

Migration Policies in Hong Kong 2017-2019

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IMISEM

EVERY IMMIGRANT IS AN EMIGRANT
How Migration Policies Shape
the Paths to Integration


IMISEM CASE REPORT
Migration Policies in
Hong Kong
2017-2019

Coordinated by:


Luicy Pedroza
Pau Palop-García
So Young Chang

January 2022

G I G A

German  Institute for Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: www.imisem.info as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” * two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

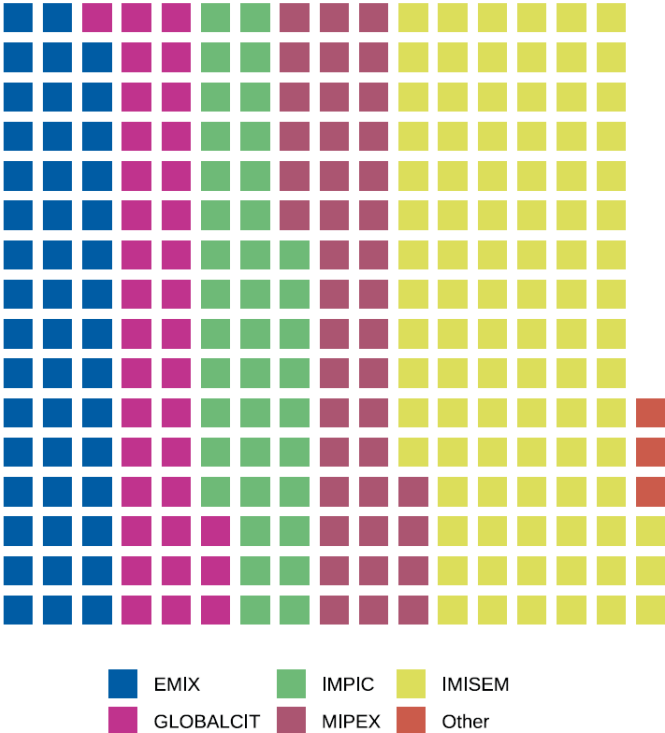
About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

Answer: this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

Code: this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

Explanation: this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

Sources: this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

Varieties of Standard English

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

Contact

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: lpedroza@colmex.mx or find us through our ORCID numbers:

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1. Emigration policies

1.1. General

EMIGRATION_1: The attempt to leave the country is punishable by law.

Answer: No

Code: 1

Explanation: The attempt to leave HKSAR is not punishable by the law, as long as legal travel documents are issued. "Before departure: Have ample validity on your travel document and obtain the necessary visas. Purchase suitable travel insurance. Inform family or friends of your contact details and itinerary. Write down the details of emergency contact persons on your travel document. Keep photocopies of your travel document. Check the Outbound Travel Alert Information. Use the Registration of Outbound Travel Information service. Learn more about the local situation, e.g. weather, law and order, epidemic etc".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

EMIGRATION_2: Exit fees.

Prospective emigrants need to pay a fee before emigrating.

Answer: No

Code: 1

Explanation: There is no exit fee.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

Amount of the fee in country of origin currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the fee in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Prospective emigrants need to make a deposit before emigrating:

Answer: No

Code: 1

Explanation: There is no deposit requirement.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

Amount of the deposit in the currency of the country of origin:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the deposit in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_3: Citizens can only stay abroad for a given maximum of days.

Citizens can only stay abroad for a given maximum of days

Answer: No

Code: 1

Explanation: There is no such regulation.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

Maximum number of days that citizens can stay abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.2. Documentation

1.2.1. Passport

EMIGRATION_4: Cost of ordinary passport.

Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 370

Code: 370

Explanation: "Hong Kong Special Administrative Region (HKSAR) Passport (a) For persons aged 16 or above (valid for 10 years) 32 pages – HK\$370 48 pages – HK\$460 (b) For children aged under 16 (valid for 5 years) 32 pages – HK\$185 48 pages – HK\$230".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Fee Tables". Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 47

Code: 47

Explanation: 47 USD.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Fee Tables". Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

EMIGRATION_5: Maximum length of procedure to process passport.

Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):

Answer: Yes

Code: 1

Explanation: “The Immigration Department pledges to complete the processing of applications in 10 working days after receiving all necessary documents, application fees and photographs, and in 14 working days for applications from children aged under 11 not holding a Hong Kong permanent identity card (working days denote Monday to Friday excluding General Holidays). In general, applicants can obtain the new passport on the next working day after the completion of the processing by the Immigration Department. For applications not submitted in person (e.g. via drop-in box), an extra two to three working days may be required. The processing time may be longer for passport application due to loss, damage or change of personal particulars. Whether this pledge can be met will also depend on the circumstances of individual applications and the number of applications received at a particular time”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Application for HKSAR Passport”. Access date not available.
https://www.immd.gov.hk/eng/service/travel_document/apply_for_hksar_passport.html#firstTab.

Maximum length of procedure to process passport (in days):

Answer: 10

Code: 10

Explanation: “The Immigration Department pledges to complete the processing of applications in 10 working days after receiving all necessary documents, application fees and photographs, and in 14 working days for applications from children aged under 11 not holding a Hong Kong permanent identity card (working days denote Monday to Friday excluding General Holidays). In general, applicants can obtain the new passport on the next working day after the completion of the processing by the Immigration Department. For applications not submitted in person (e.g. via drop-in box), an extra two to three working days may be required. The processing time may be longer for passport application due to loss, damage or change of personal particulars. Whether this pledge can be met will also depend on the circumstances of individual applications and the number of applications received at a particular time”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Application for HKSAR Passport”. Access date not available.
https://www.immd.gov.hk/eng/service/travel_document/apply_for_hksar_passport.html#firstTab.

Maximum length of procedure to process passport (by categories):

Answer: From 0 to 2 months

Code: 1

Explanation: “The Immigration Department pledges to complete the processing of applications in 10 working days after receiving all necessary documents, application fees and photographs, and in 14 working days for applications from children aged under 11 not holding a Hong Kong permanent identity card (working days denote Monday to Friday excluding General Holidays). In general, applicants can obtain the new passport on the next working day after the completion of the processing by the Immigration Department. For applications not submitted in person (e.g. via drop-in box), an extra two to three working days may be required. The processing time may be longer for passport application due to loss, damage or change of personal particulars. Whether this pledge can be met will also depend on the circumstances of individual applications and the number of applications received at a particular time”.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for HKSAR Passport". Access date not available.
https://www.immd.gov.hk/eng/service/travel_document/apply_for_hksar_passport.html#firstTab.

EMIGRATION_6. Renewal of passport from abroad is possible:

Answer: Yes

Code: 1

Explanation: "8.Application or collection of passports outside Hong Kong (1) Where an application under section 3(1), 5(1) or 6 is made outside Hong Kong, the applicant shall, in addition to complying with section 7, submit to all such steps as the Director may reasonably require in relation to the application. (2) Regardless of whether an application under section 3(1), 5(1) or 6 is made outside Hong Kong, if the applicant wishes to collect his passport at a place outside Hong Kong and the Director considers that it is reasonably practicable to do so, the application shall be accompanied, in addition to the prescribed fee under section 7(c), by an additional fee to cover the necessary expenses for delivering the passport to that place. (3) The Director shall, with the approval of the Financial Secretary, specify the additional fee under subsection (2) by notice in the Gazette and he may specify different fees for different means of delivering a passport and for different places outside Hong Kong. (4) For the avoidance of doubt, it is hereby declared that a notice under subsection (3) is not subsidiary legislation". (Cap. 539).

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / HKSAR Immigration Department. 2019. 'Application for HKSAR Passport | Immigration Department'. 9 January 2019. https://www.immd.gov.hk/eng/service/travel_document/apply_for_hksar_passport.html#firstTab.

1.2.2. Other requirements

EMIGRATION_7. Local police certificate is necessary to emigrate:

Answer: No

Code: 1

Explanation: No such provision found

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

EMIGRATION_8. Superior/employer's permission is necessary to emigrate:

Answer: No

Code: 1

Explanation: No such provision found.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

EMIGRATION_9. Proof of income is necessary to emigrate:

Answer: No

Code: 1

Explanation: No such provision found.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

EMIGRATION_10. Registration abroad is mandatory.

Answer: No

Code: 1

Explanation: There is a system of Registration of Outbound Travel Information ("ROTI") but it is not mandatory. "Before you travel outside Hong Kong, you can use this online service to register your contact details and itinerary. The information you provided allows the Assistance to Hong Kong Residents Unit of the Hong Kong Immigration Department to contact and assist you in an emergency outside Hong Kong. You will also receive updates on Outbound Travel Alert (OTA) and related public information via your "My Messages" of MyGovHK and, depending on the situation, SMS to your Hong Kong or overseas mobile phone if your registered destination is covered by the OTA System of the HKSAR Government".

Sources: Government of Hong Kong Special Administrative Region. "Registration of Outbound Travel Information (ROTI)". Access date not available.
<https://www.gov.hk/en/residents/immigration/outsidehk/roti.htm>.

1.3. Quotas and restrictions

EMIGRATION_11. Quotas to emigrate based on ethnicity.

Quotas to emigrate based on ethnicity exist in the country:

Answer: No

Code: 1

Explanation: No such provision found

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_12: Quotas to emigrate based on income.

Quotas to emigrate based on income exist in the country:

Answer: No

Code: 1

Explanation: No such provision found.

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_13. Those who are liable for military conscription are allowed to emigrate:

Answer: Not applicable (no military conscription in country of study)

Code: Not applicable

Explanation: Male Chinese HK residents don't have to comply with military conscription.

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

EMIGRATION_14: Banned countries for emigration.

There are countries that are banned as destination for emigrants:

Answer: No

Code: 1

Explanation: No such list of banned destination exists.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Assistance Outside Hong Kong". Access date not available.
https://www.immd.gov.hk/eng/services/Assistance_Outside_Hong_Kong.html#c.

List of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_15. Higher education graduates must pay an education "tax" (or compensation) to be able to emigrate:

Answer: No

Code: 1

Explanation: No such provision found.

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

EMIGRATION_16. Recipients of state scholarship are banned from emigrating:

Answer: Yes

Code: 0

Explanation: 3 years. "Recipients are required to return and work in Hong Kong for at least three years after completion of the proposed study or training".

Sources: Student Finance Office of Hong Kong Special Administrative Region. "Student Finance Office - Other Scholarships, Grants & Loans Schemes". Access date not available.
<https://www.wfsfaa.gov.hk/sfo/en/other/scholarships/robert/9.1.5.htm>.

EMIGRATION_17: Ban for specific civil professional groups.

There is an emigration ban for specific professional group(s):

Answer: No

Code: 1

Explanation: No such provision found.

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

There is a ban for medical doctors:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

There is a ban for other professions:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_18. The ban can be overcome by a letter signed by a supervisor:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_19. The ban can be overcome by a letter signed by an official authority.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.4. Policy incentives

EMIGRATION_20. Existence during 2017 of campaigns to encourage emigration:

Answer: No

Code: 0

Explanation: No public records show that such information campaign sponsored by HKSAR government to encourage emigration exists.

Sources: Government of Hong Kong Special Administrative Region. "Registration of Outbound Travel Information (ROTI)". Access date not available.
<https://www.gov.hk/en/residents/immigration/outsidehk/roti.htm>.

EMIGRATION_21. Existence during 2017 of campaigns to discourage emigration:

Answer: No

Code: 0

Explanation: No public records show that such information campaign sponsored by HKSAR government to discourage emigration exists.

Sources: Government of Hong Kong Special Administrative Region. "Registration of Outbound Travel Information (ROTI)". Access date not available.
<https://www.gov.hk/en/residents/immigration/outsidehk/roti.htm>.

EMIGRATION_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):

Answer: No

Code: 0

Explanation: No such provision found

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

EMIGRATION_23: Emigration lump sum.

State of origin pays a lump sum incentive to citizens willing to emigrate:

Answer: No

Code: 0

Explanation: No public records show that such a lump sum incentive exists in the HKSAR case.

Sources: Government of Hong Kong Special Administrative Region. "Registration of Outbound Travel Information (ROTI)". Access date not available.
<https://www.gov.hk/en/residents/immigration/outsidehk/roti.htm>.

Register the amount of the sum in country currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Register the amount of the sum in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.

Answer: Yes

Code: 1

Explanation: It is possible to withdraw the Mandatory Provident Fund (MPF) before the age of 65 under the condition of permanent departure from HK (no intention of returning for employment or resettling in HK).

