2. Family photos evidencing the CIES applicant and the dependants relationship.
 3. Copies of birth (where applicable for dependant children) and marriage certificates.
 4. Copy passport details page of all dependants included in the application.
 5. Documentary proof indicating the CIES applicant and the dependants were living together overseas.



Discussion



After 7 Years

Once a Capital Investment visa holder and his family have been continuously resident in Hong Kong for a period of not less than 7 years and are able to declare that they have taken Hong Kong as their only place of permanent residence, they can apply for the Right of Abode. Other such persons who are not able to show 7 years continuous ordinary residence are eligible for Unconditional Stay. In either case, the HKD10 million investment is released and the residence is no longer subject to any conditions of stay.

A Space for Your Notes





Capital Investment

- ☐ Application form ID967.
- ☐ Recent photograph affixed to the form.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ Copy up-to-date CV.
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Copies of documents which show your prior employment and/or business record for the past 5 years.
- ☐ Supporting proof of your net worth for the last 2 years showing that you have beneficially owned absolutely the HKD10 million you will be investing in Hong Kong under the Capital Investment programme.
- ☐ Supporting proof of the HKD10 million you have already invested (within the prior 6 months) - if applicable.
- ☐ If applying with Family Members, HKID form ID997 and the following documents:
 - ☐ A confirmation letter to be signed by the CIES applicant confirming that he will be responsible for meeting his dependant's financial needs in Hong Kong.
 - ☐ Family photos evidencing the CIES applicant and the dependants relationship.
 - ☐ Copies of birth (where applicable for dependant children) and marriage certificates.
 - ☐ Copy passports details page of all dependants included in the application.
 - ☐ Documentary proof indicating the CIES applicant and the dependants were living together overseas.



Discussion

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Capital Investment

Notes



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Visa Information

Quality Migrant Admission Scheme

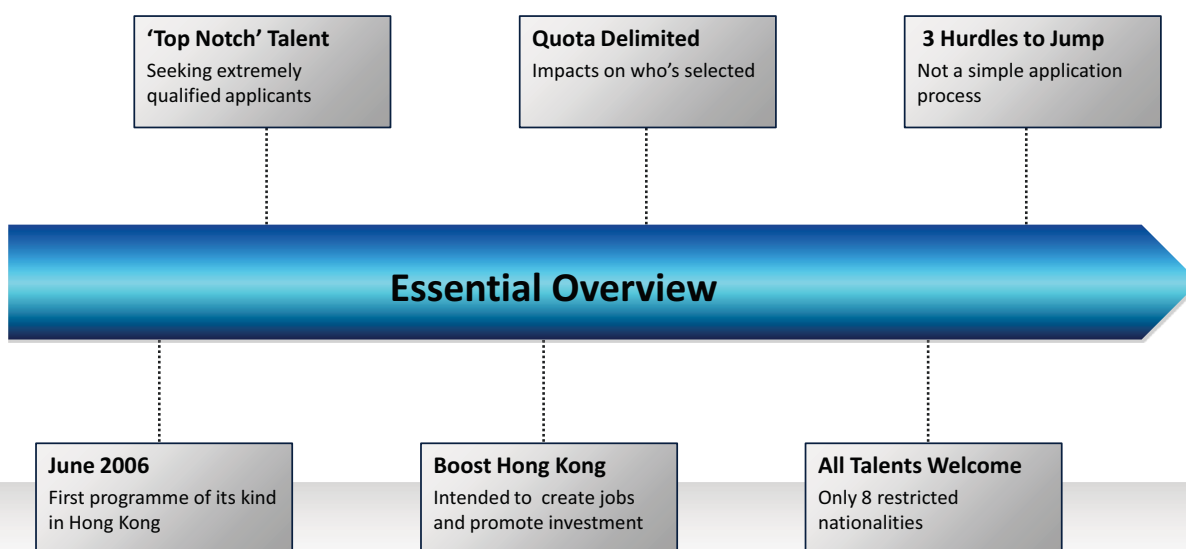
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SPECIAL PROGRAMMES

A Visa for 'Top Notch Talent' to Live & Work in Hong Kong

HONG KONG VISA
CENTRE

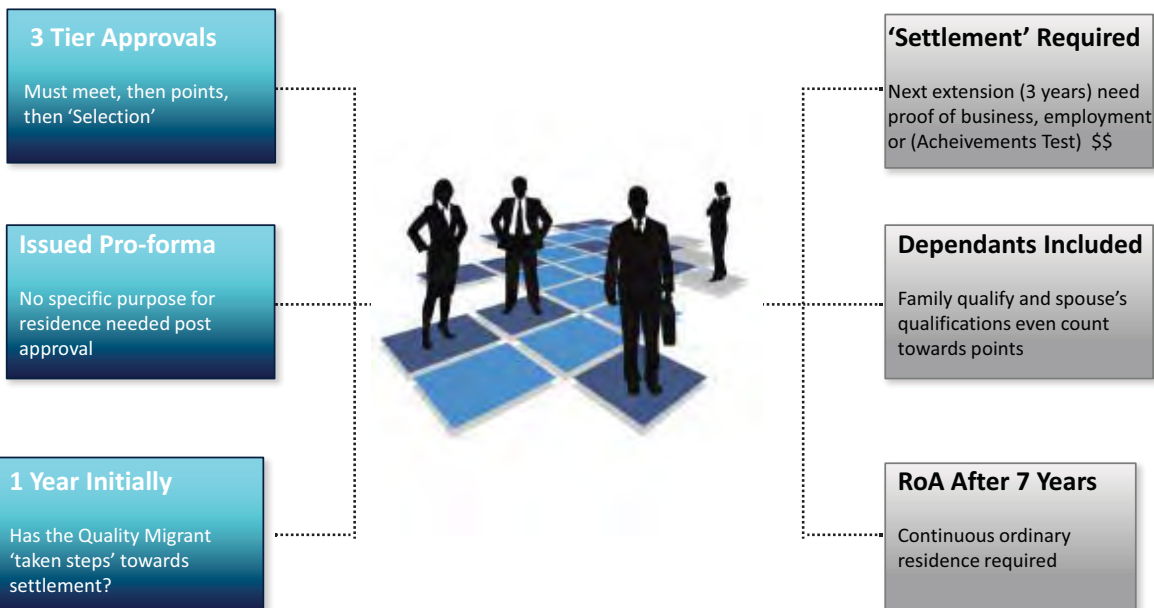
QUALITY MIGRANT ADMISSION SCHEME

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The programme undergoes frequent review to ensure it is meeting Hong Kong's needs

ESSENTIAL ELEMENTS

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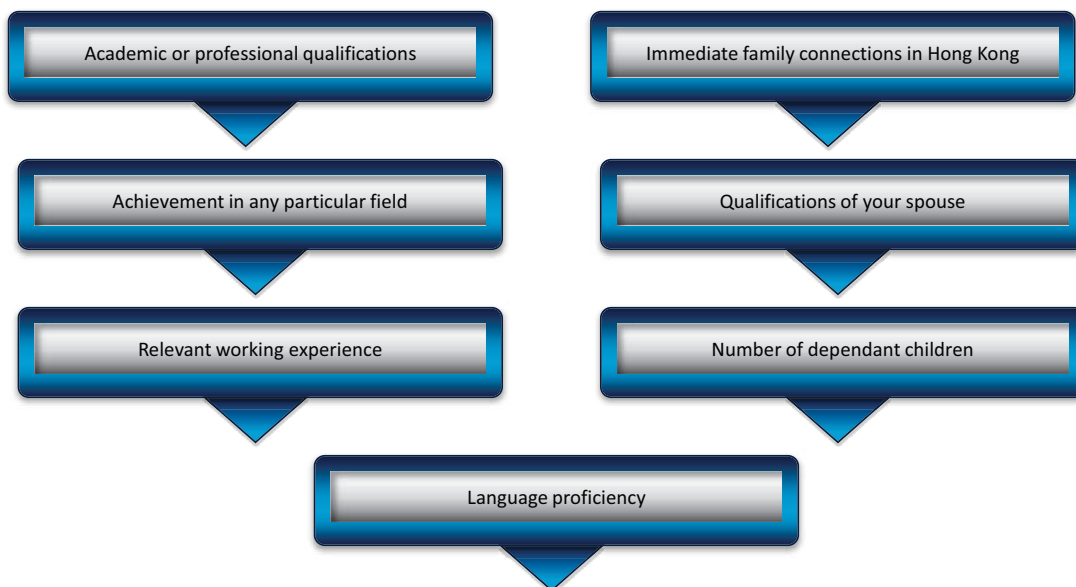


MUST MEET CRITERIA

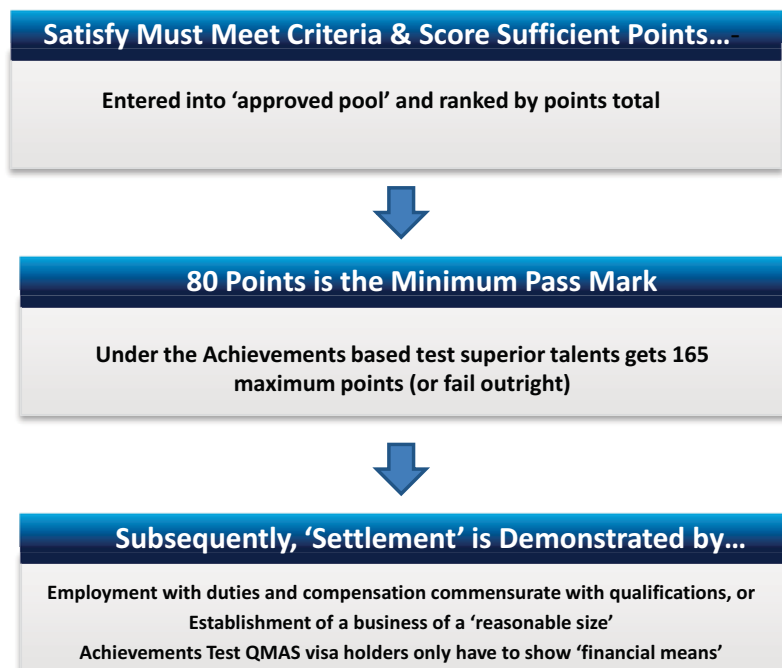
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Age	Must be aged between 18~50 years
\$\$	Must have the financial means to live one year unsupported
Character	Must have no criminal record or adverse immigration history
Language	Must speak English, Cantonese or Mandarin
Education or	Must have a first degree as a minimum, or
Tech Quals or	Must have good technical qualifications, or
Profession	Must have professional abilities, experience or achievement



GENERAL POINTS TEST

The *General Points Test* tallies up

APPROVALS PROCESS & OUTCOMES

The *Achievements Test* is a 165 Points 'Home Run'

NEXT STEPS



Visa Information





Quality Migrant Admission Scheme

Objective & Experience

This programme was introduced in 2006 with the intention to create a visa class for those very highly talented people who might be willing to take up residence in Hong Kong without actually having any core reason for coming here in the first place! Flexible as ever, the HKID developed the Quality Migrant Admission Scheme in order to provide a mechanism to be able to compete with other developed economies' immigration programmes established on the basis that it can only be good if you allow smart people to live in your community. As of December 2010, 5045 applications had been received and 1808 applicants had been granted a visa under the programme. Successful applicants under the general points test (1672) tended to come from backgrounds in financial and accounting services, information technology, telecommunications and general commerce. Successful applicants under the 'home run' achievement based points test (136) came mainly from the sports, arts and culture segments. The HKID receive on average more than 100 QMAS applications each month.

