

## Moving to the UK: British National (Overseas) Citizens

The UK government have announced their plans for the new Hong Kong British National (Overseas) Visa (the “**Visa**”) following the implementation of new security laws in China. We have summarised the information available so far on the application process and what the Visa means for British National (Overseas) (“**BN(O)**”) citizens which you may find useful.

### Am I eligible to apply?

If you are a BN(O) citizen or their immediate family member (including a spouse, partner or child under the age of 18) you will be eligible to apply and family members do not need to be BN(O) citizens. The Home Office will consider granting Visas to children over the age of 18 (and therefore born after July 1997) to avoid families being separated. The Visa guidance does not suggest that children of BN(O) citizens can move to the UK without their parent and in this case, it may be more appropriate to apply for a Student Visa or Youth Mobility Visa.

When applying you and your family members must demonstrate that:

- you are ordinarily resident in Hong Kong (even if you are currently living in the UK);
- you can accommodate and support yourselves in the UK for at least six months;
- you are committed to learning English (where appropriate). There is no English language requirement, but you will need to show a good knowledge of the English language if you choose to apply for Settled Status (Indefinite Leave to Remain);
- you hold a current tuberculosis test certificate from an approved clinic; and
- you have no serious criminal convictions or engage in any behaviour which may cause concern to the UK government.

### How do I apply?

Applications will be accepted from January 2021 and can be made from Hong Kong, the UK or elsewhere.

The process is similar to the one currently being used by the EU Settlement Scheme with applications completed online and the necessary information uploaded via a mobile app to reduce the need to send travel documents by post. You do not need to hold a valid BN(O) passport to apply, and the UK Passport Office will be able to check your BN(O) status electronically. Our experience of the EU application process has been positive, and we have found that it is user-friendly and significantly less onerous than most paper based visa applications so, hopefully, applications for the Visa will work much in the same way.

You will need to provide your biometric data and BN(O) citizens can do this through facial recognition at the time of making the application. Non-BN(O) family members will provide a fingerprint (as with most visa applications).

You will need to arrange for the appropriate Immigration Health Surcharge to be paid at the time of your application so that you have access to healthcare when you arrive.

#### How much will the application cost?

The Visa fee (and the renewal, if applicable) will be confirmed in the Autumn when changes to the UK Immigration Rules are made.

The cost of the Immigration Health Surcharge is currently £400 per year or £2,000 for 5 years.

#### How will the Visa be issued?

You and your family members will be issued with digital Visas, and they will be “attached” to your passports through the biometric chip. You can continue to travel as normal using a valid Hong Kong Special Administrative Region passport and you will not need to carry any additional proof.

#### What rights will I have?

The Visa will grant the following rights:

- you can remain in the UK for up to 5 years. You have the option to apply for a 30 month visa and then extend this for a further 30 months or you can apply to stay for the full 5 years. The two options have different cost implications in terms of the application fees and the Immigration Health Surcharge, so this is something to consider before applying;

- after 5 years of living in the UK, you can apply for Settled Status and go on to apply for a British passport after holding this Status for 12 months;
- you and your family members can work in the UK;
- you and your family members have access to education at any level; and
- you and your family members have access to the National Health Service following payment of the Immigration Health Surcharge.

### I am already living in the UK – do I need to apply?

If you are already living here under an alternative visa, you can switch to the Visa from January 2021. If your current visa expires before then you should try to extend it; if this is not possible, guidance is due to be published on what you can do.

### Can I come to the UK before January 2021?

If you would prefer to travel to the UK before January 2021 then you can do so. However, entry into the UK will be at the discretion of the Border Force Officers who are able to grant Leave Outside the Rules for a period of 6 months to BN(O) citizens and their families who are not eligible for entry under an alternative route.

If you are planning to travel to the UK before January 2021 then you will need to show that:

- you have BN(O) status (you will not need a BN(O) passport, although it is advised that you bring an expired one if you have it);
- you are ordinarily resident in Hong Kong;
- your family members are related to you;
- you can accommodate and support yourselves for your initial period in the UK; and
- you have no serious criminal convictions and you have not engaged in any behaviour which may be of concern to the UK government.

The UK government will publish new Immigration Rules for the Visa in the Autumn to confirm the fee structure and the further details on the application process. In the meantime, if you have any questions or you would like to speak to us about a potential move to the UK, please contact [Toni Recchia](#) or a member of the [Wealth Planning](#) Team who will be happy to assist.



Karen Methold  
Partner  
Head of Wealth Planning  
+44 (0)20 7689 7112  
kmethold@rooks rider.co.uk



Toni Recchia  
Solicitor  
Wealth Planning  
+44 (0)20 7689 7185  
trecchia@rooks rider.co.uk



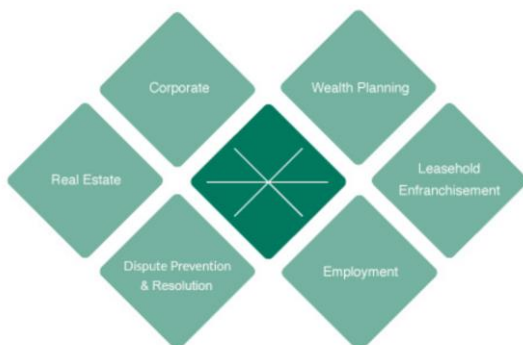
Robert Drysdale  
Associate  
Wealth Planning  
+44 (0)20 7689 7168  
rdrysdale@rooks rider.co.uk



James John  
Partner  
Real Estate and Wealth Planning  
+44 (0)20 7689 7152  
jjohn@rooks rider.co.uk



Nicholas Jenkins  
Finance Partner and COFA  
Wealth Planning  
+44 (0)20 7689 7161  
njenkins@rooks rider.co.uk



Rooks Rider Solicitors LLP  
23 Austin Friars  
London ■ EC2N 2QP

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