Sources: Mandatory Provident Fund Schemes Authority of Hong Kong Special Administrative Region. "Early Withdrawal of Benefits". Accessed October 25, 2018.
http://www.mpfa.org.hk/eng/main/employee/early_withdrawal_of_benefits.jsp.

1.5. Penalties

EMIGRATION_25: Loss of private property.

Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: "Article 6 The Hong Kong Special Administrative Region shall protect the right of private ownership of property in accordance with law".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 6.

Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: "Article 6 The Hong Kong Special Administrative Region shall protect the right of private ownership of property in accordance with law".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 6.

EMIGRATION_26: Re-entry ban.

Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: No such re-entry ban exists.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Meanings of Right of Abode and Other Terms". Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>.

Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals by birth:

Answer: No

Code: 1

Explanation: No such re-entry ban exists.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Meanings of Right of Abode and Other Terms". Access date not available. Sources: Ley N° 25.871 [Law 25.871]. 2013.

Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:

Answer: No

Code: 1

Explanation: No such re-entry ban exists.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Meanings of Right of Abode and Other Terms". Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>.

Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:

Answer: No

Code: 1

Explanation: No such provision

Sources: Immigration Department of Hong Kong Special Administrative Region. "Meanings of Right of Abode and Other Terms". Access date not available. <https://www.immd.gov.hk/eng/services/roa/term.html>.

1.6. Administration

EMIGRATION_28. Existence of institution/agency with competencies for exit and/or emigration:

Existence of institution/agency with competencies for exit and/or emigration:

Answer: Yes

Code: 1

Explanation: Immigration Department of HKSAR government "The services provided to local residents also include the issue of HKSAR passports and other travel documents, visas and identity cards, the handling of nationality matters and the registration of births, deaths and marriages".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Welcome Message". Access date not available. <https://www.immd.gov.hk/eng/about-us/welcome.html>.

Name of the institution with competencies for exit and/or emigration in original language:

Answer: Immigration Department of HKSAR government

Name of the institution with competencies for exit and/or emigration in English:

Answer: Immigration Department of HKSAR government

Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: The Immigration Department falls under the Security Bureau.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Welcome Message". Access date not available. <https://www.immd.gov.hk/eng/about-us/welcome.html>.

2. Emigrant policies

2.1. Policies of representation

2.1.1. Electoral rights

EMIGRANT_1. Voting is mandatory for citizens residing abroad:

Answer: No

Code: 0

Explanation: No, it is not mandatory for nationals to vote in general. Only those who have formally sign up as geographical constituency electors are eligible to vote in the first place.

Sources: Registration and Electoral Office of Hong Kong Special Administrative Region. 2019. "Voter Registration - Application". Access date not available. <https://www.reo.gov.hk/en/voter/application.htm>.

Does the country have presidential elections?

Answer: No, the country does not held democratic elections

Code: 3

Explanation: There are no free and universal elections for the Election Committee, which is the body that appoints the Chief Executive. "The CE is elected by the Election Committee("EC") and appointed by the Central People's Government ("CPG"). ... 5.1 The Chief Electoral Officer ("CEO") must designate by notice in the Gazette a place as the main polling station, a place as the counting station, and one or more places as dedicated polling station(s) at least 10 days before the polling day. Subject to the availability of suitable venues, both the main polling station and the counting station will be set up at the same location, or locations in close proximity to each other, with accessibility to electors with mobility difficulty [s 18 of the EP (CEE) Reg]. [Amended in January 2010, November 2011 and October 2016]".

Source: Electoral Affairs Commission of Hong Kong Special Administrative Region. "Guidelines for the Chief Executive Election". Access date not available. https://www.eac.gov.hk/pdf/chief/en/2016_CE_Guidelines/CE_full_guide.pdf.

Does the country have a bicameral system (e.g. composed of a Lower House and an Upper House, or an originating chamber and a reviewer chamber)?

Answer: No, the country only has a Lower House

Code: 2

Explanation: The Legislative Council of the Hong Kong Special Administrative Region is the unicameral legislature.

Presidential elections

EMIGRANT_2. Can non-resident citizens vote in national presidential elections from abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

Legislative elections

Lower House (National Elections)

EMIGRANT_4. Can non-resident citizens vote in national legislative elections (Lower House) from abroad?

Answer: 0

Code:

Code: 0

Explanation: There is no mechanism for external voting. Emigrants can only vote in the territory. "33.Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors (1)The Chief Electoral Officer may assign, for each constituency, one or more polling stations for conducting the poll for that constituency. (2)The Chief Electoral Officer must allocate to each elector a polling station to cast the vote he or she is entitled to cast at an election. (3)Under subsection (2), for the purposes of an election, the Chief Electoral Officer— (L.N. 131 of 2009) (a)subject to paragraph (b), must allocate to an elector a polling station that is, as far as practicable, close to his or her registered residential address; and (b)may allocate to an elector who will be serving a sentence of imprisonment on the polling day a dedicated polling station. (L.N. 131 of 2009)"

Sources: 選舉管理委員會(選舉程序)(區議會)規例 [Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation]. 2012. Cap. 541F.

EMIGRANT_5. Can non-resident citizens stand as candidates in national legislative elections (Lower House) from abroad?

Answer: Generally disenfranchise

Code: 0

Explanation: “Division 3Elected Members 20. Who is eligible to be nominated as a candidate (1) A person is eligible to be nominated as a candidate at an election only if the person— (a) has reached 21 years of age; and (b) is an elector; and (c) is not disqualified from voting at an election; and (d) is not disqualified from being nominated as a candidate or elected as an elected member by virtue of section 21 or any other law; and (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination”.

Sources: District Councils Ordinance. 2014. Cap. 547.

Upper House (National Elections)

EMIGRANT_6. Can non-resident citizens vote in national legislative elections (Upper House) from abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_7. Can non-resident citizens stand as candidates in national legislative elections (Upper House) from abroad?

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Registration

EMIGRANT_8. Registration in the electoral roll for non-resident citizens:

Answer: Non applicable (non-resident citizens cannot vote)

Code: Not applicable

Explanation: No external voting mechanism.

Sources: Voter Registration of Hong Kong Special Administrative Region. “Geographical Constituency-Frequently Asked Questions”. Access date not available. <https://www.voterregistration.gov.hk/eng/faq.html>.

Remote voting

EMIGRANT_9. Voting methods from abroad:

Voting methods available to cast votes from abroad - Electronic voting:

Answer: Not applicable

Code: 98

Explanation: No external voting mechanism

Sources: Not applicable

Voting methods available to cast votes from abroad - Proxy voting:

Answer: Not applicable

Code: 98

Explanation: No external voting mechanism

Sources: Not applicable

Voting methods available to cast votes from abroad - Postal voting:

Answer: Not applicable

Code: 98

Explanation: No external voting mechanism

Sources: Not applicable

Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:

Answer: Not applicable

Code: 98

Explanation: No external voting mechanism

Sources: Not applicable

Voting methods available to cast votes from abroad - Ad hoc polling stations:

Answer: Not applicable

Code: 98

Explanation: No external voting mechanism

Sources: Not applicable

Special representation

EMIGRANT_10: Emigrant special representation.

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Lower House?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special seats reserved for non-resident candidates in the Lower House:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the Lower House:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Upper House?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special seats reserved for non-resident candidates in the Upper House:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the Upper House:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remote voting implementation

EMIGRANT_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):

Answer: Not applicable

Code: 98

Explanation: There is no external voting in Hong Kong. Only in-country votes are counted.

Sources: 選舉管理委員會(選舉程序)(立法會)規例》 [過去版本] [Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation [Past Version]]. Cap. 541D.

EMIGRANT_12. In case external voting has not been implemented after its adoption, what are the main reasons?

Answer: Not applicable

Code: Not applicable

Explanation: There is no external voting in HKSAR.

Sources: 選舉管理委員會(選舉程序)(立法會)規例》 [過去版本] [Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation [Past Version]]. Cap. 541D. / 選舉管理委員會(選舉程序)(

區議會)規例 [Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation]. 2012. Cap. 541F.

2.1.2. Regulation of political competition abroad

Party offices in the state of reception

EMIGRANT_13. Offices of political parties legally allowed abroad:

Answer: No specific regulation of offices abroad

Code: 0.5|No specific regulation of offices abroad

Explanation: It needs to be pointed out that there is no regulatory legal framework on political parties. Most political groups (e.g., Democratic Party, or Democratic Alliance for the Betterment and Progress of Hong Kong) are registered either as limited companies or societies.

Sources: Democratic Alliance for the Betterment and Progress of Hong Kong. 1992. Democratic Alliance for the Betterment and Progress of Hong Kong M&A.

EMIGRANT_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:

Answer: No

Code: 0

Explanation: this is unregulated. It needs to be pointed out that there is no regulatory legal framework on political parties. Most political groups (e.g., Democratic Party, or Democratic Alliance for the Betterment and Progress of Hong Kong) are registered either as limited companies or societies.

Sources: Democratic Alliance for the Betterment and Progress of Hong Kong. 1992. Democratic Alliance for the Betterment and Progress of Hong Kong M&A.

EMIGRANT_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_16. Could external party offices receive public funding from state of origin?

Answer: Not applicable

Code:

Explanation: Not applicable

Sources: Not applicable

Political campaigns

EMIGRANT_17. Electoral campaigns abroad for home elections are legally regulated:

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: Campaigns abroad are not regulated.

Sources: Electoral Affairs Commission of Hong Kong Special Administrative Region. "Guidelines for the Chief Executive Election". Access date not available.
https://www.eac.gov.hk/pdf/chief/en/2016_CE_Guidelines/CE_full_guide.pdf.

EMIGRANT_18. Actual existence of campaigns abroad for home elections:

Answer: Yes

Code: 1

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_19. Existence of public funding for electoral campaigns in state of residence:

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: Campaigns abroad are not regulated.

Sources: Electoral Affairs Commission of Hong Kong Special Administrative Region. "Guidelines for the Chief Executive Election". Access date not available.
https://www.eac.gov.hk/pdf/chief/en/2016_CE_Guidelines/CE_full_guide.pdf.

Membership in political parties

EMIGRANT_20. Emigrant membership to home country political parties:

Answer: Not regulated

Code: 0.25

Explanation: Only regulated by individual political groups' memorandum and articles.

Sources: Democratic Alliance for the Betterment and Progress of Hong Kong. 1992. Democratic Alliance for the Betterment and Progress of Hong Kong M&A. / Democratic Party. "Democratic Party M&A". Access date not available.
https://drive.google.com/file/d/0B0KMx05z39LrQkdrZ090OUNrZEE/view?usp=sharing&usp=embed_facebook.

2.1.3. Consultative bodies

2.1.4. Consultative bodies at the national level

EMIGRANT_21. Existence of a consultative body on emigrant issues:

Answer: No

Code: 0

Explanation: No public records show that such consultative bodies exist.

Sources: Not applicable

EMIGRANT_22. The consultation is structural or ad hoc:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_23. Composition of the consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_24. Who chairs the consultative body?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_27. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographically balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Consultative bodies at the consular level

EMIGRANT_28. Existence of a consultative body of emigrants at the consular level.

Answer: No

Code: 0

Explanation: No law/ regulations show such consultative bodies exist at consular level. It needs to be pointed out that HK government does not have overseas consular missions; Only the PRC central government (Ministry of Foreign Affairs) does. "For emergency assistance, contact the Assistance to Hong Kong Residents Unit of the Hong Kong Immigration Department (24-hour hotline: (852) 1868), Chinese diplomatic and consular missions in that country or the offices of the HKSAR Government in the Mainland".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Travel Tips and Advice". Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

EMIGRANT_29. The consultation is structural or ad hoc:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_30. Composition of the consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_31. Who chairs the consultative body?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_34. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographically balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.1.5. Funding of emigrant associations

EMIGRANT_35. Existence of consular support (in kind or financial) to independent emigrant associations

Answer: No

Code: 0

Explanation: It needs to be pointed out that HK government does not have overseas consular missions; Only the PRC central government (Ministry of Foreign Affairs) does. “For emergency assistance, contact the Assistance to Hong Kong Residents Unit of the Hong Kong Immigration Department (24-hour hotline: (852) 1868), Chinese diplomatic and consular missions in that country or the offices of the HKSAR Government in the Mainland”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Travel Tips and Advice”. Access date not available.
https://www.immd.gov.hk/eng/services/Travel_Tips_and_Advice.html.

2.2. Economic Policies

2.2.1. Remittances

EMIGRANT_36. Government program/strategy to attract remittances from emigrants.