Prerequisites

There are 'must meet' criteria which must be satisfied in all circumstances. These are designed to prequalify the applicant pool before the allocation of points can be applied to rank each applicant amongst the others.

2 Types of Points Test

In simple terms, a detailed assessment is made of the applicant's background and points awarded for achievements and accomplishments across several 'desirability factors'. This is the general points test. The 'pass mark' is 80 out of an absolute maximum of 165—but this only gets you into the pool for selection. Only the highest scores are actively considered during the subsequent selection exercise (of which there have been 17 since inception of the programme through December 2010). If an applicant has manifestly outstanding achievements to his credit he may apply under the alternate achievements based test. Normally you would be an Olympiad, recognised internationally or have been awarded some kind of international prize to qualify under this test. If you convince the HKID that you qualify under the achievements test, you receive 165 points straight up. If you don't, you score 0 points and your application is treated as refused with no further consideration entertained.

Selection

High scoring applications, including all those qualifying under the achievements based test, are shortlisted for consideration during the selection exercise. The selection committee meets 3-4 times each year and is comprised of appointees of the Chief Executive who then recommend to the Director of Immigration who should be approved.

Invitation to Hong Kong & Approval

Applicants chosen by the selection committee are invited to Hong Kong to bring all of their original documents with them for verification. There is no 'second guessing' in this interview exercise, it is just to ensure the supporting papers are not contrived and are in fact authentic. This invitation takes the form of an 'Approval in Principle' letter. The applicant will be admitted to Hong Kong as a visitor for these purposes. Once all original documents have been verified the application procedures are finalised and the applicant will be issued with an entry visa under the QMAS programme to stay in Hong Kong.



Preparing Your Case

(Click to Watch)

Highlights

- Very useful programme for highly talented new entrants to Hong Kong
- Competitive and subject to quota
- Application process is convoluted and needs careful preparation
- The HKID receives more than 100 applications each month
- Nobel Prize winners have an advantage!



Discussion



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Quality Migrant Admission Scheme

Documents Required

- Application form ID981.
- Recent photograph affixed to the form.
- Copy passport details page and current visa/period of stay if not a citizen of the country in which you live.
- Copy of PRC resident ID card (if applicable).
- Proof of your net worth.
- If you have an immediate family member who is a permanent resident of Hong Kong, copy of their HKID card, proof of the relationship between you both and proof of their residential arrangements in Hong Kong.
- Copy of you and your spouse's education certificates (if you are married).
- Copies of your educational transcripts.
- Copies of your proof of achievements.
- Proof of your professional qualifications and associated memberships.
- Copies of testimonials from every employer claimed as relevant to your application.
- Copies of all company documents claimed as relevant to your application.
- Evidence of self-employment experiences claimed.
- Detailed essay of your life plan to date and what you plan for the future.
- Proof of language proficiencies claimed.



NB—these documents are the bare minimum required. A structured argument should be set out in the application which ties these documents together. In the process of crafting these representations other specific, relevant supporting information and documentation will be identified and will also need to be submitted in substantiation.

Submitting Your Application

The application is submitted to the HKID via post or in person to the Quality Migrants and Mainland Residents Section of the Immigration Tower (6/F).



Official QMAS Guide

The Quality Migrant Admission Scheme is one of the rare programmes in Hong Kong immigration where the HKID have actually produced a very detailed step-by-step Official Guide as to what is required to successfully promulgate an application under a Hong Kong immigration programme. This guide is an excellent source of information and rather than repeat its contents in the Hong Kong Visa Handbook, we recommend that the reader consult the Official QMAS Guide directly. It can be found here. [http://www.immd.gov.hk/pdforms/id\(e\)982.pdf](http://www.immd.gov.hk/pdforms/id(e)982.pdf)



Click to Access all the Scheme Rules

A Space for Your Notes





Mainland Talents & Professionals

- ☐ Application form ID990A (employee) and ID990B (employer).
- ☐ Recent photograph affixed to the form and your Mainland Resident ID Card.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ Copy up-to-date CV & Letter of Consent of your Mainland working unit or other authority
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Copies of prior employment references and testimonials.
- ☐ Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- ☐ Copy Business Registration Certificate.
- ☐ Copy of latest audited financial report and/or management accounts.
- ☐ Copy latest profits tax return to the Commissioner for Inland Revenue.
- ☐ Copy of the most recent Annual Return filed with the Registrar of Companies (FORM AR1), along with Companies FORM D1 (Notification of First Secretary and Directors) and FORM D2 (Notification of Changes of Secretary and Directors) if applicable, and FORM SC1 (Return of Allotments).
- ☐ Detailed letter introducing the company and its business.
- ☐ Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- ☐ General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- ☐ Office tenancy agreement copy.
- ☐ If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



Discussion

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Mainland Talents & Professionals

Additionally, further information will be requested by the Hong Kong Immigration Department where the application relates to a Mainland Inter-company Transferee, Mainland Business Owner or Mainland Business Executive. The exact make up of these documents varies from case to case and you will be advised by the HKID of their specifics at the point of their first response after you have submitted the application.

NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required (however the Form ID990B is required in all instances).

Notes



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Visa Information

Legal Dependants

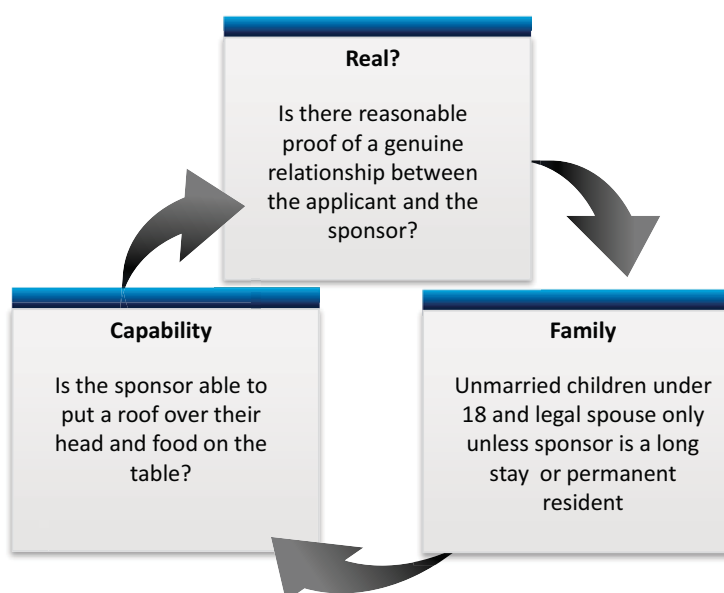
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FAMILY VISAS

Visa to Join Your Heterosexual Married Partner or Your Parents in Hong Kong

HONG KONG VISA
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LEGAL DEPENDANTS

www.hongkongvisahandbook.com**Approval Criteria**

NEXT STEPS



Visa Information



Legal Dependants

Eligibility

If you hold the Right of Abode or unconditional stay, you are eligible to sponsor dependant visas for your legal spouse, unmarried dependant children under the age of 18 and your parents who are aged 60 or older. If you hold any other kind of visa (employment, investment, training, capital investment, business investment, Quality Migrant Admission Scheme or student) you are eligible to sponsor dependant visas for your legal spouse and unmarried dependant children under the age of 18 only.

Approvability Test

This type of application is all about being able to demonstrate that the sponsor can put food on the table and a roof over the head of the sponsored dependants. The HKID state that an application for admission of a dependant may be favourably considered if:

- There is reasonable proof of a genuine relationship between the applicant and the sponsor.
- There is no known record to the detriment of the applicant; and
- The sponsor is able to support the dependant's living at a standard well above the subsistence level and provide him/her with suitable accommodation in the HKSAR.

Satisfying the Approvability Test

These cases tend to be merely administrative in nature. Once you have been able to establish the legal family connections through birth and marriage certificates and can show proof of income, at least a modest bank balance, copies of your tenancy agreement/property ownership certificates and proof that you are a genuine family, the applications are approved with little fuss. Problems can emerge where the official certifications are not in either English or Chinese and thus official translations issued by the consulate of the issuing country will be required.

How to Apply

You can apply for dependent visas either as part of the sponsor's principal application (if you are applying for an employment visa, Admission of Mainland Talents, non-local graduates, training, study or business investment visa) or as a stand alone application. If the former, you include the details of your dependants on the principal application form, if the latter on form ID997. Applicants under the Quality Migrants Admission Scheme and the Capital Investment Entrant Scheme should complete the separate ID997 for their dependants. Applications can be submitted via the Receipt & Dispatch counter (2/F) of Immigration Tower, either by post or in person, for those who are visitors to Hong Kong as part of a change of status application, and for those who are currently resident as part of change of category application.



Approval Formalities

The process of approval will depend on how the application was submitted. If you are overseas, you will be provided with an entry visa sticker to place on a new page in your passport so that your dependant visa status will be activated when you enter Hong Kong. If you have applied whilst in Hong Kong your new dependant visa status will be endorsed directly into your passport and your previous status cancelled. Other than dependants sponsored by student visa holders, all dependants are permitted to work on their dependants visa permissions. The period of stay granted will mirror exactly that which your sponsor holds.



