



House of Commons
Home Affairs Committee

The UK's offer of visa and settlement routes for residents of Hong Kong: Government Response to the Committee's Second Report

**Second Special Report of Session
2021–22**

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Home Affairs Committee

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Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6856; the Committee's email address is homeaffcom@parliament.uk.

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Second Special Report

The Home Affairs Committee published its Second Report of Session 2021–22, [The UK's offer of visa and settlement routes for residents of Hong Kong](#) (HC 191), on 7 July 2021. The Government's response was received on 3 September 2021 and is appended to this report.

In the Government response the Committee's recommendations are shown in **bold** type; the Government's response is shown in plain type.

Appendix: Government Response

1. The Government welcomes the Committee's report on the UK's offer of visa and settlement routes for residents of Hong Kong. We are grateful for the acknowledgement of the work done so far to create a bespoke immigration route for those individuals with BN(O) status and their family members. The BN(O) route opened for applications on 31 January and has already been a success with approximately 64,900 applications made as of 30 June. The following sections provide a detailed response to each of the Committee's recommendations.

Committee's conclusions and recommendations

People at risk of missing out

We have heard that young people are among the most targeted citizens in Hong Kong owing to their increased participation in pro-democracy protests. They are also among the most vulnerable, particularly if they are estranged from their families because of their political opinions and/or have limited financial means which restrict their freedom to seek refuge. However, many of those involved in protests were born after the handover in July 1997 and are therefore not entitled to BN(O) status. We are concerned that this gap in the scheme will leave vulnerable young Hong Kongers at risk and unable to leave. The Government should therefore extend the BN(O) scheme to enable a young person with a BN(O) parent to apply separately from that parent, provided there is evidence of that parent's status. (Paragraph 57)

Young people who were eligible but too young to register themselves before handover on 1 July 1997 are being denied access to the Hong Kong BN(O) visa route because, for whatever reason, their parents failed to complete the process. The Government should assess how many young people are likely to have been affected and provide for an extension to the visa route for eligible young people to apply. (Paragraph 73)

2. We understand the points the Committee has raised around eligibility for the BN(O) route, and particularly their concerns around accessibility to the route for those who were too young to obtain BN(O) status or whose parents do not wish to apply for the route.

3. The BN(O) route has been developed bearing in mind the moral and historic obligation the UK has to those who elected to retain ties to the UK by obtaining BN(O) status. This includes ensuring there are no barriers to any application to the route from a BN(O) status holder. The decision was subsequently made to ensure no family units would be split up

because of this new route, including where there are children living in the same household as a BN(O) status holder who are over 18 but too young to have been eligible to obtain BN(O) status. As such, eligibility of a dependant on the route was expanded to include adult children who were born after 1 July 1997. We do not have any plans to expand the eligibility requirements for the BN(O) route to those outside the household of a BN(O) status holder, or change the requirements to enable applications from family members of a BN(O) status holder who does not wish to apply for the route.

4. Those who are not eligible for the BN(O) route because they do not hold BN(O) status, their parents do not hold BN(O) status, or their parents who have BN(O) status do not wish to apply for the route, can still apply to come to the UK through a number of different immigration routes. As you mention in your report, one option is the Youth Mobility Scheme (YMS) which offers 1,000 places each year from Hong Kong and enables individuals to work and study in the UK for two years. Those who wish to remain in the UK for longer can now apply to switch from the YMS into other categories such as the Skilled Worker route. For alternative routes to the UK, they can apply under the UK's new Points Based System, which enables individuals to come to the UK in a wider range of professions and at a lower general salary threshold than in the past.

We also agree with witnesses that the current provisions of the Youth Mobility Scheme—places on which are allotted through a lottery—are inadequate to support the size and needs of this cohort. The Government must provide assurances about the continuing feasibility and effectiveness of the bilateral agreement with the Hong Kong government which underpins the Youth Mobility Scheme and should take steps to remove or raise the cap on places on the scheme given the current circumstances. (Paragraph 58)

5. Each YMS agreement is subject to a reciprocal quota which is based on the route's usage per year by UK nationals. In return, qualifying UK nationals enjoy similar access to those partner countries. On this basis, we will not increase the quota for Hong Kong nationals outside of the normal allocation process which is based on outward mobility.