Existence of a government program to attract remittances from emigrants:

Answer: No

Code: 0

Explanation: While there is no government program to attract remittances, it’s worth documenting that since 2012 HK government has established a regulatory license system for Money Service Operators (namely Remittance Agents and Money Changers). “The Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance, Cap. 615 (AMLO) came into operation on 1 April 2012. Under the AMLO, a person who wishes to operate a remittance and / or money changing service (i.e. money service as defined under the AMLO) is required to apply for a licence from the Commissioner of Customs & Excise (CCE). Operating a money service without obtaining a money service operator license from the CCE is an offence and liable to conviction of a fine of \$100,000 and imprisonment for six months. Under the AMLO, the CCE is the relevant authority to regulate Money Service Operators (MSOs) (i.e. Remittance Agents and Money Changers) and supervise licensed MSOs’ compliance with the customer due diligence and record-keeping obligations and other licensing requirements, as well as combating unlicensed operation of money service”.

Sources: Customs and Excise Department of Hong Kong Special Administrative Region. “Hong Kong Customs and Excise Department - Licensing of the Money Service Operators (Namely Remittance Agents and Money Changers)”. Access date not available.
https://www.customs.gov.hk/en/whats_new/licensing/index.html.

Measures to improve banking channels for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of fee controls for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.2.2. Investment

EMIGRANT_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):

Answer: No

Code: 0

Explanation: No, however, there are programs worth mentioning. The Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents (ASSG) can be seen as an entry program that HK government sets up to attract the offspring of Chinese HK emigrants to come back to HK for working. Nonetheless ASSG is not particularly aimed at attracting investments, though eligible candidates are required to have a good education background and financial self-sustainability. Another candidate is the InvestHK program set up by the HK government. But it is not targeted at overseas HK emigrants but rather foreign direct investment. "InvestHK's vision is to strengthen Hong Kong's status as the leading international business location in Asia. Our mission is to attract and retain foreign direct investment which is of strategic importance to the economic development of Hong Kong".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents". Access date not available. <https://www.immd.gov.hk/eng/services/visas/secondgenerationhkpr.html#firstTab>. / InvestHK. "About InvestHK". Access date not available. <https://www.investhk.gov.hk/en/about-investhk>.

2.2.3. Brain circulation networks

EMIGRANT_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?

Answer: No

Code: 0

Explanation: No government-initiated brain-circulation networks can be pinned down. In a PPT report (2009) about brain circulation in HK, three types of knowledge networks are mentioned: Research Visiting Professorship Scheme, RPG (research postgraduate) exchange scheme, and Joint PhD framework. All of them are organized by universities rather than HK government.

Sources: Tam, Paul K H. 2009. "From Brain Drain to Brain Circulation: Rethinking the Global Knowledge Economy (Perspective from Hong Kong)".

2.2.4. Return policies

EMIGRANT_39. Recognition of academic and professional qualifications acquired in the state of residence:

Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:

Answer: Yes

Code: 1

Explanation: An assessment service is possible (but not mandatory). "HKCAAVQ (Hong Kong Council for Accreditation of Academic and Vocational Qualifications) provides assessment services for the general public, organizations, and government bureaux/departments on qualifications awarded by granting bodies outside Hong Kong. HKCAAVQ offers a professional opinion on whether the totality of the educational qualifications (i.e. the integrated learning outcomes of the highest qualification including those learning outcomes achieved through learning deemed to have a substantial bearing on the qualification under assessment) of an individual meets the standard of a particular level of qualification in Hong Kong".

Sources: Hong Kong Council for Accreditation of Academic & Vocational Qualifications. "Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>". Accessed October 24, 2018. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:

Answer: Not stated

Code: 0.25

Explanation: Timeframe not given.

Sources: Hong Kong Council for Accreditation of Academic & Vocational Qualifications. "Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>". Accessed October 24, 2018. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

EMIGRANT_40. Communication campaigns aiming to convince emigrants to return to home country:

Answer: No

Code: 0

Explanation: No such campaigns found.

Sources: Online search.

EMIGRANT_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:

Answer: Yes

Code: 1

Explanation: Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents (ASSG) "Persons who are the second generation of emigrated Chinese Hong Kong permanent residents from overseas may apply to return to work in the HKSAR under the Scheme. Applicants under the Scheme will have to meet, apart from normal immigration requirements, the following criteria - aged between 18 and 40 at the time of application; born overseas (i.e. not in the Mainland, the HKSAR, the Macao SAR or Taiwan); have at least one parent who is holder of a valid Hong Kong Permanent Identity Card at the time of application and was a Chinese national who had settled overseas at the time of the applicant's birth; have a good education background, normally a first degree, but in special circumstances, good technical qualifications, proven professional abilities and/or relevant experience and achievements supported by documentary evidence may also be accepted; Note 3 proficient in written and spoken Chinese (Putonghua or Cantonese) or English; and have sufficient financial means and are able to meet the living expenses for their (including their dependants, if any) maintenance and accommodation in the HKSAR without recourse to public funds".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents". Access date not available. <https://www.immd.gov.hk/eng/services/visas/secondgenerationhkpr.html#firstTab>.

EMIGRANT_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:

Answer: No

Code: 0

Explanation: A relevant policy is the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents. But this admission scheme does not provide any additional welfare other than an easier access (than other non-Chinese immigrants) for the offspring of Chinese HK citizens who emigrated to gain right of abode in HK.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents". Access date not available. <https://www.immd.gov.hk/eng/services/visas/secondgenerationhkpr.html#firstTab>.

2.3. Social Policies

2.3.1. Retirement benefits

EMIGRANT_43. Retirement benefits after emigration (i.e. pensions):

Answer: Yes

Code: 1

Explanation: MPF (Mandatory Provident Fund) is an employment-based retirement protection system in HK. An emigrant, even if he/ she has left HK permanently, can receive retirement benefits in a lump sum as long as he/ she has previously contributed to the MPF during an employment in HK
“(2A)Subject to subsection (2B), a scheme member referred to in subsection (2) is entitled to be paid the entirety of the accrued benefits— (a)in a lump sum; or (b)by instalments. (Added 1 of 2015 s. 6) (2B)Subsection (2A)(b) does not apply to a scheme member whose entitlement is exercised in the circumstances specified under subsection (3) in the regulations. (Added 1 of 2015 s. 6) (3)The regulations referred to in subsection (2) may specify the circumstances in which a scheme member’s entitlement under that subsection may be exercised. Those circumstances include (but are not limited to)— (a)the scheme member’s permanent departure from Hong Kong; (Amended 1 of 2015 s. 6) (b)the scheme member’s total incapacity; and (Replaced 4 of 1998 s. 2. Amended 1 of 2015 s. 6) (c)the scheme member’s terminal illness. (Added 1 of 2015 s. 6)”.

Sources: Mandatory Provident Fund Schemes Ordinance. 2012. Cap. 485.

2.3.2. Health care benefits

EMIGRANT_44. Health care benefits.

Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):

Answer: No

Code: 0

Explanation: Health coverage is not extended abroad.

Sources: Hospital Authority of Hong Kong Special Administrative Region. "Hospital Authority". Access date not available. http://www.ha.org.hk/visitor/ha_visitor_index.asp?Content_ID=10045&Lang=ENG&Dimension=100&Parent_ID=10044&Ver=HTML.

Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:

Answer: Yes

Code: 1

Explanation: "Only patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons": -holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; -children who are Hong Kong residents and under 11 years of age; or - other persons approved by the Chief Executive of the Hospital Authority".

Sources: Hospital Authority of Hong Kong Special Administrative Region. "Hospital Authority". Access date not available.

http://www.ha.org.hk/visitor/ha_visitor_index.asp?Content_ID=10045&Lang=ENG&Dimension=100&Parent_ID=10044&Ver=HTML.

Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:

Answer: No

Code: 0

Explanation: No such provision found.

Sources: Hospital Authority of Hong Kong Special Administrative Region. "Hospital Authority". Access date not available.

http://www.ha.org.hk/visitor/ha_visitor_index.asp?Content_ID=10045&Lang=ENG&Dimension=100&Parent_ID=10044&Ver=HTML.

2.3.3. Education

EMIGRANT_45. Education programs for emigrants.

Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:

Answer: No

Code: 0

Explanation: None organized by HK government.

Sources: Online search.

State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):

Answer: No

Code: 0

Explanation: None organized by HK government.

Sources: Online search.

State of origin offers language courses to emigrants to learn the language of the state of reception:

Answer: No

Code: 0

Explanation: None organized by HK government.

Sources: Online search.

2.4. Cultural policies

2.4.1. Visits to country of origin

EMIGRANT_46. State of origin organizes visits to the origin country for emigrants on a regular basis:

Answer: No

Code: 0

Explanation: None organized by HK government.

Sources: Online search.

2.4.2. Language courses for emigrants

EMIGRANT_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):

Answer: No

Code: 0

Explanation: None organized by HK government.

Sources: Online search.

2.5. Obligations

2.5.1. Military service

EMIGRANT_48. Emigrants have the obligation to comply with military service:

Answer: No existence of military service

Code: Not applicable

Explanation: Male Chinese HK residents don't have to comply with military conscription.

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

2.5.2. Social service

EMIGRANT_49. Emigrants have the obligation to comply with social service:

Answer: No existence of social service

Code: Not applicable

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

2.5.3. Taxes

EMIGRANT_50. Obligation to pay taxes in state of origin

Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: Taxation only applies to income derived in Hong Kong. "You can be charged salaries tax on your income arising in or derived from Hong Kong from any employment, office, and pension".

Sources: The Inland Revenue Department of Hong Kong Special Administrative Region Government. "You or Your Employee Is Going to Leave Hong Kong". Access date not available. <https://www.ird.gov.hk/eng/pdf/pam46e.pdf>.

There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: There are no specific taxes for emigrants. Individuals need to notify the Inland Revenue Department before leaving HK. "The Inland Revenue Ordinance (IRO) provides that any person chargeable to tax and intending to leave Hong Kong shall notify the Inland Revenue Department (IRD) not later than 1 month before the expected date of departure. Upon receipt of the notification, the IRD will decide whether the person leaving is required to settle all tax liabilities prior to departure".

Sources: The Inland Revenue Department of Hong Kong Special Administrative Region Government. "You or Your Employee Is Going to Leave Hong Kong". Access date not available. <https://www.ird.gov.hk/eng/pdf/pam46e.pdf>.

2.6. Administration

2.6.1. Home country administration

EMIGRANT_51. Existence of a home country administration agency/body for emigrants in state of origin.

Existence of institution/agency with competencies for emigrant policies:

Answer: No

Code: 0

Explanation: HK government does not have a particular administration agency for emigrant issues except for the overseas offices.

Sources: Government of Hong Kong Special Administrative Region. "Offices Outside Hong Kong". Access date not available. <https://www.gov.hk/en/about/govdirectory/oohk.htm>.

Name of the institution with competencies for emigrant policies in original language:

Answer: Not applicable

Name of the institution with competencies for emigrant policies in English:

Answer: Not applicable

EMIGRANT_52. Place in the administrative hierarchy:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.6.2. Consular network

EMIGRANT_53: Number of consulates.

Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):

Answer: Not applicable

Code: Not applicable

Explanation: There is no overseas consular network set up by HKSAR government (but rather by Ministry of Foreign Affairs of PRC Central Government) There do exist Hong Kong Economic and Trade Offices (Overseas) in 12 foreign cities (Jakarta, Singapore, Sydney, Tokyo, Brussels, London, Geneva, Berlin, New York, San Francisco, Washington, Toronto). But they do not perform any consular functions.

Sources: Government of Hong Kong Special Administrative Region. "Offices Outside Hong Kong". Access date not available. <https://www.gov.hk/en/about/govdirectory/oohk.htm>.

Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):

Answer: Not applicable

Code: Not applicable

Explanation: There is no overseas consular network set up by HKSAR government (but rather by Ministry of Foreign Affairs of PRC Central Government) There do exist Hong Kong Economic and Trade Offices (Overseas) in 12 foreign cities (Jakarta, Singapore, Sydney, Tokyo, Brussels, London, Geneva, Berlin, New York, San Francisco, Washington, Toronto). But they do not perform any consular functions.

Sources: Government of Hong Kong Special Administrative Region. "Offices Outside Hong Kong". Access date not available. <https://www.gov.hk/en/about/govdirectory/oohk.htm>.

2.6.3. New consular functions

EMIGRANT_54: Extensions to the consular network services.