Preparing Your Case

(Click to Watch)

Highlights

- Dependant visas tend to be administrative in nature
- The family sponsor needs to be able to show he/she can put food on the table/roof over heads
- Marriage and birth certificates are essential
- The period of stay granted mirrors the principal sponsors



Discussion



Legal Dependants

Documents Required

1. Application forms fully completed and executed by both the applicant and sponsor.
2. A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
3. A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
4. Copy of current residential tenancy agreement in Hong Kong where the family will live (or proof of ownership).
5. Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of the family.
6. Family photos evidencing the sponsor and the applicant(s)' relationship.
7. Copies of birth (where applicable for dependant children) and marriage certificates
8. Copy passports details page of both the sponsor and the applicant(s).
9. Copy of the sponsor's Hong Kong Identity Card, if any.
10. Documents indicating the sponsor and the applicant(s) were living together overseas prior to their arrival in Hong Kong , (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately) - if applicable.



Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will usually afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.

A Space for Your Notes



Discussion





Legal Dependants

- ☐ Application forms fully completed and executed by both the applicant and sponsor.
- ☐ A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
- ☐ A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
- ☐ Copy of current residential tenancy agreement in Hong Kong where the family will live (or proof of ownership).
- ☐ Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of the family.
- ☐ Family photos evidencing the sponsor and the applicant(s)' relationship.
- ☐ Copies of birth (where applicable for dependant children) and marriage certificates
- ☐ Copy passports details page of both the sponsor and the applicant(s).
- ☐ Copy of the sponsor's Hong Kong Identity Card, if any.
- ☐ Documents indicating the sponsor and the applicant(s) were living together overseas prior to their arrival in Hong Kong , (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately) - if applicable.

Notes



Discussion

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Visa Information

Defacto Spouse

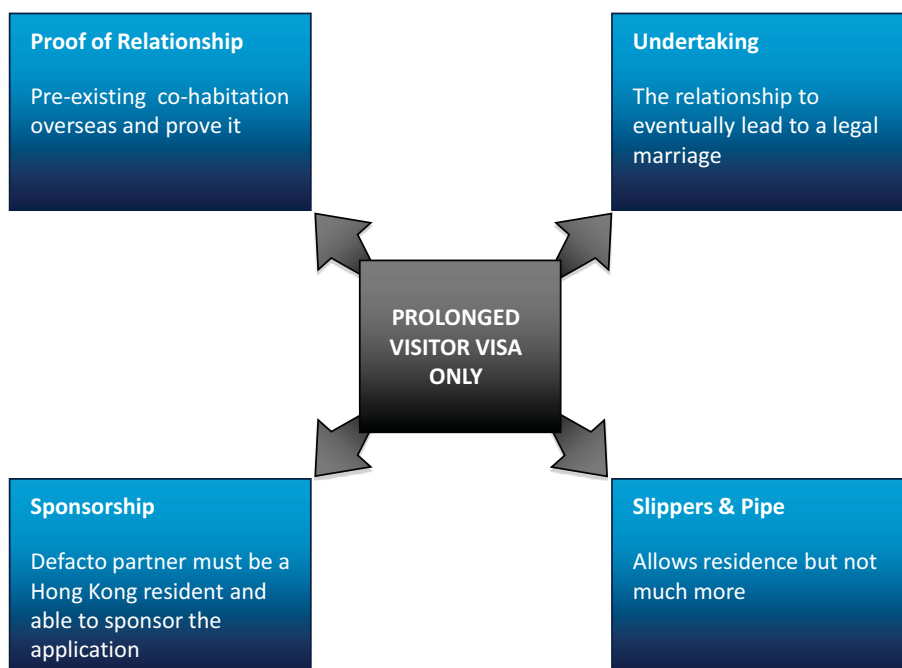
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FAMILY VISAS

Visa to Join Your Hong Kong Resident Defacto Spouse

HONG KONG VISA
CENTRE

DEFACTO SPOUSE ARRANGEMENTS

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NEXT STEPS



Visa Information





Defacto Spouse

Eligibility

Unfortunately, Hong Kong only recognises traditional 'legal dependants' (spouse and unmarried children under the age of 18) in the issuance of dependant visas. Consequently, 'defacto spouse' partner family members need to be creative in their circumstances. For example, will you qualify for permissions under one of the other visa categories in your own right? If not, and your partner as principal visa holder is able to demonstrate capacity to support you whilst you remain in Hong Kong, the only real option is to apply for a prolonged visitor visa. This status is what we have coined a 'slippers and pipe' visa in so much as it allows the holder to remain in Hong Kong for an extended period of time to avail 'residency' but does not provide permissions to work, join in or establish a business nor undertake a formal course of study. Unmarried children of the defacto relationship under the age of 18 will be treated as legal dependants, and therefore able to secure dependant visas.

Approvability Test

This type of application is all about demonstrating a pre-existing relationship prior to coming to Hong Kong and the capacity of the sponsoring partner to put food on the table and a roof over the head of the sponsored partner.

Structuring Your Argument

This type of application requires detailed documentation and explanatory narrative as to the extent of the pre-existence of the relationship and the financial ability of the sponsoring partner to fund the prolonged visit to Hong Kong. Detailed financial information on both partners should be prepared setting out the mutual means of support. The HKID are concerned that the prolonged visitor visa holding partner might engage in activities not commensurate with permitted activity (i.e. a temptation to work or join in a business illegally) so the financial aspects of the application are critical.

Complicating Factors

In cases where the relationship has only commenced after arrival in Hong Kong, the case can be an uphill struggle to approval.

How to Apply

The application together with all of the supporting documentation is submitted to the Visitors section at Immigration Tower. The application will not be decided 'on the spot' and it can take between 4-6 weeks for the final outcome to be notified. In the interim the applicant will be contacted by the examining officer by fax, phone or occasionally by email, if not by letter through the post. If the applicant's current period of stay is set to expire whilst the HKID formally consider the application, an interim extension to the current period of stay will be available to allow the applicant to remain in Hong Kong pending determination of the outcome.



Approval Formalities

Once notified of the approval, the applicant will be asked to go along to the Visitors section of the Immigration Tower for prolonged visitor visa issuance which is usually six months in the first instance. Extensions will be granted routinely (upon application) thereafter. If you are planning to exit Hong Kong within that time frame you are advised to seek a re-entry permit so that your prolonged visitor visa consents are not cancelled when you leave Hong Kong and upon your return to the HKSAR the examining officer will grant you a period of stay with an expiry date of six months after the date of the original approval.

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Preparing Your Case

(Click to Watch)

Highlights

- Dependant visa not available
- Only prolonged visitor visa
- Proof of relationship and cohabitation prior to arrival in Hong Kong essential
- Six month period of stay in the first instance



Discussion



Defacto Spouse

Documents Required

1. Application, Family Background and Sponsorship forms fully completed and executed by both the applicant and sponsor.
2. A declaration letter signed by the applicant declaring that he/she will not take up employment, join in a business or study whilst holding prolonged visitor visa status.
3. A letter from both partners declaring that the relationship will eventually lead to a legal marriage.
4. A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
5. A letter detailing the sponsor's relationship with the applicant and to be signed by both parties.
6. A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
7. Copy of current residential tenancy agreement in Hong Kong where the couple will live (or proof of ownership).
8. Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of both partners.
9. Original photos evidencing the sponsor and the applicant's long-term relationship (ideally with dates printed on the photos and split over the period of the long-term relationship).
10. Original passports of both the sponsor and the applicant.
11. Copy of the sponsor's Hong Kong Identity Card.
12. Letters or other supporting communications written by persons/friends (in Hong Kong & overseas) proving that the long-term relationship is/was known widely in Hong Kong & overseas; and
13. Documents indicating the sponsor and the applicant were co-habiting overseas prior to their arrival in Hong Kong, (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately.)



Discussion

Refusal & Appeal

There is no right nor process to appeal the refusal of a prolonged visitor visa application.

A Space for Your Notes



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Defacto Spouse

- ☐ Application, Family Background and Sponsorship forms fully completed and executed by both the applicant and sponsor.
- ☐ A declaration letter signed by the applicant declaring that he/she will not take up employment, join in a business or study whilst holding prolonged visitor visa status.
- ☐ A letter from both partners declaring that the relationship will eventually lead to a legal marriage.
- ☐ A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
- ☐ A letter detailing the sponsor's relationship with the applicant and to be signed by both parties.
- ☐ A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
- ☐ Copy of current residential tenancy agreement in Hong Kong where the couple will live (or proof of ownership).
- ☐ Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of both partners.
- ☐ Original photos evidencing the sponsor and the applicant's long-term relationship (ideally with dates printed on the photos and split over the period of the long-term relationship).
- ☐ Original passports of both the sponsor and the applicant.
- ☐ Copy of the sponsor's Hong Kong Identity Card.
- ☐ Letters or other supporting communications written by persons/friends (in Hong Kong & overseas) proving that the long-term relationship is/was known widely in Hong Kong & overseas; and
- ☐ Documents indicating the sponsor and the applicant were co-habiting overseas prior to their arrival in Hong Kong , (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately.)



