



The India Association Hong Kong

P.O. Box No. T.S.T. 96625 Kowloon
www.indiaassociationhk.com

Dear Members,

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PERMANENT RESIDENCY IN HONG KONG FOR CHILDREN NOT OF CHINESE NATIONALITY

It has recently come to our attention that children not of Chinese nationality (“**Children**”) born in Hong Kong post 1 July 1997, to a Hong Kong permanent resident not of Chinese nationality, cease to be permanent residents of Hong Kong on attaining the age of 21. This has come as a shock to many in our community. As some of you have children, grandchildren or other relatives/friends who might be affected, we thought it was important to bring this to your attention.

It is strongly advisable that Children born post 1 July 1997 apply for permanent residency in their own right after the age of seven and before attaining the age of 21. It is not necessary to wait until the age of 21 to do this; you can apply for your child now.

Please find below some guidance following our discussions with relevant Government officials:

1. Children born in Hong Kong post 1 July 1997 who obtain permanent residency by virtue of being born in Hong Kong to a Hong Kong permanent resident not of Chinese nationality obtain that status under Schedule 1, 2(e) of the Immigration Ordinance but this status is only valid until the age of 21.
2. On attaining the age of 21 such Children lose the permanent residency status they obtained at birth and must apply for permanent residency in their own right showing that they have ordinarily resided in Hong Kong for a continuous period of seven years immediately prior to application. This application should be made preferably before turning 21.
3. These rules are clearly unfair compared to the rules for Chinese citizens or nationals but are embodied in the Basic Law and in the Immigration Ordinance. As such, parents should ensure their Children apply for permanent residency before the age of 21.
4. Given that many Children in our community go abroad for university, it is important for them to apply for permanent residency at the first available opportunity. Such an application can be made at any time once the Child has been in Hong Kong for seven continuous years immediately prior to application. You do not need to wait until the child is 21 to apply, you can do so once your child is above the age of seven.
5. To apply for permanent residency based on seven years continuous residency immediately prior to application under Schedule 1, 2 (d), you and your child (where the Child is under 21 years) must complete forms ROP 145 and ROP 146. The application can be done online, by post or in person. Please note your Child must be in Hong Kong at the time of making the application. Hong Kong Immigration Department will check their records to validate the applicant (Child) is in Hong Kong at the time of application.
6. If a Child has had periods of absence from Hong Kong of more than 6 months due to study or work abroad, please ensure you have documentation from school, university, employer in the foreign jurisdiction to support the period of absence.
7. Those Children who lose permanent residency based on birth should automatically obtain the Right to Land which still gives the right to live, work and study in Hong Kong. However, this is not as advantageous as being a permanent resident.



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Immigration issues are sometimes complicated and we would strongly recommend that you contact the Immigration Department as quickly as possible if you have any queries. You are also welcome to contact us on india.association.hk@gmail.com. We will do our best to help but, as you can imagine, we are not immigration specialists and it is in your interest to double-check any answers with the relevant authorities.

It is imperative that you apply for your child's permanent residency sooner rather than later.

Yours faithfully,

Arun Nigam
President
The India Association,
Hong Kong