Existence of mobile consulates:

Answer: No answer

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: No answer

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Consulates offer some services online:

Answer: No answer

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_55: Adoption of new consular functions.

Consulates offer financial consultancy:

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

Consulates offer psychological consultancy:

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

Consulates offer health services:

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

2.6.4. Special offices

EMIGRANT_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):

Answer: No

Code: 0

Explanation: No special offices aside from the Hong Kong Economic and Trade Offices (Overseas) in 12 foreign cities (Jakarta, Singapore, Sydney, Tokyo, Brussels, London, Geneva, Berlin, New York, San Francisco, Washington, Toronto). But they do not perform any consular functions.

Sources: Government of Hong Kong Special Administrative Region. "Offices Outside Hong Kong". Access date not available. <https://www.gov.hk/en/about/govdirectory/oohk.htm>.

3. Emigrant citizenship and nationality policies

CITNAT: Does the country make a distinction between citizenship and nationality?

Answer: Yes

Code: 1

Explanation: In the case of HKSAR, Chinese nationality is defined by PRC Nationality Law whereas HK citizenship is linked more closely to right of abode. PRC/ Chinese nationality and right of abode in HK are not interchangeable concepts. (1) People of PRC Chinese nationality may not automatically be granted the right of abode in HK, for example, mainland citizens or overseas Chinese. They need to enter HK under certain admission scheme (Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents, or Admission Scheme for Mainland Talents and Professionals) and establish habitual residence to obtain the right of abode. (2) The right of abode in HK is not just granted to Chinese nationals but also non-Chinese immigrants who have established habitual residence in HK (such as those who entered under the Technology Talent Admission Scheme). But for non-Chinese HK permanent residents, the status of right of abode can be lost due to long-term absence (see Cap.115), whereas for Chinese HK permanent residents, their right of abode would be affected only when they renounce their Chinese nationality. (3) Only Chinese permanent residents in HKSAR are eligible to apply for HKSAR passports.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents". Access date not available. <https://www.immd.gov.hk/eng/services/visas/secondgenerationhkpr.html#firstTab>. / Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>. / Immigration Ordinance. 2018. Cap. 115. / Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html.

3.1. Emigrant nationality

3.1.1. Dual nationality for emigrants

EMINAT_1. Deprivation of nationality for having acquired a foreign nationality.

Loss of nationality for acquisition of foreign citizenship (nationals by birth):

Answer: No provision

Code: 1

Explanation: Although dual nationality is explicitly not recognized by PRC Nationality Law, in HKSAR, there is the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region. This document allows for Chinese nationals residing in HKSAR to use travel documents issued by foreign governments.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

Nationality can be withdrawn only if person resides abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person was born abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Loss of nationality can be prevented:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

3.1.2. Dual nationality only for some countries of residence

EMINAT_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.

Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:

Answer: No

Code: 1

Explanation: There is no indication that the allowance is restricted to certain countries.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

Which countries:

Answer: Not applicable

Code: Not applicable

Explanation: According to the Interpretation, citizens by birth may use the travel documents issued by the foreign government of the country where they have gained the right of abode.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

3.1.3. Loss of nationality after residence abroad

EMINAT_3: Loss of nationality after residence abroad.

Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: PRC nationals who emigrated will not be deprived of their PRC nationality merely because of residence abroad. Nonetheless, they can voluntarily apply to renounce their Chinese nationality after having settled abroad.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003.

Nationality can be withdrawn only if person resides abroad for 20 years or more:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person has another citizenship:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:

Answer: No provision

Code: 1

Explanation: PRC nationals who emigrated will not be deprived of their PRC nationality merely because of residence abroad. Nonetheless, they can voluntarily apply to renounce their Chinese nationality after having settled abroad.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. Art. 9, 10, 11.

3.1.4. Jus sanguinis for emigrants

EMINAT_4: Transfer of nationality to children born abroad.

Country of origin permit parents to confer their nationality on their children who are born abroad:

Answer: Yes

Code: 1

Explanation: The children born abroad shall have Chinese nationality, provided that (1) at least one of their parents is a Chinese national, and (2) the children have not acquired foreign nationality at birth.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003.

Transfer of nationality is applicable to:

Answer: More than one generation

Code: 0.25

Explanation: Transfer of citizenship is possible for "near relatives", but the terms are not clearly regulated by HK Immigration Department.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. Art. 7. / Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

3.1.5. Jus sanguinis across generations

EMINAT_5: Transfer of nationality to children born abroad from former citizens.

Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens

Answer: No

Code: 0

Explanation: Children born abroad cannot adopt the nationality of parents that were former citizens.

Sources: Embassy of the People's Republic of China in the United Kingdom of Great Britain and Northern Ireland. "十四、关于国籍认定和有关问题的说明 [14, Notes on Nationality Determination and Related Issues]". Access date not available. <http://www.chinese-embassy.org.uk/chn/lsw/hzlxz/blxz/t1249113.htm>.

Transfer of nationality is applicable to:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

3.1.6. Renunciation of nationality is possible

EMINAT_6: Voluntary renunciation of nationality abroad is possible.

Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:

Answer: Renunciation is possible

Code: 1

Explanation: Yes, it's possible to renounce Chinese nationality by application to Immigration Department of HKSAR.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html.

Renunciation abroad is only possible if person has another nationality:

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: Yes, it's possible to renounce Chinese nationality by application to Immigration Department of HKSAR. "If the applicant is a Chinese national, he/she can renounce his/her Chinese nationality if: he/she is a Hong Kong resident or was a Hong Kong resident immediately before he/she emigrated to another country; and he/she is of sound mind; and he/she is the spouse or child of a foreign national and is required under the law of that country to renounce his/her Chinese nationality before he/she can be naturalised as a national of that country; or he/she has emigrated to and settled in another country and is required by the law of that country to renounce his/her Chinese nationality before he/she can be naturalised as a national of that country; or he/she has been adopted by a foreign national and is required under the law of his/her adoptive parent's country to renounce his/her Chinese nationality before he/she can be naturalised as a national of that country. Application may also be considered if the applicant has other legitimate reasons".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html.

Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:

Answer: No

Code: 0

Explanation: Yes, it's possible to renounce Chinese nationality by application to Immigration Department of HKSAR. "If the applicant is a Chinese national, he/she can renounce his/her Chinese nationality if: he/she is a Hong Kong resident or was a Hong Kong resident immediately before he/she emigrated to another country; and he/she is of sound mind; and he/she is the spouse or child of a foreign national and is required under the law of that country to renounce his/her Chinese nationality before he/she can be naturalised as a national of that country; or he/she has emigrated to and settled in another country and is required by the law of that country to renounce his/her Chinese nationality before he/she can be naturalised as a national of that country; or he/she has been adopted by a foreign national and is required under the law of his/her adoptive parent's country to renounce his/her Chinese nationality before he/she can be naturalised as a national of that country. Application may also be considered if the applicant has other legitimate reasons".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html.

3.1.7. Reacquisition of nationality

EMINAT_7. Country of origin provides for reacquisition of nationality for former nationals:

Answer: Yes

Code: 1

Explanation: In HKSAR, former PRC nationals could do so by applying to the Immigration Department. The chances of successful nationality restoration application will be enhanced, if the applicant possess the right of abode in HK.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html.

3.2. Emigrant citizenship

3.2.1. Citizenship restrictions for dual nationals

EMICIT_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):

Answer: Restrictions if less than 5 years living abroad

Code: 0

Explanation: There are restrictions to occupy public positions such as the Chief Executive and member of Legislative Council. For the Chief Executive, the relevant criterion is to not have a right of abode in any foreign country rather than a specified restriction on number of years lived abroad. For members of the Legislative Council, the criterion is to have ordinarily resided in Hong Kong for 3 years immediately preceding the nomination.

Sources: Chief Executive Election Ordinance. 2012. Cap. 569. / Legislative Council Ordinance. 2012. Cap. 542.

3.2.2. Different citizenship for emigrants

EMICIT_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?

Answer: No

Code: 0

Explanation: For Chinese HK permanent residents, their right of abode in HK remains unchanged unless they voluntarily renounce their Chinese nationality. However, because of their absence in HK, emigrated HK Chinese are not eligible for elections in Chief Executive and Legislative Assembly before ordinary habitual residences of over 20 years and 3 years are respectively required.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html. / Chief Executive Election Ordinance. 2012. Cap. 569. / Legislative Council Ordinance. 2012. Cap. 542.

3.2.3. Loss or suspension of citizen rights after residence abroad

EMICIT_3: Country deprives their national citizens by birth who emigrated of their citizen rights.

Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: For non-Chinese HK permanent residents, the status of right of abode can be lost due to absence from HK/ residence abroad for more than 36 months (see Cap.115), whereas for Chinese HK permanent residents, their right of abode would be affected only when they renounce their Chinese nationality. However, because of their absence in HK, emigrated HK Chinese are not eligible for elections in Chief Executive and Legislative Assembly before ordinary habitual residences of over 20 years and 3 years are respectively required.

Sources: Immigration Ordinance. 2018. Cap. 115. / Immigration Department of Hong Kong Special Administrative Region. "Application for Renunciation of Chinese Nationality". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Renunciation_of_Chinese_Nationality.html. / Chief Executive Election Ordinance. 2012. Cap. 569.

Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) *If it is not specified in the regulation, it is coded as restrictions not conditional to return:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4. Immigration policies

4.1. General

4.1.1. Number of entry tracks

IMMIGRATION_1. How many visa types does the country have?

Answer: 17

Code: 17

Explanation: There are 17 visa schemes that fall under four major tracks: employment/ investment, residence, study, and visit.

Employment/ Investment: 1. Admission Scheme for Mainland Talents and Professionals (ASMTF) 2. Technology Talent Admission Scheme (TechTAS), 3. Investment as Entrepreneurs, 4. Capital Investment Entrant Scheme (CIES), 5. Training, 6. Foreign Domestic Helpers, 7. Imported Workers.

Residence: 8. Quality Migrant Admission Scheme (QMAS), 9. Dependants, 10. Certificate of Entitlement (COE)

11. Study

Visit: 12. Visit/Transit, 13. Working Holiday, 14. HKSAR Travel Pass, 15. APEC Business Travel Card, 16. Pre-arrival Registration for Taiwan Residents, 17. Pre-arrival Registration for Indian Nationals.

In addition, there are special and separate regulations in respect of residents of the Mainland of China and for overseas Chinese and Chinese residents of Taiwan.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visit Visa - Entry Permit Requirements for the Hong Kong Special Administrative Region". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

IMMIGRATION_2: Categorical organization of visas

Are the visas organized by overarching categories?

Answer: Yes

Code: 1

Explanation: Yes, there are four major tracks: visit, employment/ investment, study, residence.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

How many categories?

Answer: 4

Code: 4

Explanation: There are four major tracks: visit, employment/ investment, study, residence.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

4.1.2. Biometric information

IMMIGRATION_3: Collection of biometric information.

Does the state collect biometric information from all citizens for example for passports?

Answer: Yes

Code: 1

Explanation: Photographs and fingerprints "7. Power to make regulations (1) The Chief Executive in Council may make such regulations as may be necessary for the purposes of this Ordinance. (Amended 71 of 1999 s. 3) (2) Without prejudice to the generality of the powers conferred by subsection (1) such regulations may provide for-[...] (c)the taking and recording of photographs and fingerprints of persons requiring registration under section 3 or the issue or renewal of identity cards under this Ordinance and the destruction of such photographs and the records of all such fingerprints on the expiration of this Ordinance; (Amended 11 of 1983 s. 4; 9 of 2003 s. 4)" (7, Cap. 177 Registration of Persons Ordinance)

Sources: Registration of Persons Ordinance. 2003. Cap. 177.

Does the state collect biometric information from immigrants for example for passports?

Answer: Yes

Code: 1

Explanation: Photographs "Powers to require alien to produce photographs (1)Subject to subsection (2), an immigration officer or immigration assistant may require an alien within Hong Kong who is over the age of 15 years to furnish the prescribed photographs of himself". (15, Cap. 115 Immigration Ordinance)

Sources: Immigration Ordinance. 2018. Cap. 115.

4.1.3. Visa waivers

IMMIGRATION_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?