In order to provide consistency with other pathways to the UK we ask the Government as a matter of urgency to consider, and to report to Parliament, how a five-year pathway to settlement might be made available to this group. (Paragraph 59)

6. The YMS is a dedicated route for young people aged 18 to 30 from participating countries and territories to experience life in the UK for up to two years. The route allows for cultural exchange between participating countries or territories and is designed for young people to experience living in another country for a short period of time. Temporary routes are designed for living in the UK temporarily and should not be used to live in the UK for longer periods. Consequently, the YMS is not a route that leads to settlement, in line with other temporary routes to the UK such as the seasonal worker visa or charity worker visa.

7. However, the Government values the contributions made by younger people coming to the UK from overseas and understands that while people are in the UK temporarily, they may find an employment offer and choose to move into a longer-term visa category.

As a result, the Government made a change to the route last year to allow people on a YMS visa to switch into longer term categories, such as the Skilled Worker route, if they want to stay in the UK. These longer-term routes lead to settlement in the UK.

Given the threats of imprisonment under the new security law faced by some Hong Kong young people, the asylum system should be another appropriate route for them to be able to follow. It is troubling that we have heard they are deterred from doing so. The current delays in the asylum system which leave young people—not just from Hong Kong—unable to study or work potentially for years before their cases are resolved are a serious problem. The Home Office must urgently address the long delays in the asylum casework system that are preventing it from operating as an effective route to safety and security for those in need of sanctuary. (Paragraph 60)

8. The UK has a proud history of granting protection to those who need it, in-line with our international obligations. Asylum claims made from within the UK are determined on a case-by-case basis. There is nothing to prevent or deter a person from making such a claim.

9. We are working to improve the speed of decisions and reduce the number of outstanding claims. For example, we are putting in place a comprehensive people plan focused on recruitment, retention, career development, well-being and engagement for our decision makers. Recruitment plans will be seeking to almost double our decision-maker capacity by end of March 2022.

10. We are also pursuing an ambitious transformation programme to reform the asylum system and reduce the number of outstanding claims. We are looking at options to build a programme of work to modernise intake and screening to streamline the front end and are considering technical interventions that can automate some functions to enable decision makers to focus on the consideration process. We have already made significant progress expanding the digital interviewing infrastructure to allow more asylum seekers to be interviewed remotely.

11. However, there will always be complex cases, and it is right we take time to work through them carefully.

Home Office caseworkers should be trained and regularly updated on the developing situation in Hong Kong. The Government must provide assurances that the criminality policy and associated guidance for caseworkers explicitly recognise that convictions and the designation of certain convictions in Hong Kong, including for offences which are also recognised as offences under UK law, may have been politically motivated and should be subject to investigation. We encourage the Government to establish an expert casework team to process Hong Kong BN(O) applications. (Paragraph 68)

12. BN(O) route applications are already considered and processed by a dedicated casework team who have received specific training on the BN(O) route as well as the situation in Hong Kong. We agree with the recommendation to ensure caseworkers receive regular updates on the situation in Hong Kong to enable them to make informed decisions.

13. We welcome the Committee's feedback on criminality and agree it is an important point that requires consideration. The casework team responsible for BN(O) route

applications already receive training and have access to specific guidance on criminality, including how to assess criminal convictions that are not recognised as criminal offences in the UK. However, we note the importance of ensuring those who are making a valid and genuine application to the BN(O) route are not unfairly penalised and we will consider what more we can do to ensure appropriate consideration is given when there is uncertainty around the designation of certain convictions in Hong Kong.

We support the proposition that intelligence-led checks should be made of applications for the Hong Kong BN(O) visa to identify and screen out agents who intend to monitor and inform on the BN(O) community in the UK on behalf of the Chinese Government. This strengthens the case for having an expert casework team that understands the full complexity of issues affecting Hong Kong. (Paragraph 70)

14. As mentioned above, the Home Office has a dedicated caseworking team who assess and process BN(O) route applications. That team currently conduct intelligence checks on all applicants to the BN(O) route in order to ensure they meet the suitability requirements. These include criminality checks and checks to consider whether an individual's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons. Applications can be escalated for further investigation where necessary.

