



The India Association Hong Kong

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16th February 2021
By Email only

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Dear Members,

PERMANENT RESIDENCY IN HONG KONG

1. In May 2019, we circulated information on permanent residency for children not of Chinese nationality (i.e. not HKSAR passport holders) who were born in Hong Kong after 1 July 1997 to a Hong Kong permanent resident.
2. In particular, without action, such children might lose their permanent residency status on reaching the age of 21. Given that many members have children, grandchildren, relatives or friends who might be affected, we are re-circulating this information for the benefit of the community.
3. The key takeaway is that a **new** application for permanent residency should be made for such children after they have lived in Hong Kong for 7 continuous years. If your child falls in the affected category and you have not already applied, we recommend that you make an application for your child as soon as possible. We provide below further explanation, and details of how to apply, based on our discussions with the Immigration Department.

Fuller explanation

4. In essence, non-Chinese nationals who obtain permanent residency by virtue of being born in Hong Kong to permanent residents who also do not have 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 (“**PR based on birth**”). To continue to have permanent residency in Hong Kong, an application needs to be made to requalify under Schedule 1, 2(d) on the basis of 7 years continuous residency (“**PR based on residency**”).
5. Those who lose PR based on birth will usually 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 permanent residency status. For instance, someone with Right to Land cannot vote, may not be eligible for certain government jobs and benefits, will not have protection against deportation from Hong Kong and will not be able to pass on this status to their children born in Hong Kong.

How to apply

6. Given that many children in our community go abroad for university and the first few years of their career, it is important for them to apply for PR based on 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. You do not need to wait until the child is 21 to apply and many children above the age of 7 will be eligible.
7. To apply for PR based on residency for your child, you or your child 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. The Immigration Department will check their records to validate that the applicant (child) is in Hong Kong at the time of application.
8. If the child in question 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 a school, university or employer in the foreign jurisdiction to support the period of absence.

Queries

9. 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 interests to double-check any answers with the relevant authorities.

Yours faithfully

Vishal P. Melwani

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President

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