Discussion

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Defacto Spouse

Notes



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Visa Information

Same Sex Partners

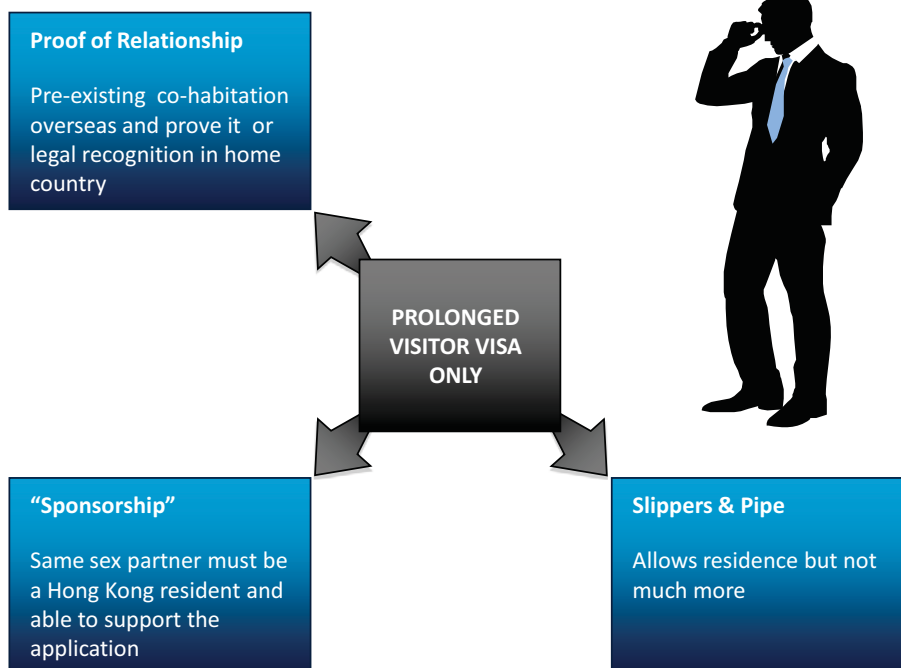
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FAMILY VISAS

Visa to Join Your Same Sex Hong Kong Resident Life Partner

HONG KONG VISA
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SAME SEX PARTNERS

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NEXT STEPS



Visa Information





Same Sex Partners

Eligibility

Unfortunately, Hong Kong only recognises traditional 'legal dependants' (spouse and unmarried children under the age of 18) in the issuance of dependant visas. Consequently, same sex partner family members need to be creative in their circumstances. For example, will you qualify for permissions under one of the other visa categories in your own right? If not, and your partner as principal visa holder is able to demonstrate capacity to support you whilst you remain in Hong Kong, the only real option is to apply for a prolonged visitor visa. This status is what we have coined a 'slippers and pipe' visa in so much as it allows the holder to remain in Hong Kong for an extended period of time to avail 'residency' but does not provide permissions to work, join in or establish a business nor undertake a formal course of study.

Approvability Test

This type of application is all about demonstrating a pre-existing relationship prior to coming to Hong Kong and the capacity of the sponsoring partner to put food on the table and a roof over the head of the sponsored partner. Prolonged visitor visa applications for same sex partners mirror almost identically those for Defacto heterosexual partners.

Structuring Your Argument

This type of application requires detailed documentation and explanatory narrative as to the extent of the pre-existence of the relationship and the financial ability of the sponsoring partner to fund the prolonged visit to Hong Kong. Detailed financial information on both partners should be prepared setting out the mutual means of support. The HKID are concerned that the prolonged visitor visa holding partner might engage in activities not commensurate with permitted activity (i.e. a temptation to work or join in a business illegally) so the financial aspects of the application are critical.

Complicating Factors

In cases where the relationship has only commenced after arrival in Hong Kong, the case can be an uphill struggle to approval.

How to Apply

The application together with all of the supporting documentation is submitted to the Visitors section at Immigration Tower. The application will not be decided 'on the spot' and it can take between 4-6 weeks for the final outcome to be notified. In the interim the applicant will be contacted by the examining officer by fax, phone or occasionally by email, if not by letter through the post. If the applicant's current period of stay is set to expire whilst the HKID formally consider the application, an interim extension to the current period of stay will be available to allow the applicant to remain in Hong Kong pending determination of the outcome.



Approval Formalities

Once notified of the approval, the applicant will be asked to go along to the Visitors section of the Immigration Tower for prolonged visitor visa issuance which is usually six months in the first instance. Extensions will be granted routinely (upon application) thereafter. If you are planning to exit Hong Kong within that time frame you are advised to seek a re-entry permit so that your prolonged visitor visa consents are not cancelled when you leave Hong Kong and upon your return to the HKSAR the examining officer will grant you a period of stay with an expiry date of six months after the date of the original approval.

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Preparing Your Case

(Click to Watch)

Highlights

- Dependant visa not available
- Only prolonged visitor visa
- Proof of relationship and cohabitation prior to arrival in Hong Kong essential
- Six month period of stay in the first instance



Discussion



Same Sex Partners

Documents Required

1. Application, Family Background and Sponsorship forms fully completed and executed by both the applicant and sponsor.
2. A declaration letter signed by the applicant declaring that he/she will not take up employment, join in a business or study whilst holding prolonged visitor visa status.
3. A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
4. A letter detailing the sponsor's relationship with the applicant and to be signed by both parties.
5. A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
6. Copy of current residential tenancy agreement in Hong Kong where the couple will live (or proof of ownership).
7. Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of both partners.
8. Original photos evidencing the sponsor and the applicant's long-term relationship (ideally with dates printed on the photos and split over the period of the long-term relationship).
9. Original passports of both the sponsor and the applicant.
10. Copy of the sponsor's Hong Kong Identity Card.
11. Letters or other supporting communications written by persons/friends (in Hong Kong & overseas) proving that the long-term relationship is/was known widely in Hong Kong & overseas; and
12. Documents indicating the sponsor and the applicant were co-habiting overseas prior to their arrival in Hong Kong, (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately.)
13. If the partnership has been recognized at civil law in any jurisdiction, original and copies of that certification.



Discussion

Refusal & Appeal

There is no right nor process to appeal the refusal of a prolonged visitor visa application.

A Space for Your Notes



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Same Sex Partners

- ☐ Application, Family Background and Sponsorship forms fully completed and executed by both the applicant and sponsor.
- ☐ A declaration letter signed by the applicant declaring that he/she will not take up employment, join in a business or study whilst holding prolonged visitor visa status.
- ☐ A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
- ☐ A letter detailing the sponsor's relationship with the applicant and to be signed by both parties.
- ☐ A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
- ☐ Copy of current residential tenancy agreement in Hong Kong where the couple will live (or proof of ownership).
- ☐ Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of both partners.
- ☐ Original photos evidencing the sponsor and the applicant's long-term relationship (ideally with dates printed on the photos and split over the period of the long-term relationship).
- ☐ Original passports of both the sponsor and the applicant.
- ☐ Copy of the sponsor's Hong Kong Identity Card.
- ☐ Letters or other supporting communications written by persons/friends (in Hong Kong & overseas) proving that the long-term relationship is/was known widely in Hong Kong & overseas; and
- ☐ Documents indicating the sponsor and the applicant were co-habiting overseas prior to their arrival in Hong Kong, (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately.)
- ☐ If the partnership has been recognized at civil law in any jurisdiction, original and copies of that certification.



Discussion

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Same Sex Partners

Notes



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Visa Information

Right of Abode

www.hongkongvisahandbook.com

LONG STAY FOREIGN NATIONALS

Permanent Residency After 7 Years Continuous Ordinary Residence in the HKSAR

HONG KONG VISA
CENTRE

RIGHT OF ABODE

www.hongkongvisahandbook.com

1

Claim the RoA by applying to verify your eligibility for a HKPID Card

2

For our purposes, you are a non-Chinese citizen resident in HK for not less than seven years

3

Need to show 7 years continuous ordinary residence

4

No outstanding taxation liabilities nor security objections

The RoA is manifested in a Hong Kong Permanent Identity Card

NEXT STEPS



Visa Information





Right of Abode

RoA for Non-Chinese Citizens

The information which follows relates to the Right of Abode for long stay foreign nationals of Hong Kong who are not Chinese Citizens.

Eligibility

To be eligible for the Right of Abode you need to have had "*continuous residence in Hong Kong for a period of not less than seven years*" all the while holding a qualifying residence visa (this excludes Foreign Domestic Helpers and persons admitted under the Supplementary Labour Scheme) and have taken Hong Kong as your only place of permanent residence (as evidenced by your intention and conduct.)

Approvability Test

Subject to there being no security objection and no outstanding taxation liabilities, if you have been continuously resident in Hong Kong for a period not less than seven years and will declare that you have taken Hong Kong as your only place of permanent residence (evidenced via your intention and conduct) you should, *a priori*, be granted the Right of Abode.

Structuring Your Argument

The key challenge is to be able to argue away any periods of missing residence. Absences from Hong Kong of more than 6 months will require proof that, irrespective of the length of absence, at the time of your departure from the HKSAR, your intention was to depart only temporarily. Your application can also be complicated by the fact that you could be holding permanent residence in a third country, not being the country of the passport which you are current holding. Case law underpinning the current procedures governing how the Right of Abode is administered by the Director of Immigration state that the applicant should be able to demonstrate that he has taken concrete steps (via intention and conduct) to having taken Hong Kong as his only place of permanent residence. This notwithstanding, the HKID do appear to have taken a liberal interpretation of the words of the judge but it is prudent to downplay the fact of any third country permanent residence at the time you are declaring you have taken Hong Kong as [your current and] only place of permanent residence.

How to Apply

You must apply to verify your eligibility for a Permanent Hong Kong Identity Card via form ROP145 which is submitted to the HKID at Immigration Tower via the Right of Abode section along with the completed the declaration on Form ROP146. Alternatively you can initiate your application on line via the dedicated online submission process located at:

<http://www.gov.hk/en/apps/immdpermanentidcardapply.htm>



Approval Formalities

After your eligibility for a permanent identity card has been verified, your condition of stay in Hong Kong will be cancelled and you will be asked to attend the Registration of Persons Office to apply for a Hong Kong permanent identity card. Kids under 11 years of age will receive an endorsement in their passport stating that their eligibility for a permanent identity card is verified; approved children over 11 must apply for a PHKID in their own right.

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Preparing Your Case

(Click to Watch)

Highlights

- Continuous ordinary residence of not less than 7 years is required
- Any absences in that time to have been of a temporary nature
- You will need to declare that you have taken Hong Kong as your only place of permanent residence
- Apply by seeking to verify your eligibility for a Permanent Identity Card



Discussion



Refusal & Appeal

If your application for the Right of Abode is refused, you may appeal to the Registration of Persons Tribunal under Section 3C of the Registration of Persons Ordinance which deals with appeals made under section 3D(1) of the Ordinance by a person who is aggrieved by a decision of a registration officer not to issue a permanent identity card to him.