We were concerned to hear that provisions in the Hong Kong BN(O) visa route rules may penalise couples on lower incomes and same-sex couples who because of societal pressures in Hong Kong are unable to live in the same household. The Home Office should review its equality impact assessment to ensure that this issue and others which may arise from societal expectations and circumstances in Hong Kong have been appropriately considered. (Paragraph 77)

15. We welcome this feedback from the committee and are committed to ensuring there are no barriers within the rules and guidance for the BN(O) route that may prevent genuine applications. As such, we will review the equalities impact assessment for the BN(O) route, and if an impact is identified we will consider our approach to applications from couples who are in genuine, subsisting relationships but who are unable to show proof of joint residency due to societal or financial pressures.

Barriers to application

We accept the principle that individuals who benefit from immigration should contribute towards the costs of essential UK services and we also welcome the fact that, when designing this visa route, the Government set out to increase its accessibility by setting a low fee for the applicant. However, we are concerned that the upfront nature and scale of the immigration health surcharge will not be affordable for some BN(O) visa holders and particularly for young people. The Home Secretary has described the route as a proportionate response to a specific situation: we therefore recommend that, as a proportionate further step, the Government introduce either a means-tested fee waiver for Hong Kongers to whom the cost is a significant barrier to protection or flexibilities around delayed or reduced payment where appropriate. (Paragraph 87)

16. As you have mentioned in the report, 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 and reduce reliance on taxpayer funding.

17. To ensure there were limited barriers to those wishing to come to the UK via the BN(O) route, the Home Office intentionally set the application fees lower than many other routes to the UK. In setting the fee, we looked at analogous routes, as well as a number of factors set by Section 68(9) of the Immigration Act 2014. These include the cost of processing the application, the wider cost of running the migration, borders and citizenship system and the benefits that are likely to accrue from a successful application.

18. In addition, those applying for the BN(O) route can choose to apply for two grants of 30 months' leave rather than the full five years, allowing applicants to split the cost of their application fee and the Immigration Health Surcharge. There are currently no plans to introduce a fee waiver or immigration health surcharge waiver on the BN(O) route; however, all fees are kept under review.

We recommend that, on grounds of the unique historical relationship between the UK and Hong Kong, the Government should consider providing for Hong Kong students to be charged domestic fees for higher education in the UK. (Paragraph 90)

19. To qualify for home fee status in England, a person must have settled status or a recognised connection to the UK. This includes people who are covered by the EU Withdrawal Agreement, have long residence in this country or who have been granted international protection by the Home Office. There are also requirements associated with ordinary residence in the UK. Subject to meeting the normal eligibility requirements, those on the BN(O) route will be able to qualify for home fee status and student finance once they have acquired settlement in the UK.

Witnesses told us that the Home Office's failure to keep its country policy information notes on Hong Kong up to date potentially left asylum-seekers who have a wellfounded fear of persecution at risk of having their claims denied by caseworkers. This concern was sufficient to deter eligible claims. (Paragraph 96)

The UK has a proud record of providing asylum to individuals who need it, from many parts of the world. A failure to provide effective and timely consideration to asylum seekers from Hong Kong would damage this record, as well as undermining the unique commitment made by the UK to the citizens of Hong Kong. We have already in this report recommended that the Government establish a dedicated casework team to examine Hong Kong BN(O) visa applications; the Government should similarly establish a dedicated casework team to examine asylum applications from Hong Kong. In addition, the Government should report back to us with an updated country policy note for Hong Kong within eight weeks. The Home Office must also provide assurances concerning the frequency with which its country policy information notes are reviewed and in particular must confirm what measures are in place both to ensure that CPINs relating to Hong Kong are updated in response to developments, and to ensure that such changes are communicated quickly and effectively to frontline caseworkers. (Paragraph 97)

20. The Home Office regularly monitors and reviews the situation in countries of origin, working closely with the Foreign, Commonwealth and Development Office (FCDO). Our

country policy and information notes (CPIN) are kept under constant review and updated periodically and in the event of specific events where appropriate. In respect of the protests and subsequent introduction of the National Security Law (NSL) in Hong Kong, the Home Office produced an initial report in February 2020 and updated it in November 2020.

