

I'M RESIDENT IN HONG KONG AND CONSIDERING RELOCATING TO THE UK WITH MY FAMILY UNDER THE BN(O) IMMIGRATION ROUTE – WILL WE ALL BE ABLE TO GET BRITISH PASSPORTS?

Julia Jackson (Immigration Consultant at Wedlake Bell) responds

Q. Dear Julia,

I'm resident in Hong Kong and considering relocating to the UK with my family, including my wife and my two young children. I'm hoping I can find work as an engineer once we arrive. My wife is looking forward to visiting all of the royal palaces such as Buckingham Palace and Windsor Castle and the children – as big fans of Harry Potter – are looking forward to seeing some of the amazing locations used in the films.

We all have Hong Kong passports but when I was young my parents also obtain a BN(O) passport for me. I've still got the passport but it expired ages ago. I was thinking of renewing it but China no longer recognizes this passport as a travel document so I can't use it to leave Hong Kong.

I've heard about the new BN(O) immigration route but if I can't use my BN(O) passport how can this work? Can the route be used for all of the family even though they don't have BN(O) passports and can we all get British passports in the future?

We've got a sizeable nest egg of savings so I'm not worried about finances but the security of my family is the most important consideration.

Yours,
M

A. Dear M,

How exciting for you and your family to be planning your future life in the UK. The UK has so much to offer including amazing scenery and history; diverse culture and arts; excellent career options and some of the best schools in the world.

But it's important to do some proper planning to ensure that your move goes smoothly, your funds are secure and you keep your future tax bills as low as possible. Speaking to a good tax planning lawyer before you leave Hong Kong is going to be really important and you'll probably also want to speak to specialists who can advise on finding the right home for the family and the right schools for the children.

Top of your to-do list will be ensuring that the whole family get immigration permission to live in the UK with permission to work for you (and perhaps your wife) and permission to attend schools (state or fee-paying) for the children.

The Hong Kong BN(O) route was formally opened on Sunday 31 January and allows BN(O) status holders to come to live and work in the UK. You can apply for a permission for 5 years or (if you want to keep initial costs down a little) you could opt for a permission for 30 months which can be renewed in the UK.

The good news is that your wife and your children (provided they are under age 18 and still live with you) can also apply via this immigration route – even though they don't have BN(O) status. You'll just have to prove (with a marriage certificate and birth certificates) that they are part of your family.

It doesn't even matter that your BN(O) passport has expired – your status is still valid even if your passport isn't and you can make the applications for yourself and your family using your normal Hong Kong passports. Your BN(O) passport will be used during the application process to prove your status but will not be used for travel. (It's even possible to make an application if you have lost the original BN(O) passport.)

Applications may be made on-line, after which the family may visit the UK Visa Application Centre in Hong Kong for biometric enrolment – this is a fingerprint scan and digital photograph. The Hong Kong passports and the application documentation would then be left at the Visa Application Centre and would be available for collection once the applications have been successfully completed and the visas stuck in the passports.

If you prefer not to have any evidence of the application in your Hong Kong passports or prefer not to attend the UK Visa Application Centre then from 23 February 2021 it is possible to apply using a smart phone app. The app can be used on any smart phone to complete bio biometric enrolment. You can use the app in your own home.

The app (already in use for some applicants from Europe) is used to take a picture of the details page of the Hong Kong passports and then will automatically scan and read the electronic biometric chips in each passport. Once this is done you can use the camera in the phone to take a selfie and a biometric picture – just like the one in your passport. It's an easy process and usually only takes a few minutes for each person.

If you use the smart phone app you will be able to upload documents electronically and the decision on your application will then be sent to you by email rather than stamped into your passport.

Whichever way you apply, you'll be given permission to live and work and/or study in the UK. You won't be able to claim any public funds (like Housing Benefit) in the UK but the whole family will be able to use the National Health Service (state-funded medical and healthcare service) and the children can go to state funded schools or fee-paying schools.

Once you have been living in the UK for a continuous period of 5 years you will be able to apply for indefinite leave to remain – as the name suggests this is an indefinite permission to live and work and/or study in the UK. The status is not stamped into the passport but will be available in the form of a biometric residence card (rather like a credit card) or by email and electronic verification.

A year after obtaining indefinite leave to remain the whole family would be able to apply for passports as British Citizens if you would like to do so.

Planning an international move for your family can be both exciting and scary. Enjoy the excitement together but get help from experts to ensure that the process goes smoothly. Wedlake Bell and Hugill & Ip would love to help you turn your international plans into reality.