Documents & Approach Required

1. A copy of your resume (but not for children and spouse).
2. A full copy all passports held during the previous seven year period.
3. Copies of salaries tax returns for the last seven years (for all adults who have worked).
4. Copy of residential tenancy agreements (for renters) or land registry record of your residence in Hong Kong (for property owners) for the 7 years prior to submitting the application.
5. A testimonial from your current employer stating the length of time you have been employed by them.
6. Any other references you might have from previous Hong Kong employers which state your time of employment with them.
7. Copies of utilities bills, bank and credit card statements and other papers which attest to a consistent period of residence in Hong Kong for the requisite seven years.
8. A copy of your Smart Hong Kong Identity Card.
9. Detailed supporting letter which sets out the chronology of your life in Hong Kong.
10. Statement of Travel Records (HKID Form ID697).

Spouse and dependant children over seven years of age who have been in continuous residence with you in Hong Kong for a minimum of seven years will 'piggyback' their applications on yours. The presumption by the HKID is that your dependants will have been resident with you all throughout the 7 years but any further proof you can supply (such as school reports, fees invoices etc) will help tremendously. If your kids have spent time abroad in pursuit of a full time education their continuity of residence for visa purposes will not necessarily be broken but it helps greatly if they have maintained HKSAR dependant visa status throughout the time of their studies outside of Hong Kong. These privileges extend beyond the normal 18 years of age demarcation so long as the period of education was unbroken throughout and 'normal' residence in Hong Kong resumed immediately after the full time course of education overseas was completed.

[Discussion](#)

A Space for Your Notes





Right of Abode

- ☐ Application forms ROP145/146
- ☐ A copy of your resume (but not for children and dependant spouse).
- ☐ A full copy all passports held during the previous seven year period.
- ☐ Copies of salaries tax returns for the last seven years (for all adults who have worked).
- ☐ Copy of residential tenancy agreements (for renters) or land registry record of your residence in Hong Kong (for property owners) for the 7 years prior to submitting the application.
- ☐ A testimonial from your current employer stating the length of time you have been employed by them.
- ☐ Any other references you might have from previous Hong Kong employers which state your time of employment with them.
- ☐ Copies of utilities bills, bank and credit card statements and other papers which attest to a consistent period of residence in Hong Kong for the requisite seven years.
- ☐ Hong Kong Identity Card copies for all applicants who hold them.
- ☐ Detailed supporting letter which sets out the chronology of your life in Hong Kong.
- ☐ Statement of Travel Records (HKID Form ID697) for all applicants.

Spouse and dependant children over seven years of age who have been in continuous residence with you in Hong Kong for a minimum of seven years will 'piggyback' their applications on yours. The presumption by the HKID is that your dependants will have been resident with you all throughout the 7 years but any further proof you can supply (such as school reports, fees invoices etc) will help tremendously. If your kids have spent time abroad in pursuit of a full time education their continuity of residence for visa purposes will not necessarily be broken but it helps greatly if they have maintained HKSAR dependant visa status throughout the time of their studies outside of Hong Kong. These privileges extend beyond the normal 18 years of age demarcation so long as the period of education was unbroken throughout and 'normal' residence in Hong Kong resumed immediately after the full time course of education overseas was completed.



Discussion

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Right of Abode

Notes



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Visa Information

Unconditional Stay

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LONG STAY FOREIGN NATIONALS

Residence in Hong Kong With No Conditions Attached

(not entirely true)

HONG KONG VISA
CENTRE

QUALIFYING FOR UNCONDITONAL STAY

www.hongkongvisahandbook.com

1

7 years continuous ordinary residence

2

Holding a 'qualifying visa'

3

Need to argue away periods of missing residence

4

UCS = all conditions removed (except one)

UCS is an administrative convenience – it is NOT the same as RoA

NEXT STEPS



Visa Information





Unconditional Stay

Eligibility

To be eligible for Unconditional Stay you need to have had "*continuous residence in Hong Kong for a period of not less than seven years*" all the while holding a qualifying residence visa (this excludes Foreign Domestic Helpers and persons admitted under the Supplementary Labour Scheme.)

Approvability Test

Subject to there being no security objection, if you have been continuously resident in Hong Kong for a period not less than seven years you should, *a priori*, be granted permission to remain in Hong Kong without the need to apply for any sort of visa and without any limitation imposed on your length of stay (thus making your residence 'unconditional').

But Subject to One Condition

The term 'unconditional' is confusing as there is, in fact, one condition imposed along with Unconditional Stay. Namely, if you have been granted Unconditional Stay you must make yourself physically present in the HKSAR at least once in any given period of twelve months. This 'one entry' rule allows for the maintenance of continuing eligibility for Unconditional Stay status after it has been granted. Any failure to be physically present in Hong Kong for a period greater than twelve months will mean that your Unconditional Stay status will be relinquished by operation of law and you will once again have to apply to the HKID for a suitable visa covering your proposed activity in the HKSAR (employment, business investment etc).

UCS is NOT the ROA

No sponsorship is required for Unconditional Stay. The rationale for this immigration status is the idea that after a lengthy period of trouble-free residence you should be allowed to escape the grip of the HKID as regards your reason for remaining in Hong Kong and also the time you ought to be allowed to remain here. This status is merely an administrative convenience and is NOT the same as Permanent Residence (aka the Right of Abode). Unconditional Stay has an important role to play for those long term foreign national residents of Hong Kong who have, for their own reasons, not taken Hong Kong as their place of permanent residence and who can not, in all good faith, make a declaration to that effect as part of the process of acquiring a Permanent Hong Kong Identity Card. Unconditional Stay is also the long term immigration status of choice for holders of Capital Investment Visas who have been resident on and off in Hong Kong all throughout the 7 years they have kept their investments in the HKSAR but who can not show they have been continuously resident in this time. Whilst such people will not be eligible for the Right of Abode, the HKID do afford them Unconditional Stay status without the need for unbroken continuous residence, the rationale being that having your HKD10 million (or HKD6.5 M if you received your visa before October 2010) invested in the HKSAR for not less than 7 years should afford you a long term residence visa without any conditions and thus allow you to liquidate your Hong Kong holdings, the Capital Investment visa programme having served its purposes in your circumstances.

Structuring Your Argument

The key challenge is to be able to argue away any periods of missing residence. Absences from Hong Kong of more than 6 months will require proof that, irrespective of the length of absence, at the time of your departure from the HKSAR, your intention was to depart only temporarily.

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Preparing Your Case

(Click to Watch)

Highlights

- Continuous ordinary residence of not less than 7 years is required
- Any absences in that time to have been of a temporary nature
- Status is maintained if you enter Hong Kong at least once in 12 months
- Conditional Stay is not the same as Right of Abode



Discussion





Unconditional Stay

How to Apply

Application can be via the Extension of Stay procedures or by Mail. The method chosen is usually a function of whether you now have a need to secure an extension to your current period of stay or not. In both cases, the HKID will receive the application bundle from you and then contact you 6-12 weeks later with either a request for further information or notification of approval and an invitation to attend at Immigration Tower to complete the approval formalities.



Approval Formalities

When you attend at the Immigration Tower, the HKID will issue you will a new visa label which states you now have Unconditional Stays status. At the same time, all limitations to your previous visa will be lifted, including sponsorship obligations and the finite period which you were previously allowed to remain in Hong Kong. You will also be advised to apply for a new Hong Kong Identity Card which will denote that you now have "U" status, now that you are a resident holding Unconditional Stay.

Refusal & Appeal

If your application for Unconditional Stay is refused, you can request a Reconsideration in the first instance and, if that proves unsuccessful, you may make an application under the section 53 Immigration Ordinance 'Review of a decision of a public officer' process via the Chief Secretary's office.

Documents & Approach Required

1. A copy of your resume (but not for children and spouse).
2. A full copy all passports held during the previous seven year period.
3. Copies of salaries tax returns for the last seven years (for all adults who have worked).
4. Copy of residential tenancy agreements (for renters) or land registry record of your residence in Hong Kong (for property owners) for the 7 years prior to submitting the application.
5. A testimonial from your current employer stating the length of time you have been employed by them.
6. Any other references you might have from previous Hong Kong employers which state your time of employment with them.
7. Copies of utilities bills, bank and credit card statements and other papers which attest to a consistent period of residence in Hong Kong for the requisite seven years.
8. Hong Kong Identity Card copies for all applicants who have them.
9. Detailed supporting letter which sets out the chronology of your life in Hong Kong.
10. Statement of Travel Records (HKID Form ID 697).

Spouse and dependant children over seven years of age who have been in continuous residence with you in Hong Kong for a minimum of seven years will 'piggyback' their applications on yours. The presumption by the HKID is that your dependants will have been resident with you all throughout the 7 years but any further proof you can supply (such as school reports, fees invoices etc) will help tremendously. If your kids have spent time abroad in pursuit of a full time education their continuity of residence for visa purposes will not necessarily be broken but it helps greatly if they have maintained HKSAR dependant visa status throughout the time of their studies outside of Hong Kong. These privileges extend beyond the normal 18 years of age demarcation so long as the period of education was unbroken throughout and 'normal' residence in Hong Kong resumed immediately after the full time course of education overseas was completed.



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Unconditional Stay

- ☐ Application Form ID91 for each applicant.
- ☐ A copy of your resume (but not for children nor dependant spouse).
- ☐ A full copy all passports held during the previous seven year period.
- ☐ Copies of salaries tax returns for the last seven years (for all adults who have worked).
- ☐ Copy of residential tenancy agreements (for renters) or land registry record of your residence in Hong Kong (for property owners) for the 7 years prior to submitting the application.
- ☐ A testimonial from your current employer stating the length of time you have been employed by them.
- ☐ Any other references you might have from previous Hong Kong employers which state your time of employment with them.
- ☐ Copies of utilities bills, bank and credit card statements and other papers which attest to a consistent period of residence in Hong Kong for the requisite seven years.
- ☐ Hong Kong Identity Card copies for all applicants who have them.
- ☐ Detailed supporting letter which sets out the chronology of your life in Hong Kong.
- ☐ Statement of Travel Records (HKID Form ID 697) for each applicant.

Spouse and dependant children over seven years of age who have been in continuous residence with you in Hong Kong for a minimum of seven years will 'piggyback' their applications on yours.