Answer: No

Code: 0

Explanation: No, there is no exemption of the application for the (long-term) residence, work, or study visas. Nationals of about 170 countries and territories may visit Hong Kong without a visa/entry permit for a period ranging from 7 days to 180 days. Nonetheless, Regulation 2(1) of the Immigration Regulations (Chapter 115A), Laws of Hong Kong, stipulates that permission given to a person to land in Hong Kong as a visitor shall be subject to the following conditions of stay: he shall not take any employment, whether paid or unpaid; he shall not establish or join in any business; and he shall not become a student at a school, university or other educational institution.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visit Visa - Entry Permit Requirements for the Hong Kong Special Administrative Region". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

4.2. Documentation

IMMIGRATION_5: Issue of legal compulsory identification documents.

Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?

Answer: Yes

Code: 1

Explanation: Yes, and they are required to carry proof of identity at all times. "17C. Carrying and production of proof of identity (1) Every person who— (a) has attained the age of 15 years; and (b) (i) is the holder of an identity card or is required to apply to be registered under the Registration of Persons Ordinance (Cap. 177); or (ii) is the holder of a Vietnamese refugee card, shall have with him at all times proof of his identity. (2) A person who is required by subsection (1) to have with him proof of his identity shall on demand produce it for inspection by— (a) any police officer; (b) any immigration officer or immigration assistant; or (c) any person or member of a class of persons authorized for the purpose by the Governor by order published in the Gazette, who is in uniform or who produces, if required to do so, documentary identification officially issued to him as proof of his appointment as a police officer, immigration officer, immigration assistant or, as the case may be, person authorized under paragraph (c)".

Sources: Immigration Ordinance. 2018. Cap. 115.

Are they required to carry them at all times?

Answer: Yes

Code: 1

Explanation: Yes, and they are required to carry proof of identity at all times. "17C. Carrying and production of proof of identity (1) Every person who— (a) has attained the age of 15 years; and (b) (i) is the holder of an identity card or is required to apply to be registered under the Registration of Persons Ordinance (Cap. 177); or (ii) is the holder of a Vietnamese refugee card, shall have with him at all times proof of his identity. (2) A person who is required by subsection (1) to have with him proof of his identity shall on demand produce it for inspection by— (a) any police officer; (b) any immigration officer or immigration assistant; or (c) any person or member of a class of persons authorized for the purpose by the Governor by order published in the Gazette, who is in uniform or who produces, if required to do so, documentary identification officially issued to him as proof of his appointment as a police officer,

immigration officer, immigration assistant or, as the case may be, person authorized under paragraph (c)".

Sources: Immigration Ordinance. 2018. Cap. 115.

4.3. Quotas and restrictions

4.3.1. General quota

IMMIGRATION_6: General quota for immigration.

Is there a general quota (numerical limit) for immigration?

Answer: No

Code: 1

Explanation: There is no general quota for immigration.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.2. Specific quotas

IMMIGRATION_7: Quota for high-skilled migrants.

Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?

Answer: No

Code: 1

Explanation: There is no quota for high-skilled migrants in general (e.g, Technology Talent Admission Scheme (TechTAS), Investment as Entrepreneurs, Capital Investment Entrant Scheme) for the year 2017. But out of all different visa tracks, Quality Migrant Admission Scheme (QMAS) Visa functions on a quota system for foreign persons who wish to enter Hong Kong and explore establishing a business

or employment opportunities. The Scheme is NOT applicable to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam. "Selection exercises will be done on a regular basis for quota allocation to applicants. During each selection exercise, applicants who satisfy both the prerequisites and the minimum passing mark (under the General Points Test) or the one point-scoring factor (under the Achievement-based Points Test) will be ranked according to scores awarded. High scoring applications will be short-listed for further assessment. The Director of Immigration may seek advice from the Advisory Committee on Admission of Quality Migrants and Professionals (the Advisory Committee) on the assessment, point-scoring and allocation of quota under the Scheme. The Advisory Committee comprises official and non-official members appointed by the Chief Executive of the HKSAR. The Advisory Committee will consider the socio-economic needs of Hong Kong, the sectoral mix of candidates and other relevant factors, and recommend to the Director of Immigration how best to allocate available quota in each selection exercise. Meeting the minimum passing mark or high-scoring applications do not necessarily secure quota allotment. Results of each selection exercise will be published on the Immigration Department website. As it takes time to process applications, applicants may regard their applications as being under processing unless they receive a notification of refusal from the Immigration Department".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>. / Immigration Department of Hong Kong Special Administrative Region. "Quality Migrant Admission Scheme". Access date not available. https://www.immd.gov.hk/eng/services/visas/quality_migrant_admission_scheme.html#firstTab.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_8: Quota for low-skilled migrants.

Is there a quota (numerical limit) on the number of low-skilled migrants that were allowed to enter the country?

Answer: No

Code: 1

Explanation: No. there is no quota for low-skilled migrants for the year 2017.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_9: Quota for refugees.

Is there a quota (numerical limit) on the number of refugees?

Answer: No

Code: 1

Explanation: No. On 3 March 2014, the Hong Kong Government launched a Unified Screening Mechanism, or "USM", to determine claims for non-refoulement protection against expulsion, return or extradition from Hong Kong to another country. Although there is no explicit quota on the overall number of recognized refugees, the individual asylum seekers must go through a very vigorous procedure stipulated by HK government (rather than UNHCR).

Sources: United Nations High Commissioner for Refugees Hong Kong. "Unified Screening Mechanism Procedures". Access date not available. <http://www.unhcr.org/hk/en/2675-usm-procedures-2.html>.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_10: Quota for co-ethnics.

Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?

Answer: Not applicable (no co-ethnic proxy)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.3. List of excluded persons

IMMIGRATION_11: Categories of excluded persons.

Are there categories of excluded persons from immigration?

Answer: No

Code: 1

Explanation: No. In the Immigration Ordinance, there is no list of explicitly excluded persons. But it states that any person (other than those who have the right of abode or right to land) who wants to land in HK must have permission from Immigration officer. "7. General provision as to immigration control (1) A person may not land in Hong Kong without the permission of an immigration officer or immigration assistant unless— (Amended 15 of 1980 s. 10) (aa) he enjoys the right of abode in Hong Kong; or (Added 31 of 1987 s. 6) (ab) he has the right to land in Hong Kong by virtue of section 2AAA; or (Added 28 of 1998 s. 2(2))(a) (Repealed 88 of 1997 s. 3) (b) he may land in Hong Kong without such permission by virtue of section 9(1) or 10(1). (Amended 79 of 1982 s. 5) (2) A person who was born in Hong Kong but who does not enjoy the right of abode in Hong Kong, or does not have the right to land in Hong Kong by virtue of section 2AAA, may not remain in Hong Kong without the permission of an immigration officer or immigration assistant. (Added 79 of 1982 s. 5. Amended 31 of 1987 s. 6; 88 of 1997 s. 3; 28 of 1998 s. 2(2)) 13. Authority for illegal immigrant to remain The Director may at any time authorize a person who landed in Hong Kong unlawfully to remain in Hong Kong, subject to such conditions of stay as he thinks fit, whether or not he has been convicted of that offence, and section 11(5), (5A) and (6) shall apply to him as it applies to a person who has been given permission to land in Hong Kong under section 11(1)".

Sources: Immigration Ordinance. 2018. Cap. 115.

List of categories of excluded persons:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.4. List of excluded countries

IMMIGRATION_12: Countries excluded.

Is there a list of countries whose nationals are banned for immigration in this country?

Answer: No

Code: 1

Explanation: No such provision found.

Sources: Not applicable

List of countries excluded:

Answer: Not applicable

Code: Not applicable

Explanation: No such bans exist.

Sources: Not applicable

4.4. Policy incentives

4.4.1. Recognized brokers

IMMIGRATION_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):

Answer: No

Code: 0

Explanation: HK government does not have a license system to recognize and authorize immigration brokers.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

IMMIGRATION_14. State offers pecuniary incentives to citizens willing to immigrate:

Answer: No

Code: 0

Explanation: Although the Immigration Department of HK government has implemented several Admission Schemes for Talent, Professionals and Entrepreneurs, none of them are directly related to pecuniary incentives.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Introduction of Admission Schemes for Talent, Professionals and Entrepreneurs". Access date not available. https://www.immd.gov.hk/eng/useful_information/admission-schemes-talents-professionals-entrepreneurs.html.

4.5. Immigration control and penalties

4.5.1. Irregular residence

IMMIGRATION_15: Illegal residence.

Is illegal residence in the country considered a criminal offense?

Answer: Yes

Code: 0

Explanation: “38.Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant (1)Subject to subsection (2), a person who— (a)being a person who by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer or immigration assistant, lands in Hong Kong without such permission; or (Amended 15 of 1980 s. 10) (b)having landed in Hong Kong unlawfully, remains in Hong Kong without the authority of the Director, shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and to imprisonment for 3 years. (Amended 75 of 1990 s. 3; L.N. 25 of 1996)” “13. Authority for illegal immigrant to remain The Director may at any time authorize a person who landed in Hong Kong unlawfully to remain in Hong Kong, subject to such conditions of stay as he thinks fit, whether or not he has been convicted of that offence, and section 11(5), (5A) and (6) shall apply to him as it applies to a person who has been given permission to land in Hong Kong under section 11(1). (Amended 57 of 1972 s. 5; 31 of 1987 s. 12)”

Sources: Immigration Ordinance. 2018. Cap. 115.

Is illegal residence considered an administrative offense?

Answer: Yes

Code: 0

Explanation: “38.Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant (1)Subject to subsection (2), a person who— (a)being a person who by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer or immigration assistant, lands in Hong Kong without such permission; or (Amended 15 of 1980 s. 10) (b)having landed in Hong Kong unlawfully, remains in Hong Kong without the authority of the Director, shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and to imprisonment for 3 years. (Amended 75 of 1990 s. 3; L.N. 25 of 1996)” “13. Authority for illegal immigrant to remain The Director may at any time authorize a person who landed in Hong Kong unlawfully to remain in Hong Kong, subject to such conditions of stay as he thinks fit, whether or not he has been convicted of that offence, and section 11(5), (5A) and (6) shall apply to him as it applies to a person who has been given permission to land in Hong Kong under section 11(1). (Amended 57 of 1972 s. 5; 31 of 1987 s. 12)”

Sources: Immigration Ordinance. 2018. Cap. 115.

4.5.2. Forged documents

IMMIGRATION_16: Penalties for immigrants with forged documents.

Are there penalties for immigrants for forged documents?

Answer: Yes

Code: 0

Explanation: Possible penalties for forged documents are a fine and imprisonment. 42.False statements, forgery of documents and use and possession of forged documents [...] (2)Any person who— (a)(i)alters without lawful authority or forges; or (ii)transfers to another without reasonable excuse, any travel document, certificate of entitlement, entry permit, re-entry permit, certificate of identity, document of identity, APEC business travel card, travel pass or Vietnamese refugee card or any document whatsoever issued, kept or made under or for the purposes of Part IB, II, III or IV of this Ordinance; (Replaced 61 of 1986 s. 3) (b)uses for the purposes of Part IB, II, III, IV or VIIC of this Ordinance any forged, false or unlawfully obtained or altered travel document, certificate of entitlement, entry permit, re-entry permit, certificate of identity, document of identity, APEC business travel card, travel pass, Vietnamese refugee card or other document; (c)has in his possession—(i)any forged, false or unlawfully obtained or altered travel document, certificate of entitlement, entry permit, re-entry permit, certificate of identity, document of identity, APEC business travel card, travel pass or Vietnamese refugee card; or (ii)any forged, false or unlawfully altered document whatsoever intended for use for the purposes of Part IB, II, III, IV or VIIC of this Ordinance, shall be guilty of an offence. (Amended 23 of 2012 s. 9) [...] (4) Any person who is guilty of an offence under this section shall be liable— (a)on conviction on indictment, to a fine of \$150,000 and to imprisonment for 14 years; and (Amended 66 of 1981 s. 3) (b)on summary conviction, to a fine at level 6 and to imprisonment for 2 years. (Amended L.N. 25 of 1996).

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is expulsion:

Answer: No

Code: 1

Explanation: Possible penalties for forged documents are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Possible penalties for forged documents are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is detention:

Answer: No

Code: 1

Explanation: Possible penalties for forged documents are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Possible penalties for forged documents are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_17: Penalties for immigrants with expired documents.

Are there penalties for immigrants with expired documents?

Answer: Yes

Code: 0

Explanation: Possible penalties are a fine and imprisonment. "41.Breach of condition of stay Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and to imprisonment for 2 years. (Amended L.N 25 of 1996)".