21. With finite resources, the Home Office must determine which reports to prioritise. We therefore focus on the more common and/or complex issues raised in protection claims and aim to update our CPIN at least once every two years. For context, over the past 12 months, asylum claims from Hong Kong have accounted for less than 0.5% of the total number of applications.

22. We do, however, recognise the need to ensure the changeable situation in Hong Kong is accurately reflected in our CPINs which is why we agree to the recommendation to provide an updated note on Hong Kong.

23. It is important to note that even though new events can take place in a given country, it does not necessarily affect the Home Office's underlying position about whether particular groups are likely to be at risk or not. Our assessment for those potentially affected by the NSL in Hong Kong is 'The application of the NSL is likely to depend on a person's profile, activity, and possibly their background, with high profile activists likely to be at a higher risk of arrest and prosecution.'

24. In addition to CPINs, decision makers can access the latest available country information through an information request service for specific enquiries to deal with particular issues raised in individual claims. Should additional information be required based on a country situation, decision makers can request an update on specific events through internal mechanisms.

25. Since 1 January, the Home Office has had a dedicated team of decision makers within asylum operations who specialise in interviewing and deciding cases from Hong Kong nationals. These caseworkers are trained to consider asylum claims, including how to weigh up objective country information, and have access to the developing situation in Hong Kong via country policy and information notes. This team is supported directly by a technical specialist, senior caseworkers and a deputy chief caseworker.

The Government must provide further assurances of the practical steps it is taking to welcome BN(O) citizens and to ensure they are aware of the scheme. The Government should review its communication plan to ensure that the new visa route is being publicised through all appropriate channels and, where changes are made to enhance and extend the scheme, must ensure that these changes are communicated quickly and effectively. (Paragraph 100)

26. The Home Office has delivered a comprehensive programme of communications activities both in preparation for the launch of the BN(O) route and since the route went live, covering areas such as the different methods of application and who can apply. All communications activity has carried clear and factual messaging to ensure potential applicants to the BN(O) route are provided with the relevant information they require to make an informed decision about whether the BN(O) route is right for them.

27. As part of this, the Home Office has worked closely with the FCDO and the Ministry of Housing, Communities and Local Government (MHCLG) respectively to ensure

information about the BN(O) route is widely communicated across Hong Kong and through community networks in the UK. A variety of channels have been utilised to reach potential applicants, including GOV.UK guidance, stakeholder information packs, social media and embassy routes (particularly in Hong Kong). Communications products have also been made available in both English and Cantonese.

28. We continue to communicate all important changes to the BN(O) route through appropriate channels in a timely manner, working with other government departments.

Settlement in the UK

Integration support for newly arriving Hong Kongers is essential. The Government must ensure there is a robust plan for integration and employment support for BN(O) visa holders arriving to live in the UK. In January we heard significant concerns from witnesses about a lack of awareness and understanding by local authorities of the existence and role of the Hong Kong BN(O) visa route, and its potential consequences in terms of settlement patterns. Following this evidence, we welcome the Government's recent efforts to set out further action on local support and integration. (Paragraph 119)

29. In April, the MHCLG launched a new UK-wide Welcome Programme to support BN(O) status holders with a package worth £43.1 million with the following components:

- Over £30 million will be available to local authorities in England to provide targeted English language provision and where needed destitution support.
- MHCLG will establish 12 Welcome Hubs which will work with local partners to co-ordinate support and offer practical advice. These hubs are being established using the existing Strategic Migration Partnership network (which is funded by the Home Office).
- Welcome Hubs in England will be allocated a share of over £5 million for funding regional voluntary, community and social enterprise (VCSE) activity to provide locally bespoke support to help BN(O) status holders settle into their new communities and understand the services available to them.
- We are also expecting the Welcome Hubs to work with partners to tackle hate crime; therefore, an additional £300,000 will be available to address BN(O)-related hate crime in 2021–22 should it be needed.
- In addition to the above funding for regional VCSE projects, there will be a grant scheme of £985,000 for national VCSE projects to support employment, mental health and wellbeing.
- We will work with resident communities and VCSE partners to develop dedicated Hong Kong educational resources for schools, so they can teach young people about our historic connection and commitment to Hong Kong and its people, and celebrate the contribution of the Hong Kong-British and Chinese-British diaspora to the UK.

