



Rt Hon Yvette Cooper MP
Chair of the Home Affairs Select Committee
House of Commons
London
SW1A 0AA

15 February 2021

Dear Chair,

Hong Kong British National (Overseas) (BN(O)) route.

Thank you for your correspondence on 3 February 2021 regarding the opening of the Hong Kong British National (Overseas) (BN(O)) route.

As mentioned in your letter, on 31 January, the Home Office successfully launched the new, bespoke immigration route for British National (Overseas) (BN(O)) status holders and their immediate family members. This new route reflects the UK's historic and moral commitment to those people of Hong Kong who chose to retain their ties to the UK by taking up BN(O) status at the point of Hong Kong's handover to China in 1997. This is an unprecedented offer following China's passing of the National Security Law in Hong Kong.

Below I will respond to each of the points raised in your letter individually.

People at risk of missing out

Those with politically motivated criminal convictions

The existing provisions in the Immigration Rules will apply in relation to criminality and other adverse behaviour.

When applying, BN(O) status holders must have no serious criminal convictions, have not otherwise engaged in behaviour which the UK Government deems not conducive to the public good, or be subject to other general grounds for refusal set out in the Immigration Rules.

We recognise every case has its individual merits, however, and as such, caseworkers have flexibility within the existing Immigration Rules to ensure those who have custodial sentences for crimes, which are not recognised as such in the UK, would not be automatically refused on the Hong Kong BN(O) route.

People between the ages of 18 and 23

BN(O) route

The Hong Kong BN(O) route has been designed for those with BN(O) status and their eligible family members.

In your letter, you asked about what “compelling and compassionate circumstances” would qualify when granting a visa to a dependent born on or after 1 July 1997. In the Immigration Rules laid in October, we made it clear in addition to enabling applications from immediate family members, the adult children of BN(O) status holders born on or after 1 July 1997 (and their spouse, or child under the age of 18) will be able to apply.

Other routes

Those not eligible for the new BN(O) route will still be able to apply to come to the UK via the new Points Based System, which will enable them to come to the UK in a wider range of professions and at a lower general salary threshold than in the past.

Particularly relevant for this cohort is our existing youth mobility scheme, which is open to those aged between 18 and 30 and offers a two-year grant of leave in the UK. There are 1000 places currently available each year on the YMS for HKSAR Nationals.

We have also stated those eligible for the route and already in the UK on other routes, can switch in-country on to the Hong Kong BN(O) Visa route.

Asylum claims

As with all asylum claims, those made by BN(O) status holders are assessed on a case-by-case basis using our published casework and country information guidance and protection is normally granted where a claimant has a well-founded fear of persecution under the Refugee Convention or their circumstances engage our obligations under Article 3 (ECHR). The latest published statistics show that between April and September 2020, 41 asylum claims were made by Hong Kong nationals, with six grants of protection in that time.

Volumes

From July 2020, BN(O) status holders and their dependants have been eligible to be granted six months' Leave Outside the Rules at the border to the UK.

From 15 July to 13 January 2021, approximately 7,000 BN(O) status holders and their dependants have been granted leave this way.

We will release further numbers for relevant applications in our quarterly migration statistics as per usual.

Barriers to application

Fees

As you have mentioned, the cost of the route has been set lower than many other routes to the UK in reflection of the unique reasons behind its creation.

It is only right those who benefit from our immigration system contribute to its cost. This is why the Home Office sets visa, immigration and citizenship fees at a level which helps provide resources necessary to operate the Border, Immigration and Citizenship System (BICS) and reduce reliance on taxpayer funding.

Immigration Health Surcharge

With regard to the Immigration Health Surcharge (IHS), BN(O) status holders will pay an appropriate amount depending upon the length of visa, for which they apply (up to 5 years). Like any other nationals coming to the UK the public expects they contribute to the health care system they will be able to access from the moment they arrive in the UK. The income from the IHS goes towards supporting our NHS in providing the services they may need.

Communications

The government has delivered comprehensive communications in support of the launch of the BN(O) route which has been a collaborative effort across Government. A range of scenarios have been planned for including active suppression of information.

Communications are being delivered through a range of channels with a focus on ensuring applicants have a direct source of information. Ahead of and after launching the fully digital application route, communications will continue to focus on ensuring BN(O) status holders and their family members are aware of the immigration options available to them and how to apply.

We are working closely with FCDO in the UK and at post, and the National Security communications team, to ensure our approach is fully aligned.

BN(O) passports

The decision by the Chinese Government to no longer recognise BN(O) passports was not unexpected. I do not anticipate the decision to have a significant impact on the BN(O) route.

We have been clear from the start applicants do not need to use a BN(O) passport to travel or apply for the route. Successful applicants will be able to travel on any valid passport and we expect most applicants will have a Hong Kong Special Administrative Region Passport as well as holding BN(O) status. There is no requirement for individuals to travel on their BN(O) passport when heading to the UK.

Preparations for arrivals from Hong Kong

Likely numbers of applicants

We do not fully know yet how the effects of COVID-19 will affect people's behaviour in taking up this offer. This adds greater uncertainty on how many people will take advantage of this visa.

Furthermore, getting meaningful data from research at this time is difficult because of the implications for BN(O) status holders in talking openly about their attitudes and future plans, as a consequence of the national security law in Hong Kong. We are looking at other options to gather relevant data on likely behaviour.

Preparations by Government and local authorities and integration

We must give BN(O) status holders every opportunity to thrive in the UK.

As part of preparations for the Hong Kong BN(O) route launching, the Ministry for Housing, Communities and Local Government has written to English local authorities and the devolved administrations to ensure they are aware of expected numbers coming to their areas.

My officials have been working with their colleagues across Government and alongside civil society groups and others to support the effective integration of BN(O) status holders arriving in the UK.

This is a generous offer and in turn, those coming here will be expected to be self-sufficient and contribute to UK society.

We look forward to welcoming applications from those individuals who wish to make our United Kingdom their home.

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Future Borders and Immigration