The presumption by the HKID is that your dependants will have been resident with you all throughout the 7 years but any further proof you can supply (such as school reports, fees invoices etc) will help tremendously. If your kids have spent time abroad in pursuit of a full time education their continuity of residence for visa purposes will not necessarily be broken but it helps greatly if they have maintained HKSAR dependant visa status throughout the time of their studies outside of Hong Kong.

These privileges extend beyond the normal 18 years of age demarcation so long as the period of education was unbroken throughout and 'normal' residence in Hong Kong resumed immediately after the full time course of education overseas was completed.



Discussion

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Unconditional Stay

Notes



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Visa Information

Reconsideration

www.hongkongvisahandbook.com

REFUSALS & APPEALS

Trying Again After Your First Application is Refused

HONG KONG VISA
CENTRE**WHY DO APPLICATIONS GET DENIED?**www.hongkongvisahandbook.com**Case Fatally Flawed From the Outset**

Approval markers, incorrect relationships, security considerations, not approvable *ab initio*, previous denials, poor history with HKID

Very Poor Preparation & Approvability Analysis

Treating all cases the same, argument not persuasive, argumentative not administrative

Insufficient Supporting Documentation

Critical paperwork missing, laziness

Requests of the HKID Not Afforded Significance

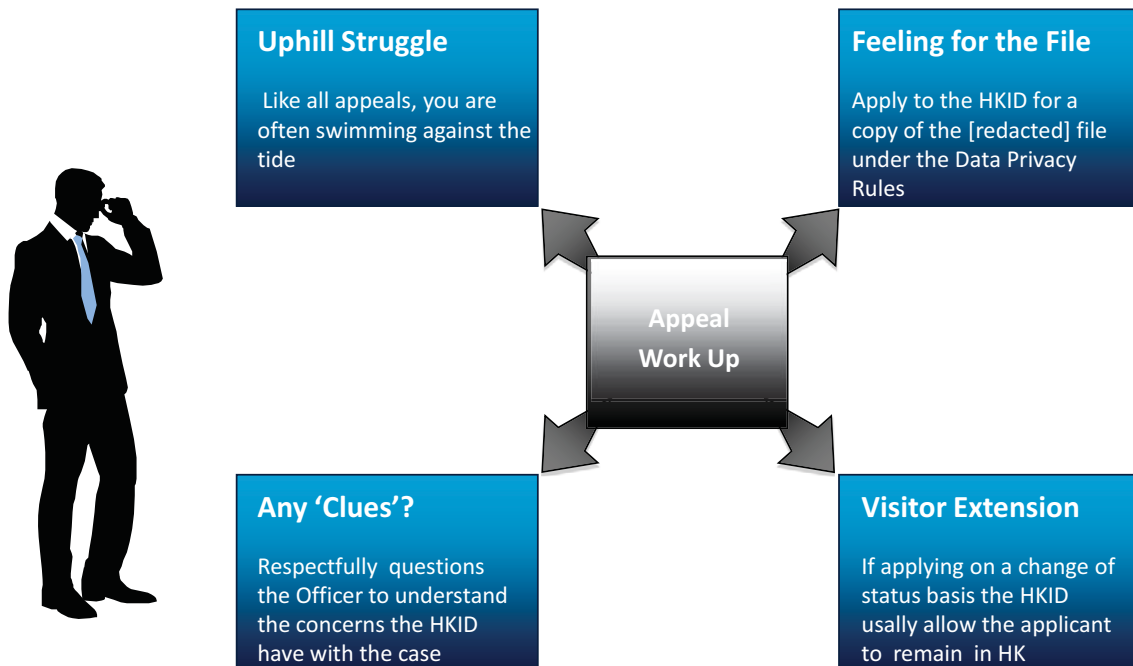
If the HKID request it, they need it – so get it to them
– no questions asked!

Applicant Caught Breaching Conditions of Stay

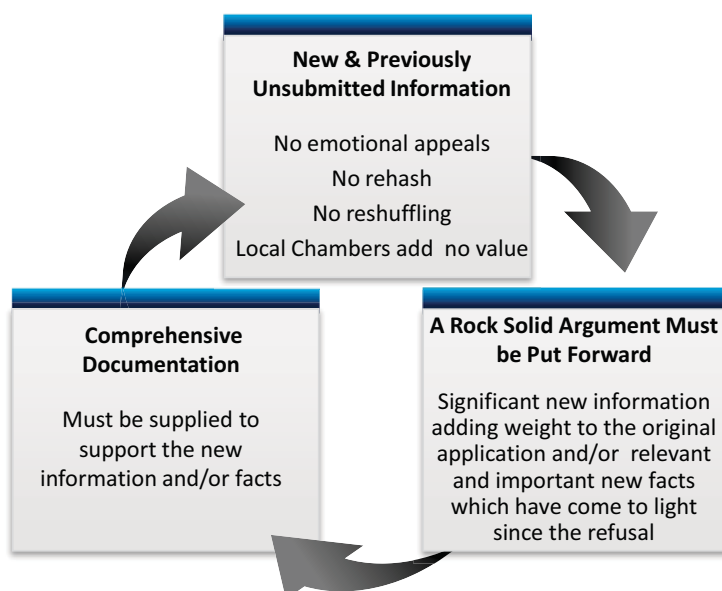
During the application consideration process whilst remaining in Hong Kong as a Visitor or pre-taking up of unapproved employment



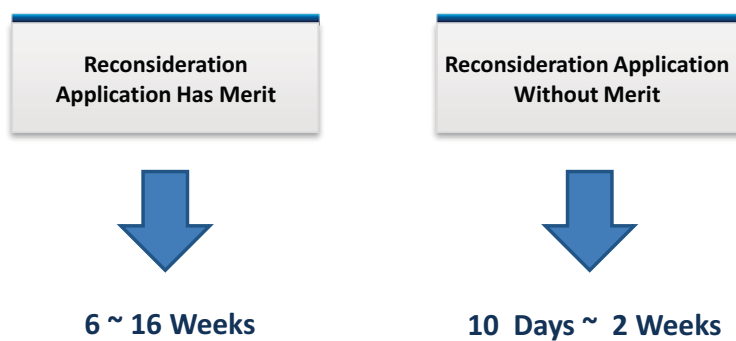
REQUESTING A CASE RECONSIDERATION



ARGUING THE RECONSIDERATION



You have only one good chance to fix a previously denied case - make it count!

TIMELINE TO A DECISION**NEXT STEPS****Visa Information**



Reconsideration

Why Apply for a Reconsideration?

Your case has been refused. You are disappointed, naturally, and your plans for Hong Kong have been dealt a severe body blow. So what can you do? The answer is to apply to have the decision to refuse your application reconsidered by the HKID but, be warned, it is an uphill struggle - and you only get one good shot at it, so you had better make it count.

Grounds for a Reconsideration

The HKID will only entertain an application for a reconsideration of a decision to refuse an application if there is significant additional, new information adding weight to the original application or relevant and important new facts which have come to light since the refusal - with comprehensive verifying documentation to support.

What Does All this Mean?

It means that you need to be ready to further argue your case stridently and have the bullets ready to fire in support. Emotional appeals are fruitless; as are a collection of mere testimonials from your consulate or chambers of commerce.

How Do I Figure Out What Has Gone Wrong?

There are typically five key underlying reasons why cases get denied. It could be that the case was destined to fail from the get go as the applicant was incapable of passing the approvability test applicable to the visa type applied for. It might be that the case was very poorly put together or incorrectly argued. Often times, applicants are unable to come up with critical supporting documentation required by the HKID or other specific information requests are not adhered to. Finally, if the applicant has a poor immigration record in Hong Kong the Immigration Department could be minded not to afford the applicant the privilege of residence.

Documents Required

This really does all depend on how you intend to further argue your case.

Submitting Your Reconsideration Application

You should submit your application bundle for the Reconsideration in the same way as you submitted your original application. If you are a Visitor in Hong Kong, the HKID will usually afford you an interim extension to your current period of stay pending the finalisation of the Reconsideration process and notification of the outcome.

Further Appeal

You can apply under s 53 of the Immigration Ordinance for the review of a decision of a public officer or seek the direct intervention of the Chief Executive if there is a matter of significant public interest at issue.

Further Resources



Discussion



Preparing Your Case

(Click to Watch)

Highlights

- All applicants for residence visas can request a reconsideration of a decision to refuse an application
- Not an easy task and should not be approached lightly
- There are typically 5 key underlying reasons why cases get denied
- The essential ground for a reconsideration is new and previously unsubmitted information
- Reconsiderations without merit get knocked back very quickly



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Reconsideration

- ☐ Form ID91
- ☐ Collected further documentation which serves to support the representations you have made as to new and important facts which have come to light since the application was refused.
- ☐ Detailed covering letter which sets out new and important facts which have come to light since the application was refused.

Notes



Discussion

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Visa Information

Options for Final Appeal

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REFUSALS & APPEALS

Appeal Options – When Reconsideration Fails

HONG KONG VISA
CENTRE

TWO OPTIONS FOR FURTHER APPEAL

www.hongkongvisahandbook.com**s.53 Review**

Any person aggrieved by a decision, act or omission of any public officer taken, done or made in the exercise or performance of any powers, functions or duties under this Ordinance may by notice in writing lodged with the Chief Secretary for Administration within [14 days] object to that decision, act or omission.

Direct Intervention by the Chief Executive

**BUT ONLY IF THERE IS
A SIGNIFICANT
MATTER OF PUBLIC
INTEREST AT ISSUE**

Both are problematic!

**Alternatively you can instruct a solicitor and seek a
Judicial Review of Administrative Action**



NEXT STEPS



Visa Information



Options for Final Appeal

Two Options Available

If your Reconsideration is finally refused, you do have to consider if the HKID do in fact have solid grounds for denying your application. The road gets very rocky for you now, but there are two further avenues of appeal that you may wish to travel.

s.53 Immigration Ordinance Review

This section of the Immigration Ordinance provides for 'superior officer' oversight of the decisions which 'rank and file' are making in the conduct of their duties under immigration law. Section 53 states any person aggrieved by a decision, act or omission of any public officer taken, done or made in the exercise or performance of any powers, functions or duties under the Immigration Ordinance may by notice in writing lodged within [14 days] object to that decision, act or omission. This process can take up to six months to complete and if the person seeking Review is in Hong Kong as a visitor he will not be allowed to remain whilst the Review process is pending. You progress the Review application by writing to the Chief Secretary, setting out your case and asking for the Review. The HKID will then write back to you with details of how the process will unfold and what you can expect. Upon completion of the Review you will be notified of the outcome and what new decisions have been directed, if any.