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is expulsion:

Answer: No

Code: 1

Explanation: Possible penalties are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: “41. Breach of condition of stay Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and to imprisonment for 2 years. (Amended L.N 25 of 1996)”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is detention:

Answer: No

Code: No

Explanation: Possible penalties are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: “41. Breach of condition of stay Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and to imprisonment for 2 years. (Amended L.N 25 of 1996)”.

Sources: Immigration Ordinance. 2018. Cap. 115.

4.5.3. Aiding undocumented migrants

IMMIGRATION_18: Penalties for aiding undocumented migrants.

Are there penalties for aiding undocumented migrants?

Answer: Yes

Code: 0

Explanation: Possible penalties are a fine and imprisonment. 37D.Arranging passage to Hong Kong of unauthorized entrants (1)Subject to subsection (2), any person who, on his own behalf or on behalf of any other person, whether or not such other person is in Hong Kong— (a)arranges or assists the passage to, or within, Hong Kong; (b)offers to arrange or assist the passage to, or within, Hong Kong; or (c)does or offers to do an act preparatory to or for the purpose of arranging or assisting the passage to, or within, Hong Kong, of a person who is, or of a conveyance which carries, an unauthorized entrant, commits an offence and is liable— (i)on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 14 years; (Amended 82 of 1993 s. 8) (ii)on summary conviction to a fine of \$350,000 and to imprisonment for 3 years. (Amended L.N. 25 of 1996)

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Possible penalties are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Possible penalties are a fine and imprisonment.

Sources: Immigration Ordinance. 2018. Cap. 115.

4.5.4. Employment obligations

IMMIGRATION_19: Penalties for employers who hire migrant workers without a legal work permit.

Are there sanctions for employers hiring migrant workers without a legal work permit?

Answer: Yes

Code: 0

Explanation: Yes, there are sanctions when it is proven that the employer did not take sufficient steps to prove that the employee is lawfully employable. "171. Offence to be employer of a person who is not lawfully employable (1) Any person who is the employer of an employee who is not lawfully employable commits an offence and is liable to a fine of \$350,000 and to imprisonment for 3 year. (Amended 75 of 1990 s. 2; L.N. 25 of 1996) (1A) It is a defence in proceedings for an offence under this section for the person charged to prove that all practicable steps were taken to determine whether the employee in respect of whom the offence is alleged to have been committed was lawfully employable and that it was reasonable to conclude that the employee was lawfully employable. (Added 75 of 1990 s. 2)"

Sources: Immigration Ordinance. 2018. Cap. 115.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: Possible penalties are a fine and imprisonment. "171. Offence to be employer of a person who is not lawfully employable (1) Any person who is the employer of an employee who is not lawfully employable commits an offence and is liable to a fine of \$350,000 and to imprisonment for 3 year.

(Amended 75 of 1990 s. 2; L.N. 25 of 1996) (1A)It is a defence in proceedings for an offence under this section for the person charged to prove that all practicable steps were taken to determine whether the employee in respect of whom the offence is alleged to have been committed was lawfully employable and that it was reasonable to conclude that the employee was lawfully employable. (Added 75 of 1990 s. 2)”

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Possible penalties are a fine and imprisonment. “171.Offence to be employer of a person who is not lawfully employable (1)Any person who is the employer of an employee who is not lawfully employable commits an offence and is liable to a fine of \$350,000 and to imprisonment for 3 year. (Amended 75 of 1990 s. 2; L.N. 25 of 1996) (1A)It is a defence in proceedings for an offence under this section for the person charged to prove that all practicable steps were taken to determine whether the employee in respect of whom the offence is alleged to have been committed was lawfully employable and that it was reasonable to conclude that the employee was lawfully employable. (Added 75 of 1990 s. 2)”

Sources: Immigration Ordinance.Cap. 115.

4.5.5. Landlord obligations

IMMIGRATION_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.

Are there penalties for landlords who rent shelter to migrants without a regular migrant status?

Answer: Yes

Code: 0

Explanation: Yes, there are sanctions unless the person is able to prove that they were unaware of the irregular migrant's immigration status. 37DA.Assisting unauthorized entrant to remain (1)Any person who assists an unauthorized entrant to remain in Hong Kong commits an offence and shall be liable— (a)on conviction on indictment, to a fine of \$500,000 and to imprisonment for 10 years; and (b)on summary conviction, to a fine of \$250,000 and to imprisonment for 3 years. (Amended L.N. 25 of 1996) (2)No person shall be convicted of an offence under subsection (1) if he proves that he did not know, had no reason to suspect and could not with reasonable diligence have discovered that the person he assisted was an unauthorized entrant. (Added 75 of 1981 s. 8)

Sources: Immigration Ordinance.Cap. 115.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Yes, the penalties are a fine and imprisonment. “37DA.Assisting unauthorized entrant to remain (1) Any person who assists an unauthorized entrant to remain in Hong Kong commits an offence and shall be liable— (a)on conviction on indictment, to a fine of \$500,000 and to imprisonment for 10 years; and (b)on summary conviction, to a fine of \$250,000 and to imprisonment for 3 years. (Amended L.N. 25 of 1996) (2) No person shall be convicted of an offence under subsection (1) if he proves that he did not know, had no reason to suspect and could not with reasonable diligence have discovered that the person he assisted was an unauthorized entrant. (Added 75 of 1981 s. 8)”

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Yes, the penalties are a fine and imprisonment. “37DA.Assisting unauthorized entrant to remain (1) Any person who assists an unauthorized entrant to remain in Hong Kong commits an offence and shall be liable— (a)on conviction on indictment, to a fine of \$500,000 and to imprisonment for 10 years; and (b)on summary conviction, to a fine of \$250,000 and to imprisonment for 3 years. (Amended L.N. 25 of 1996) (2) No person shall be convicted of an offence under subsection (1) if he proves that he did not know, had no reason to suspect and could not with reasonable diligence have discovered that the person he assisted was an unauthorized entrant. (Added 75 of 1981 s. 8)”

Sources: Immigration Ordinance. 2018. Cap. 115.

4.5.6. Airline penalties

IMMIGRATION_21: Penalties for airlines carrying immigrants without documentation.

Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?

Answer: Yes

Code: 0

Explanation: Yes, possible penalties are fines and imprisonment. “38.Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant [...] (4)If a person lands from a ship in contravention of subsection (1)(a)— (a)the captain of the ship; and (b)the owner of the ship and his agent, shall be guilty of an offence and shall be liable— (i)on conviction on indictment, to a fine of \$600,000 and to imprisonment for 7 years; and (ii)on summary conviction, to a fine of \$600,000 and to imprisonment for 3 years, (Amended L.N. 25 of 1996) unless he proves that all reasonable steps had been taken to ensure that persons did not land from the ship in contravention of subsection (1)”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: Yes, possible penalties are fines and imprisonment. “38.Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant [...] (4)If a person lands from a ship in contravention of subsection (1)(a)— (a)the captain of the ship; and (b)the owner of the ship and his agent, shall be guilty of an offence and shall be liable— (i)on conviction on indictment, to a fine of \$600,000 and to imprisonment for 7 years; and (ii)on summary conviction, to a fine of \$600,000 and to imprisonment for 3 years, (Amended L.N. 25 of 1996) unless he proves that all reasonable steps had been taken to ensure that persons did not land from the ship in contravention of subsection (1)”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Penalty is more than a fine:

Answer: Yes

Code: 2

Explanation: Yes, possible penalties are fines and imprisonment. “38.Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant [...] (4)If a person lands from a ship in contravention of subsection (1)(a)— (a)the captain of the ship; and (b)the owner of the ship and his agent, shall be guilty of an offence and shall be liable— (i)on conviction on indictment, to a fine of \$600,000 and to imprisonment for 7 years; and (ii)on summary conviction, to a fine of \$600,000 and to imprisonment for 3 years, (Amended L.N. 25 of 1996) unless he proves that all reasonable steps had been taken to ensure that persons did not land from the ship in contravention of subsection (1)”.

Sources: Immigration Ordinance. 2018. Cap. 115.

4.6. Amnesty programs

IMMIGRATION_22: Existence of amnesty program.

In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?

Answer: No

Code: 0

Explanation: No amnesty program found.

Sources: Not applicable

The amnesty program is/was:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being employed is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

A given duration of stay is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Having a certain nationality is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Does a case by case regularization for irregular immigrants existed?

Answer: No

Code: 0

Explanation: No case-by-case regularization found.

Sources: Not applicable

Being employed is a condition to qualify for the case by case regularization program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

A given duration of stay is a condition to qualify for the case by case regularization program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Having a certain nationality is a condition to qualify for the case by case regularization program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is regularization through marriage possible:

Answer: No

Code: 0

Explanation: Regularization through marriage is not possible

Sources: Not applicable

IMMIGRATION_23. The amnesty defines the types of irregular migrants as:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.7. Administration

IMMIGRATION_24_1: Administration in charge of immigration regulation.

Which institution is in charge of immigration regulation (in original language)?

Answer: 香港特別行政區立法會

Code: 香港特別行政區立法會

Explanation: 香港特別行政區立法會

Sources: Legislative Council of the Hong Kong Special Administrative Region. "Home Page". Access date not available. <http://www.legco.gov.hk/>.

Which institution is in charge of immigration regulation (in English language)?

Answer: Legislative Council of the Hong Kong Special Administrative Region

IMMIGRATION_24_2: Administration in charge of implementing immigration policies.

Which institution is in charge of the implementation of immigration policies (in original language)?

Answer: 香港特別行政區立法會

Code: 香港特別行政區立法會

Explanation: 香港特別行政區立法會

Sources: Legislative Council of the Hong Kong Special Administrative Region. "Home Page". Access date not available. <http://www.legco.gov.hk/>.

Which institution is in charge of immigration regulation (in English language)?

Answer: Legislative Council of the Hong Kong Special Administrative Region

IMMIGRATION_24_3: Administration in charge of border control.

Which institution is in charge of border control (in original language)?

Answer: 入境事務處

Code: 入境事務處

Explanation: 入境事務處

Sources: Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>.

Which institution is in charge of border control (in English language)?

Answer: Immigration Department

IMMIGRATION_24_4: Administration in charge of detentions.

Which institution is in charge of detentions (in original language)?

Answer: 懲教署

Code: 懲教署

Explanation: 懲教署

Sources: Hong Kong Correctional Services Department. "About Us". Access date not available. <https://www.csd.gov.hk/english/about/abt.html>.

Which institution is in charge of detentions (in English language)?

Answer: Hong Kong Correctional Services Department

4.8. Proxy: Labor migration (high- and low-skilled)

IMMIGRATION_25: Visas applied to labor migration.

Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?

Answer: Yes

Code: 1

Explanation: Not in the sense that the same labor visa applies for any work, but yes in the sense that there are labour migration visas.

Sources:

Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

4.8.1. Domestic workers

Is there a visa scheme (entry track) for domestic workers?

Answer: Yes

Code: 1

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: There is no sponsorship requirement, although the employer has to be financially capable of employing a domestic worker after household expenditure has been deducted. In general, this means a household income of no less than HK\$15,000 per month.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?

Answer: Yes, required

Code: 0.25

Explanation: "The Helper and the employer shall enter into a standard Employment Contract (ID 407) as specified by the Director of Immigration".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: No

Code: 1

Explanation: Not applicable. A labor market test is not used for covering posts under the visa track for Foreign Domestic Helpers.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.

https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in the explanation).

Answer: Yes

Code: 0.5

Explanation: "This entry arrangement [foreign domestic workers] does not apply to Chinese Residents of the Mainland, Macao and Taiwan as well as nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.

https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_30: Restrictions based on age.

Are there age limits for migrant domestic workers in order to be admitted to the country?

Answer: No

Code: 1

Explanation: No age limits applied

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.

https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?

Answer: No

Code: 1

Explanation: No gender requirement

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?

Answer: No

Code: 1

Explanation: No such provision

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_33. Do migrant domestic workers need to prove the ability to support themselves?

Answer: Yes

Code: 0.5

Explanation: "The employer undertakes to pay the Helper a salary that is no less than the minimum allowable wage announced by the HKSAR Government and prevailing at the date of application for employing the Helper".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Language skills are neither required nor beneficial.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are

several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 190

Code: 190

Explanation: No other fees need to be paid for this application other than visa fee. Ordinary visa: \$190.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Fee Tables". Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

IMMIGRATION_36. How long is the domestic work permit valid for? Indicate the period in months.