- A comprehensive Welcome Guide on GOV.UK for Hong Kong BN(O)s settling in the UK was published in April, in English and Cantonese. This pack was updated on 8 July to further refine it for BN(O)s' needs.

30. We expect to have the 12 Welcome Hubs operational by the end of the summer, and on 29 July, we published prospectuses for the funding available for regional and national VCSE projects, hate crime reporting service, and educational resources. We are aiming for grant awards to be made in the autumn and for delivery to commence soon after. We are also issuing guidance to local authorities in England on arrangements for claiming the cost of English language provision and destitution support.

31. The MHCLG has also created a new Inter-Ministerial Group (IMG) with representatives from all relevant Government departments, which is chaired by the Secretary of State for Housing, Communities and Local Government, to enable us to quickly address any challenges the BN(O) community or local areas face. To support the IMG, the MHCLG created the Hong Kong BN(O) Taskforce, comprised of local authority and civil society representatives and representatives of the BN(O) community, to identify any barriers to local delivery and challenges the BN(O) community are facing.

The Government should also improve the communication and signposting of the support available, for example by making information about the integration programme available in a range of languages and accessible formats. (Paragraph 120)

32. The Government is committed to making information accessible to BN(O) status holders and their families. On 8 April 2021, the MHCLG published its Welcome Guide to the UK on GOV.UK for BN(O) status holders and their family members, in both English and Cantonese. The Government regularly engages with civil society organisations representing BN(O) status holders, to both ensure the community is aware of the support package and information materials available, and also to receive feedback. MHCLG issued an updated Welcome Guide on 8 July, including new and expanded sections which arose from such engagement, including buying a house, and contact information for accreditation groups to convert professional qualifications.

We particularly welcome the establishment of the inter-Ministerial group to coordinate support for status holders but note that as yet there is little transparency about the work of this inter-Ministerial group. The Government must provide further information about the frequency of the group's meetings, its objectives and priorities. The inter-Ministerial group must draw up a clear integration plan to cover issues ranging from employment to English language, to encourage integration and promote community cohesion; it must ensure that Hong Kongers are given the resources and support they need to study, work and participate in civil and community life here in the UK. The group should play a key role in securing and communicating revised estimates of arrivals for local authorities over the lifetime of the visa scheme, to ensure those authorities can continue to plan effectively for likely demand. As the scheme progresses further financial support should be provided to authorities where changes in the settlement pattern make this necessary. (Paragraph 121)

33. The first Inter-Ministerial Group (IMG) was held on 12 May and chaired by the Secretary of State for Housing, Communities and Local Government, with ministerial attendance from all relevant departments. The IMG's objective is to ensure BN(O) status

holders and their families using the new visa route receive the necessary support they need to fully adapt to life in the UK, and give ministerial direction and secure cross-government buy-in to deliver such support. The first IMG recognised the importance of data to delivery partners such as local authorities to ensure they can plan in anticipation of demand for support. The next IMG will be held when ministerial decisions and cross-government agreement is necessary to progress policy for the MHCLG's Integration Programme.

While cross-departmental work is welcome, the Home Secretary should also appoint a BN(O) Resettlement Panel to implement the plan from the inter-Ministerial group and to coordinate with local authorities, new residents and civil society groups on how best to support integration for Hong Kongers upon arrival. (Paragraph 122)

34. To support delivery of the Hong Kong BN(O) Integration Programme and underpin the work of the IMG, the MHCLG has established a Taskforce, chaired by Lord Greenhalgh. The aim of the Hong Kong BN(O) Taskforce, which met on 13 July, is to bring together stakeholders and delivery partners to ensure BN(O) status holders choosing to settle in the UK have all the information and support they need to live and thrive in the UK, and to advise the MHCLG and Government about progress and barriers to delivery.