Request for Direct Intervention

Only if there is a matter of significant public interest which stems from your case refusal, you could seek to request the direct intervention of the Chief Executive to have the HKID reconsider the Reconsideration. But to be taken seriously, your case situation needs to have obvious public merit.

Judicial Review (Instruct a Solicitor)

Judicial review is a procedure in administrative law by which the courts supervise the exercise of public power. A person who feels that an exercise of such power by a government authority, is unlawful, perhaps because it has violated his or her rights, may apply to the Court for judicial review of the decision and have it set aside (quashed) and possibly obtain damages. A court may also make mandatory orders or injunctions to compel the authority to do its duty or to stop it from acting illegally. You will need to consult a solicitor to this end.

Procedures

Section 53 Review commences with a letter to the Chief Secretary. A request for the direct intervention of the Chief Executive also commences with a letter, typically by fax.

Further Resources



Preparing Your Case

(Click to Watch)

Highlights

- If your Reconsideration fails, there are two options open to you
- Experience suggests none of them are especially attractive
- The procedures are expensive, burdensome and not to be pursued lightly
- Only in very rare instances will these options be suitable
- Judicial Review will require you to take the HKID to court

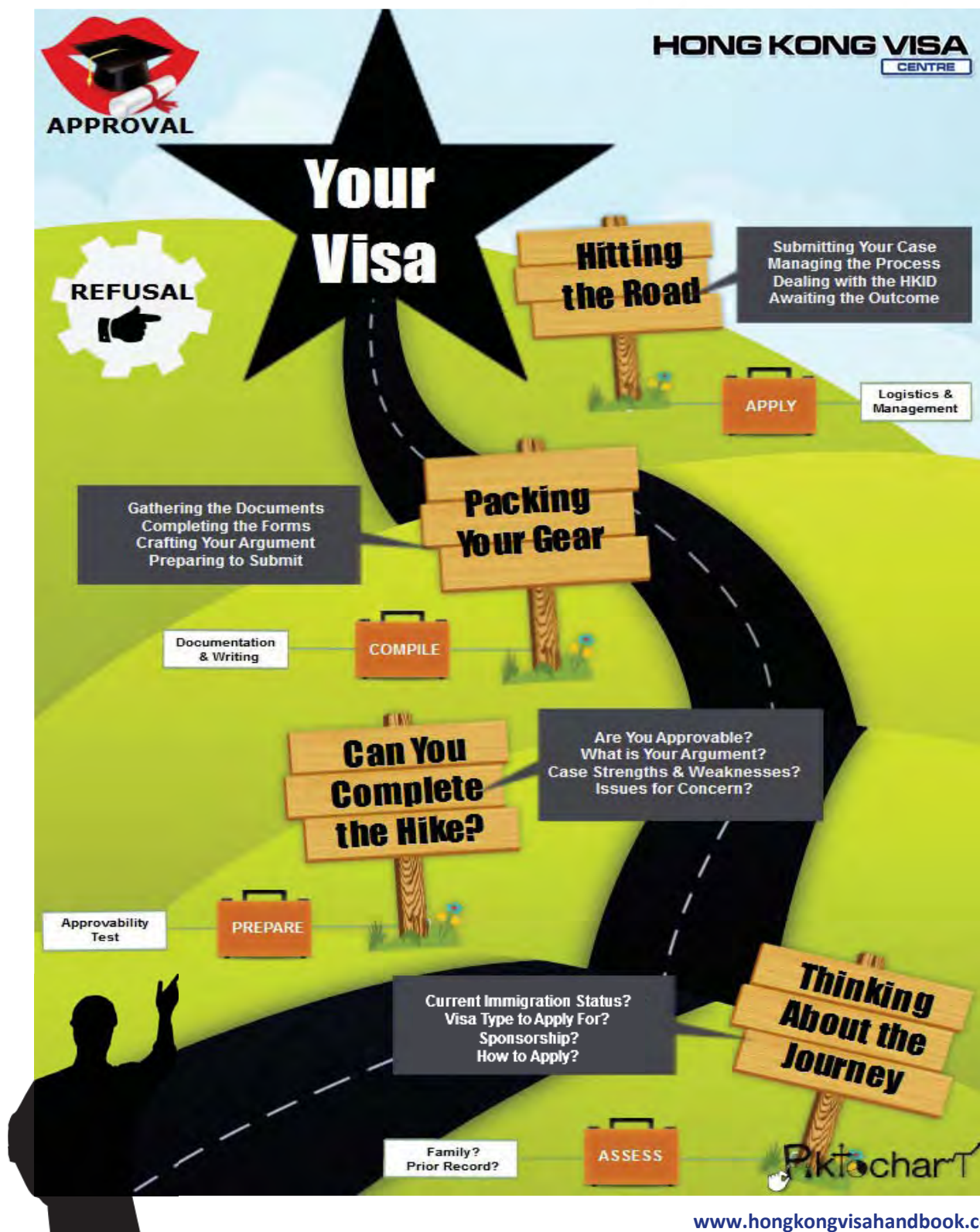


Discussion



HONG KONG VISA APPLICATION ROADMAP

PAGE 1



APPLICATION ROADMAP

PAGE 2

CURRENT VISA STATUS?	CURRENT PERIOD OF STAY EXPIRY?
FAMILY ARRANGEMENTS?	
PRIOR IMMIGRATION RECORD IN HONG KONG?	
RATIONALE FOR WANTING TO STAY IN HONG KONG?	SPONSORSHIP?
VISA TYPE UNDER CONSIDERATION?	SUBMISSION APPROACH?
APPROVABILITY TEST CHALLENGES	
LINE(S) OF ARGUMENT	

ASSESS

PREPARE



Preparing Your Case



Visa Information



How to Apply



Discussion

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APPLICATION ROADMAP

PAGE 3

CASE STRENGTHS GENERALLY

CASE WEAKNESSES

OPPORTUNITIES

CONCERNS

PREPARE



Preparing Your Case



Visa Information



Discussion

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APPLICATION ROADMAP

PAGE 4

DOCUMENTATION STRENGTHS

DOCUMENTATION WEAKNESSES

ADJUSTMENT TO ARGUMENTS

POINTS TO NOTE

COMPILE



Preparing Your Case



Visa Information



Discussion



Application Templates



Completing the Forms



Pre-Submission Check List

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APPLICATION ROADMAP

PAGE 5

DOCUMENTATION STRENGTHS (2ND REVIEW)

DOCUMENTATION WEAKNESSES (2ND REVIEW)

ADJUSTMENT TO ARGUMENTS (IF ANY)

SUBMISSION

COMPILE

APPLY



Application Templates



Pre-Submission Check List



How to Apply

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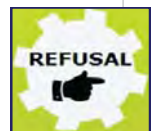
APPLICATION ROADMAP

PAGE 6

SECOND SUBMISSION ISSUES ARISING	SECOND SUBMISSION DOCUMENTATION CONSIDERATIONS
THIRD SUBMISSION ISSUES ARISING	THIRD SUBMISSION DOCUMENTATION CONSIDERATIONS
FOURTH SUBMISSION ISSUES ARISING	FOURTH SUBMISSION DOCUMENTATION CONSIDERATIONS