Answer: 24

Code: 24

Explanation: The work permit is usually valid for the proposed length of the standard employment contract (24 months) unless it gets terminated. "Helpers are normally admitted for a period of two years or until two weeks after termination of contract, whichever is the earlier". "Where the validity of the Helper's passport is shorter than the duration of the employment contract, a shorter limit of stay in line with the passport validity may be granted upon arrival of the Helper or application for contract renewal by the Helper. After renewal of the Helper's passport, application should be made for an extension of stay for completing the remaining period of the current contract, provided that the employer confirms to continue the employment of the Helper". "If the Helper and employer wish to lengthen the two-year contract by a short period, the Helper should apply to the Director of Immigration for an extension of stay in Hong Kong. Such extension of stay will only be granted where there are exceptional circumstances. Extension will not normally be granted in respect of renewal of contracts".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_37. Is it possible to renew the work permit granted under the domestic worker entry track?

Answer: Yes

Code: 1

Explanation: There are two possible tracks after the end of a standard employment contract: (1) Contract Renewal with the Same Employer "Helpers who wish to renew their employment contracts with their existing employers after the existing contract has run its 2-year full course shall make fresh applications to the Immigration Department and the application will normally be accepted within eight weeks prior to the expiry of the existing contract". "In accordance with Clause 13 of the standard Employment Contract (ID 407), the Helper shall, upon expiry of an old contract and before the commencement of a new contract, return to his/her place of origin for vacation with the return fare paid by the employer. A Helper should not stay in the HKSAR longer than the permitted period of stay". (2) Change of employer "Application to change employers in the HKSAR within the two-year contract will not as a rule be approved. If the Helper wishes to take up employment with a new employer in the HKSAR, he/she must return to his/her place of origin and apply for the appropriate visa directly to the Director of Immigration either by post or through his/her new employer At the end of the 2-year

contract, the Helper will be required to return to his/her place of origin for vacation. An application for change of employer by the Helper at the end of the 2-year contract may be made in the HKSAR within four weeks prior to the expiry of the contract”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Foreign Domestic Helpers”. Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_38: Possibility of changing jobs.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?

Answer: No

Code: 0

Explanation: In principle, it’s not possible to switch employer, sector/ profession, nor location. One needs to follow the signed standard employment contract.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Foreign Domestic Helpers”. Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?

Answer: No

Code: No

Explanation: In principle, it’s not possible to switch employer, sector/ profession, nor location. One needs to follow the signed standard employment contract.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Foreign Domestic Helpers”. Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?

Answer: No

Code: 0

Explanation: In principle, it’s not possible to switch employer, sector/ profession, nor location. One needs to follow the signed standard employment contract.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Foreign Domestic Helpers”. Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?

Answer: Yes, right away

Code: 1

Explanation: "Helpers are normally admitted for a period of two years or until two weeks after termination of contract, whichever is the earlier. Only in exceptional circumstances that they may submit applications to Foreign Domestic Helpers Section to extend their stay in Hong Kong as a visitor by completing Application for Extension of Stay (ID 91)".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: "The employer undertakes to pay the Helper a salary that is no less than the minimum allowable wage announced by the HKSAR Government and prevailing at the date of application for employing the Helper".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_41. Is a minimum level of education required to apply to the domestic entry track?

Answer: No

Code: 1

Explanation: Not explicitly stipulated

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

IMMIGRATION_42. Is a test of good health required for migrant domestic worker?

Answer: No

Code: 1

Explanation: No such requirement

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

4.8.2. Agricultural workers

Is there a visa scheme (entry track) for agricultural workers?

Answer: Yes

Code: 1

Explanation: Imported Workers [輸入勞工]

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?

Answer: Yes

Code: 0

Explanation: "The employer is financially capable of employing the applicant, providing him/her with suitable accommodation and of guaranteeing his/her maintenance and repatriation upon termination of his/her contract".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?

Answer: Yes, required

Code: 0.25

Explanation: "Four original copies of the standard employment contract (LD 294) signed between the employer and the imported worker"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: No

Code: 1

Explanation: It's not explicitly regulated that such labor market test must be done (by the employer in advance). However, it is mentioned that "the terms and conditions of employment are comparable to those in the local market" and "successful employers are required to pay a levy that goes to the Employees Retraining Board to augment the provision of training or retraining for local workers who are vulnerable in the economic restructuring process to changing their employment".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).

Answer: Yes

Code: 0.5

Explanation: "This entry arrangement [imported workers] does not apply to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_47: Restrictions based on age.

Are age limits for migrant agricultural workers in order to be admitted to the polity?

Answer: No

Code: 1

Explanation: No age limit applied

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_48. Is having a certain gender a requisite to be admitted to the country under this entry track?

Answer: No

Code: 1

Explanation: No gender requirement.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?

Answer: No

Code: 1

Explanation: No such requirement.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_50. Do migrant agricultural workers need to prove the ability to support themselves?

Answer: No

Code: 0.5

Explanation: The responsibility rests with the employer to provide suitable accommodation: "the terms and conditions of employment are comparable to those in the local market; [...] the employer is financially capable of employing the applicant, providing him/her with suitable accommodation and of guaranteeing his/her maintenance and repatriation upon termination of his/her contract".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_51. Is knowledge of the host polity's language considered beneficial or required for the decision on immigrating as an agricultural worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Language skills are neither required nor beneficial.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 190

Code: 190

Explanation: No other fees need to be paid for this application other than visa fee. Ordinary visa: \$ 190 After the visa application, however, “successful employers are required to pay a levy [徵款] that goes to the Employees Retraining Board to augment the provision of training or retraining for local workers who are vulnerable in the economic restructuring process to changing their employment. The levy payable in a lump sum in respect of each imported worker is HK\$400 multiplied by the number of months covered by the employment contract up to a maximum of 24 months. It will be collected after the approval for importing workers and before the issue of visa/entry permit as directed by the Director of Immigration. The levy paid is not refundable under any circumstances”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html. / Immigration Department of Hong Kong Special Administrative Region. “Fee Tables”. Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

IMMIGRATION_53. How long is the work permit valid for? Indicate the period in months.

Answer: 24

Code: 24

Explanation: terminated (In HK the standard Employment contract has a length of 24 months as documented in domestic worker’s section). “An imported worker may apply for extension of stay to work in the HKSAR within 4 weeks before the limit of stay expires for completion of the employment contract. Such application will be considered only when the applicant continues to meet the eligibility criteria for entry for employment as imported workers. [...]The imported worker is required to return to his/her place of origin on completion of his/her employment contract. If the contract is pre-maturely terminated, the worker is only permitted to remain in the HKSAR for two weeks from the date of termination of contract or the balance of permitted stay, whichever is shorter”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_54. Is it possible to renew the work permit granted under the agricultural worker entry track?

Answer: Yes

Code: 1

Explanation: Yes, it’s possible to renew work permit for the purpose of covering the proposed contract, but once the contract comes to an end, the immigrant has to return to the place of origin. “An imported worker may apply for extension of stay to work in the HKSAR within 4 weeks before the limit of stay expires for completion of the employment contract. Such application will be considered only when the applicant continues to meet the eligibility criteria for entry for employment as imported workers. After entry, the imported worker must remain under the direct employment of the same employer for the specified job and in the specific workplace(s) as stipulated in the standard employment contract (LD 294) and cannot be contracted out to other companies/sub-contractors. Change of employer or post is not permitted. The imported worker is required to return to his/her place of origin on completion of his/her employment contract. If the contract is pre-maturely terminated, the worker is only permitted to

remain in the HKSAR for two weeks from the date of termination of contract or the balance of permitted stay, whichever is shorter”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_55: Possibility of changing jobs.

Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?

Answer: No
Code: 0

Explanation: In principle, it’s not possible to switch employer, sector/ profession, nor location. One needs to follow the signed standard employment contract.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?

Answer: No
Code: 0

Explanation: In principle, it’s not possible to switch employer, sector/ profession, nor location. One needs to follow the signed standard employment contract.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?

Answer: No
Code: 0

Explanation: In principle, it’s not possible to switch employer, sector/ profession, nor location. One needs to follow the signed standard employment contract.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?

Answer: Yes, right away
Code: 1

Explanation: "If the contract is pre-maturely terminated, the worker is only permitted to remain in the HKSAR for two weeks from the date of termination of contract or the balance of permitted stay, whichever is shorter".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: "the terms and conditions of employment are comparable to those in the local market; [...] the employer is financially capable of employing the applicant, providing him/her with suitable accommodation and of guaranteeing his/her maintenance and repatriation upon termination of his/her contract".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_58. Is a minimum level of education required to apply to the agricultural worker entry track?

Answer: No

Code: 1

Explanation: Not explicitly stipulated, therefore minimum level of education is not required.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

IMMIGRATION_59. Is a test of good health required for migrant agricultural workers?

Answer: Yes

Code: 0

Explanation: Yes. "Photocopy of proof of the applicant's medical fitness for the job, e.g. medical report"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

4.8.3. Medical doctors

Is there a visa scheme (entry track) for medical doctors?

Answer: Yes

Code: 1

Explanation: Technology Talent Admission Scheme (TechTAS) [科技人才入境計劃].

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_60. Do migrants trying to enter the polity under the medical doctor entry track, needed to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: Medical doctors require a previous job offer, but not sponsorship as we understand the concept.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?

Answer: Yes, required

Code: 0.25

Explanation: "Photocopy of the employing company/institute's employment contract with or letter of appointment to the applicant containing information about post, salaries, other fringe benefits and employment period"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: No

Code: 1

Explanation: Not applicable. A national labor market test is not used for covering posts under the Technology Talent Admission Scheme. Nonetheless, "When making a quota application, the applicant company/institute has to undertake to employ a certain number of new local employees – i.e. for every three non-local persons approved to be admitted for employment by ImmD under TechTAS, the applicant company/institute would need to employ one new local full-time employee (with an

employment contract for at least one year), plus two local interns (for an internship period of at least three months)".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme Application Guide". Access date not available.

https://www.itc.gov.hk/en/doc/techtas/TechTAS_Application_guide_01_Eng.pdf.

IMMIGRATION_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).

Yes

Code: 0.5

Explanation: "TechTAS does not apply to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.

<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_64: Restrictions based on age.

Are there age limits for migrant medical doctors to be admitted to the country?

Answer: No

Code: 1

Explanation: No age limit applied.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.

<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_65. Is having a certain gender a requisite to be admitted to the polity under the medical doctor entry track?

Answer: No

Code: 1

Explanation: No gender requirement

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: No such requirement

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_67. Do migrant medical doctors need to prove the ability to support themselves?

Answer: Yes

Code: 0.5

Explanation: It is stated that "the applicant is offered remuneration not lower than the prevailing market level for comparable jobs in the HKSAR;"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_68. Is knowledge of the host polity's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Language skills are neither beneficial nor required

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 190

Code: 190

Explanation: No other fees need to be paid for this application other than visa fee. Ordinary visa: \$ 190.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Fee Tables". Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

IMMIGRATION_70. How long is the medical doctor work permit valid for? Indicate the period in months.

Answer: 24

Code: 24

Explanation: The work permit is valid for the proposed length of the contract, or 24 months (whichever is shorter) with the possibility of renewal up to 3 years. "Persons admitted under TechTAS will normally be granted an initial stay of 24 months on employment condition, or in accordance with the duration of the employment contract (whichever is shorter), upon entry. They may apply for extension of stay in the HKSAR within four weeks before expiry of their limit of stay. Applications for extension of stay will be considered only when the applicants meet the eligibility criteria under TechTAS. Extension of stay, if approved, will normally follow the 3-3 years' pattern, also on employment condition, or be in accordance with the duration of the employment contract (whichever is shorter)".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_71. Is it possible to renew the work permit granted under the medical doctor entry track?

Answer: Yes

Code: 1

Explanation: Yes, it's possible to renew work permit. It's not necessary to leave HK for the renewal. "Persons admitted under TechTAS who continue to meet the eligibility criteria under TechTAS and fulfil the following criteria at the time of application for extension of stay may choose to be assessed under the top-tier employment stream: the applicant has been permitted to take up employment under TechTAS for not less than two years; and the applicant has an assessable income for salaries tax of not less than HK\$2 million in the previous year of tax assessment Note 2 Successful applicants will normally be granted an extension of stay on time limitation only without other conditions of stay for a period of six years".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_72: Possibility of changing jobs.

Is it possible for a migrant medical doctor to switch employers?

