



Home Office

Kevin Foster MP
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Rt Hon Dame Diana Johnson MP
Chair of the Home Affairs Select Committee
House of Commons
London
SW1A 0AA

Dear Dame Diana,

Arrangements for individuals from Hong Kong who have entered the UK with a pending entry clearance application on the British National (Overseas) (BN(O)) route.

I am writing to advise you I am making a Ministerial Authorisation under Schedule 3, Part 4, paragraph 17 (4) (a) of the Equality Act 2010 to enable UK Visas and Immigration (UKVI) to amend an individual's permission from entry clearance to leave to remain to ensure they have the correct permission on the BN(O) route.

Under the BN(O) route, individuals can apply from overseas or can apply to switch into the route from another form of permission in-country. We are aware some individuals have entered the UK as a visitor or with Leave Outside the Rules granted at the border in compelling and compassionate circumstances, despite having a pending entry clearance application for the BN(O) route. In such circumstances, where the individual informs UKVI they entered the UK before receiving a decision on their application and where their application has already been granted, this Ministerial Authorisation will allow caseworkers to amend the individual's permission from entry clearance to leave to remain. This approach will remain in place until revoked. It will ensure BN(O) status holders and their family members can remain in the UK on the BN(O) route with the correct permission.

For those individuals who do not inform UKVI they entered the UK before a decision was made on their application, we will ensure this does not impact their ability to apply for further permission on the route, including settlement, by providing clear guidance to caseworkers.

I am placing a copy of this letter and the Ministerial Authorisation in the Library of both Houses of Parliament.

Yours sincerely,

Kevin Foster MP
Minister for Safe and Legal Migration