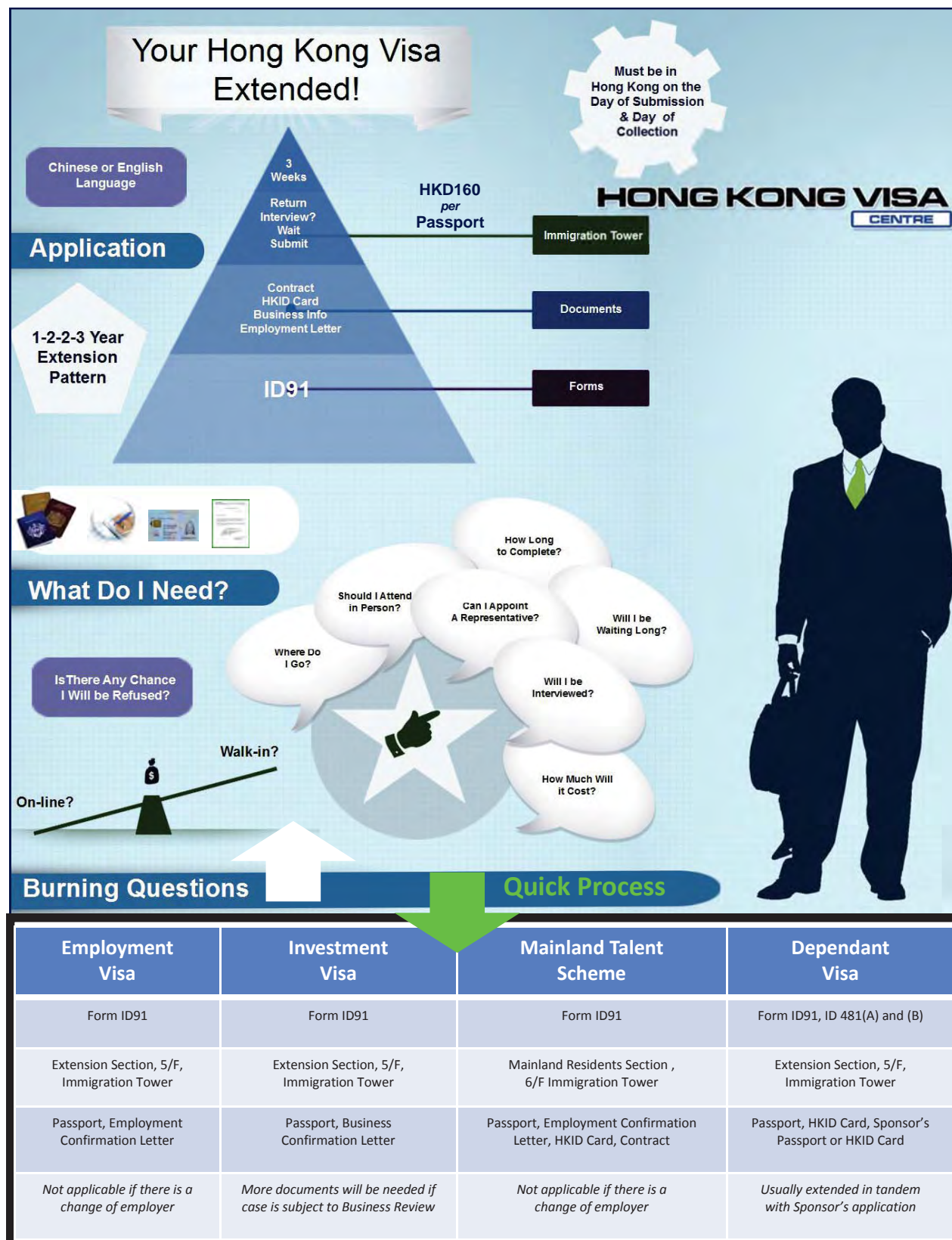
APPLY

APPROVAL FORMALITIES or CASE REFUSAL NEXT STEPS


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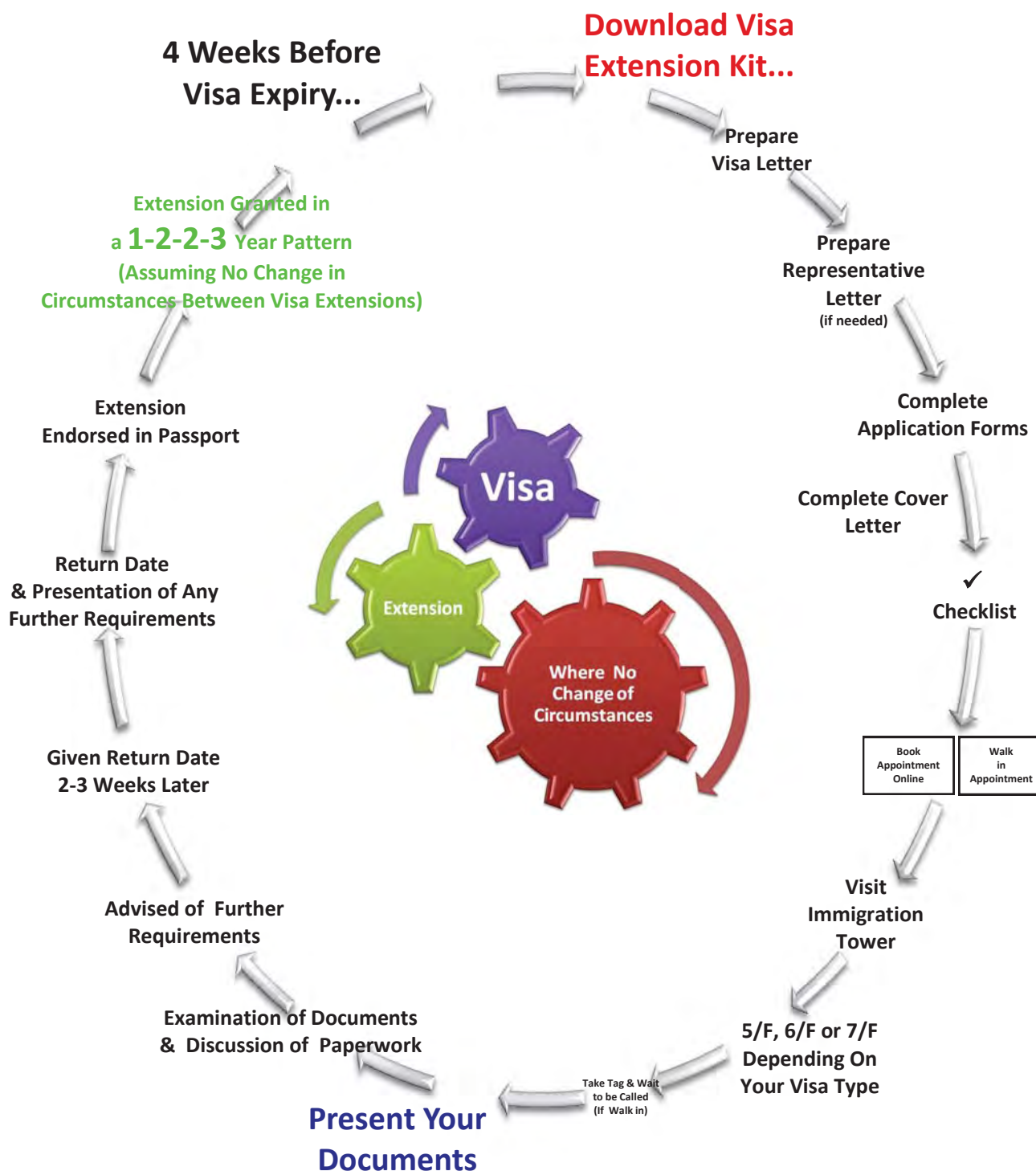
HONG KONG VISA EXTENSION KIT

PAGE 1



VISA EXTENSION KIT

PAGE 2



APPLICATION-IN-PERSON

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VISA EXTENSION KIT

PAGE 3

You can go to one of the sub branches of the HKID around Hong Kong but we recommend you undertake all your immigration dealings down at the mothership of Immigration Tower in Wanchai. 90% of all visa extension applications are processed on the 5/F (Extension Section). Capital Investors and their dependants go to the 7/F (Other Visa & Permits Section) and QMAS & Mainland Talents Scheme visa holders and their dependants to the 6/F (Quality Migrants & Mainland Residents Section).

Where Do I Go?

It's not necessary to attend in person. You are allowed to appoint a representative who can process the paperwork for you and who can, at the very least, get the application started. Very occasionally, the HKID may request that you attend an interview. When this happens, you WILL need to present personally. If you appoint a representative s/he must be authorised in writing (see the authorisation letter template enclosed within this Extension Kit) and you must be physically present in Hong Kong on the day of application and also the day your extension is issued.

Should I Send A Representative?

You can file your application 4 weeks before the date of your current visa expiry, no later than 2. It normally takes 21 days or so for the HKID to finalise a visa extension application so applying one month before your expiry is good practice. This assumes that there have been no change in your circumstances since your visa was first issued or last extended. If there have been such changes the application could get complicated and will more than likely take much longer than the standard 3 week processing time.

How Long Will It Take?

In 99% of all cases no interview is required. Typically the HKID are simply just affirming the 'status quo' and ensuring that the paperwork they need to keep your visa status current is up to date. However, if there has been a change in your circumstances since your visa was first issued or last extended and the HKID are only now just getting to learn about those changes an interview could be requested. Consequently it is always best practice to advise the HKID of any change in your circumstance as soon as they occur.

Will I Be Interviewed?

In 99% of cases there is little or no risk of a refusal of your extension application. There's always the possibility that you could be refused if the circumstances in your life which gave rise to your visa approval in the first place (or where present when your visa was last extended) have changed. For example, if you have gotten divorced since your dependant visa was last issued the conditions for a renewal of your visa are not in place. Similarly, if you have left your job and started a business for yourself (for example).

Will My Application Be Refused?

Presently it is a stock standard HKD160 per passport. It's worth noting that this fee is extremely cheap for the service user (you) and really doesn't even come close to covering the actual cost of providing the service. Similar residence visa extension services in Australia, the UK and Japan (for example) come in at between 6 and 15 times this sum!

How Much Will it Cost?

Yes, there is. You can undertake your extension application entirely on line or book an appointment for an 'in-person' extension application via the web. However, there are strict conditions that you have to meet in terms of how to qualify to use the on line service options so please refer to the 'Doing it Online' sections of this Extension kit for complete information.

Is There an Online Option?



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VISA EXTENSION KIT

PAGE 4

Booking An Appointment For An Extension Application-in-Person

**You Can Book an Appointment to Submit Your Extension
Application-in-Person at Immigration Tower if You Hold An...**

Employment visa

Business Investment visa

Mainland Talents Scheme visa

Non-local Graduate visa

Dependant visa where your family sponsor has the
Right of Abode, Right to Land or Unconditional Stay

**The Appointment Booking
process starts here:**

<http://www.gov.hk/en/residents/immigration/nonpermanent/bookextensionstay.htm>



DOING IT ONLINE OPTION 1

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VISA EXTENSION KIT

PAGE 5

Applying For Your Extension Entirely Online

You & Your Dependants Can Apply Entirely Online if You Hold An...

You Are Ineligible If....

Employment visa

You are **not** physically present in Hong Kong at the time of submission

Business Investment visa

You will **not** be physically present in Hong Kong at the time of collection of your extension of stay label

Mainland Talents Scheme visa

Your remaining limit of stay is more than 4 weeks

Non-local Graduate visa

Your limit of stay has expired

Dependant visa where your family sponsor has the Right of Abode, Right to Land or Unconditional Stay

You need to depart Hong Kong and will not return before the expiry of your limit of stay

The entirely Online Visa Extension process starts [here](#):

Your circumstances have changed since your visa first issued or your last extension of stay was granted

You have been notified that your next extension of stay will be subject to Review by the Immigration Department

You were admitted as a Non-local graduate and have not secured employment in Hong Kong



DOING IT ONLINE OPTION 2

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VISA EXTENSION KIT

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Ensure you are eligible to use the entirely online service in your circumstances (the website explains if you are or not)

Submit a single application or family group up to a total of 4 people

Input your data and upload your scanned supporting documents

Receive an online acknowledgment of receipt of submission

7-10 days later receive via email or letter post an Official Receipt for your application or a return date for New Visa Collection

**If You Have Heard
Nothing At All
From the HKID
After 10 Days
Contact Them
Immediately to
Find Out What is
Going On
(Your Online
Submission
Process May Not
Have Worked)**

IF YOU RECEIVE AN OFFICIAL RECEIPT ONLY (NO NEW VISA COLLECTION DATE) IT MEANS THE HKID ARE TREATING YOUR APPLICATION AS NON-ROUTINE AND IT WILL BE 2-3 WEEKS BEFORE YOU HEAR FROM THEM – WHEN THEY SEND YOU EITHER A NEW VISA COLLECTION LETTER OR A REQUEST FOR FURTHER INFORMATION



ENTIRELY ONLINE WHAT TO EXPECT

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we hope you have enjoyed our presentation.

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