Answer: Yes

Code: 1

Explanation: Yes, it's possible to switch employer, sector, and location if one still fulfills the eligibility criteria under TechTAS. "Persons admitted under TechTAS who are on employment condition shall only take such employment as approved by the Director of Immigration. They should seek prior approval from the Director of Immigration for any change in employment. Such applications may be favourably considered if the applicants continue to fulfil the eligibility criteria under TechTAS. For top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay. In case the applicant applies for change of employment and the new employing company/institute does not have any valid quota under TechTAS, a new application should be submitted and assessed under the General Employment Policy or Admission Scheme for Mainland Talents and Professionals as appropriate".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Is it possible for a migrant medical doctor to switch professional sectors?

Answer: Yes

Code: 1

Explanation: Yes, it's possible to switch employer, sector, and location if one still fulfills the eligibility criteria under TechTAS. "Persons admitted under TechTAS who are on employment condition shall only take such employment as approved by the Director of Immigration. They should seek prior approval from the Director of Immigration for any change in employment. Such applications may be favourably considered if the applicants continue to fulfil the eligibility criteria under TechTAS. For top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay. In case the applicant applies for change of employment and the new employing company/institute does not have any valid quota under TechTAS, a new application should be submitted and assessed under the General Employment Policy or Admission Scheme for Mainland Talents and Professionals as appropriate".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Is it possible for a migrant medical doctor to switch locations?

Answer: Yes

Code: 1

Explanation: Yes, it's possible to switch employer, sector, and location if one still fulfills the eligibility criteria under TechTAS. "Persons admitted under TechTAS who are on employment condition shall only take such employment as approved by the Director of Immigration. They should seek prior approval from the Director of Immigration for any change in employment. Such applications may be favourably considered if the applicants continue to fulfil the eligibility criteria under TechTAS. For top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay. In case the applicant applies for change of

employment and the new employing company/institute does not have any valid quota under TechTAS, a new application should be submitted and assessed under the General Employment Policy or Admission Scheme for Mainland Talents and Professionals as appropriate”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Technology Talent Admission Scheme (TechTAS)”. Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?

Answer: No

Code: 0

Explanation: Loss of employment may be problematic when the immigrants under TechTAS apply for resident permit renewal but not necessarily terminate the current permit. In addition, “for top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Technology Talent Admission Scheme (TechTAS)”. Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRATION_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: It is stated that applicants will be “offered remuneration not lower than the prevailing market level for comparable jobs in the HKSAR”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Technology Talent Admission Scheme Application Guide”. Access date not available.
https://www.itc.gov.hk/en/doc/techtas/TechTAS_Application_guide_01_Eng.pdf.

IMMIGRATION_75. Is a minimum level of education required to apply to the medical doctor entry track?

Answer: Yes

Code: 0

Explanation: The formulation refers to “degree holders” (thus Bachelor as the minimum level). “The non-local technology talent admitted under TechTAS must be degree-holders in science, technology, engineering or mathematics (“STEM”) from a well-recognised university, which is among the top 100 universities for STEM-related subjects in the latest publication of any of the following world university ranking tables. [...]Work experience is not compulsory for those with a Master’s or Doctoral degree, whereas those with a Bachelor’s degree only should possess a minimum of one year of work experience in the relevant technology area”.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme Application Guide". Access date not available.
https://www.itc.gov.hk/en/doc/techtas/TechTAS_Application_guide_01_Eng.pdf.

IMMIGRATION_76. Is a test of good health required for migrant medical doctors?

Answer: No

Code: 0

Explanation: No such requirement.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme Application Guide". Access date not available.
https://www.itc.gov.hk/en/doc/techtas/TechTAS_Application_guide_01_Eng.pdf.

4.9. Proxy: Refugees

4.9.1. Existence of track

IMMIGRATION_77. Does the country grant refugee status?

Answer: Yes

Code: 1

Explanation: Yes. HK government offers non-refoulement protection to torture claimants which is regulated in the section Part VIIC Torture Claims (effective since 2013) of Immigration Ordinance. In addition, the section Part IIIA of Immigration Ordinance is about Vietnamese Refugees, although the last claims related to this group were resolved in 2000.

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?

Answer: No

Code: 1

Explanation: No, there is no list of safe third countries in the VIIC Torture Claims and Part IIIA Vietnamese Refugees of Immigration Ordinance.

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_79: Safe countries of origin.

Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?

Answer: No

Code: 1

Explanation: No, there is no list of safe countries of origin in the VIIC Torture Claims and Part IIIA Vietnamese Refugees of Immigration Ordinance.

Sources: Immigration Ordinance. 2018. Cap. 115.

How many countries?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.9.2. Restrictions

IMMIGRATION_80: Refugee status restricted for certain nationalities.

Is refugee status restricted to certain nationalities?

Answer: No

Code: 1

Explanation: For torture claimants regulated in Part VIIC Torture Claims of Immigration Ordinance, there is no restriction to nationalities.

Sources: Immigration Ordinance. 2018. Cap. 115.

Which nationalities?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_81: Restrictions based on age.

Are there age limits for potential refugees to be admitted to the polity?

Answer: No

Code: 1

Explanation: No age limits

Sources: Immigration Ordinance. 2018. Cap. 115.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?

Answer: No

Code: 1

Explanation: No such age limit found

Sources: Immigration Ordinance. 2018. Cap. 115.

Below which age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_82. Is having a certain gender a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No such gender requirement

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_83. Is having a certain marital status a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No such requirement

Sources: Immigration Ordinance. 2018. Cap. 115.

4.9.3. Place of application

IMMIGRATION_84: Place of application

Can asylum seekers file an application for asylum from outside the destination polity's territory?

Answer: No

Code: 0

Explanation: Asylum requests need to be filed on the destination country's territory.

Sources: Immigration Ordinance. 2018. Cap. 115.

Can asylum seekers file an application for asylum at the border/ports of entry of polity's territory?

No

Code: 0

Explanation: Asylum requests need to be filed on the destination country's territory.

Sources: Immigration Ordinance. 2018. Cap. 115.

Can asylum seekers file an application for asylum on the destination polity's territory?

Answer: Yes

Code: 1

Explanation: "37ZF.Deemed withdrawal of torture claim on claimant's departure (1)A torture claim (whether a claim pending final determination or a substantiated claim) made by a claimant who is subject or liable to removal must be treated as withdrawn if the claimant (for whatever reason) leaves Hong Kong. (2)A torture claim that is treated as withdrawn under subsection (1) must not be re-opened. (3)If a person leaves Hong Kong after the person has given notice to withdraw a torture claim under section 37ZE(1), the claim must be treated as having been withdrawn under subsection (1) and must not be re-opened".

Sources: Immigration Ordinance. 2018. Cap. 115.

4.9.4. Permit validity

IMMIGRATION_85. How long is the initial residence permit for recognized refugees valid for?

Answer: Not applicable

Code: Not applicable

Explanation: The status as a successful non-refoulement claimant does not come with a residence permit, rather the refugee will be resettled elsewhere. “37Z.Effect of making a torture claim (1)A claimant may not be removed from Hong Kong to a torture risk State. (2)Despite subsection (1), the making of a torture claim does not— (a)affect the validity of any removal order or deportation order that has been made against the claimant; or (b)preclude the making of a removal order or a deportation order against the claimant. (3)To avoid doubt, it is declared that— (a)a claimant may be removed, in accordance with section 24 or 25, to a specified country that is not a torture risk State; (b)a person whose torture claim— (i)is withdrawn; or (ii)is not a substantiated claim on final determination, may be removed, in accordance with section 24 or 25, to a specified country whether or not the specified country was alleged to be a torture risk State”.

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_86: Permit renewal.

Is it possible to renew a temporary residence permit?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is it possible to apply for a permanent resident permit for recognized refugees?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?

Answer: Yes

Code: 0

Explanation: "37ZN.Grounds for revocation decision A ground specified in any of the following paragraphs is a ground for a revocation decision mentioned in section 37ZL(1) or 37ZM(1)— (a)any information or documentary evidence submitted in support of the claim is false or misleading and the false or misleading information or evidence is material to the substantiation of the claim; (b)information was not disclosed to an immigration officer or (on an appeal) the Appeal Board and the undisclosed information would undermine, to a material extent, the merits of the claim; (c)the torture risk giving rise to the claim has ceased to exist due to changes in circumstances of the claimant or the torture risk State".

Sources: Immigration Ordinance. 2018. Cap. 115.

4.9.5. Maximum timeframe for application resolution

IMMIGRATION_88: Timeframe for resolution.

Is there a maximum of days to process the application of asylum seekers?

Answer: No

Code: 0

Explanation: Not specified in the law

Sources: Immigration Ordinance. 2018. Cap. 115.

What is the maximum of days?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.9.6. Possibility to change migratory status

IMMIGRATION_89. If an application on refugee status is rejected, does the applicant have the right to appeal?

Answer: Yes

Code: 1

Explanation: 37ZR.Appeal A person aggrieved by a decision of an immigration officer may appeal to the Appeal Board if the decision is made in respect of the person under— (a)section 37ZE(4) or 37ZG(5) (decision not to re-open a torture claim); (b)section 37ZI(1)(b) (decision rejecting a torture claim); or (c)section 37ZL(1) (revocation decision made by an immigration officer).

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_90. Is it possible for recognized refugees to change their migratory status?

Answer: No

Code: 0

Explanation: The recognized non-refoulement claimant will not be able to work, study, or start business in HK, and will be resettled elsewhere.

Sources: Immigration Ordinance. 2018. Cap. 115.

4.9.7. Detention

IMMIGRATION_91: Detention

Are asylum seekers detained while their claims are being processed?

Answer: Yes, always

Code: 0

Explanation: Yes, they may be detained: “37ZK.Detention pending final determination Without limiting any other power conferred by this Ordinance, a claimant may be detained under the authority of the Director of Immigration, the Deputy Director of Immigration or any assistant director of immigration pending final determination of the claimant’s torture claim”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Are asylum seekers detained after their claims are processed?

Answer: No

Code: 2

Explanation: The law only specifies detention until the final determination of the torture claim.

Sources: Immigration Ordinance. 2018. Cap. 115.

4.9.8. Status after rejection

IMMIGRATION_92. What is the status of asylum seekers whose applications are rejected?

Answer: Immediate deportation

Code: 1

Explanation: Immediate deportation “(b)a person whose torture claim— (i)is withdrawn; or (ii)is not a substantiated claim on final determination, may be removed, in accordance with section 24 or 25, to a specified country whether or not the specified country was alleged to be a torture risk State”. “25 [...] (5)The Chief Secretary for Administration may apply in or towards payment of the expenses of or incidental to— (Amended L.N. 362 of 1997) (a)the voyage from Hong Kong of a person in respect of whom a removal order or a deportation order is in force; and (Amended 31 of 1984 s. 10) (b)the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid the expenses of or incidental to the removal from Hong Kong of a person in respect of whom a removal order or a deportation order is in force shall be met from moneys provided by the Legislative Council”.

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRATION_93. Do asylum seekers have the possibility to work during the process of application?

Answer: No

Code: 0

Explanation: No ability to work

Sources: Immigration Ordinance. 2018. Cap. 115.

4.9.9. Translation and interpretation

IMMIGRATION_94. Does the state provide official translation or interpretation for the process of asylum seekers?

Answer: No

Code: 0

Explanation: Unspecified in the Part VIIC Torture Claims of Immigration Ordinance. In one media report, however, the role of government-assigned interpreters is mentioned with a critical note: “After completing the form and submitting it successfully, Apple will be invited to the Immigration Department for an interview a few months later. At that time, she needs an Arabic interpreter, which is not difficult; but if she is talking in other languages, such as Pashto or Aceh which is less used in Hong Kong. It takes much more time for the Immigration Department to find an interpreter. The problem is that these interpreters are often just untrained ordinary people who may even come from other countries with prejudice against the asylum-seekers' nationality, thus causing racial conflicts during interpreting. At the same time, a large number of semantic errors under multiple translations of language (for example, from language A to English and then to Cantonese) are even more subtle.

Sources: The Wandering Voice- Crossing “【難民 101】在香港，如果你是一個「難民」：99.6%的機率，你會難以留下亦無法離去 | 流浪之聲 | 換日線 [[Refugee 101] In HK, if you are a "refugee", 99.6%

chance is that you cannot stay nor leave]. Access date not available.
<https://crossing.cw.com.tw/blogTopic.action?id=824&nid=9367>.

4.10. Proxy: Co-ethnics

4.10.1. General

IMMIGRATION_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).

Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?

Answer: No

Code: 0

Explanation: No category of foreign immigrants in HKSAR fulfill this questionnaire's definition of co-ethnics.

Sources: Not applicable

Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?

Answer: No

Code: 0

Explanation: No such category of co-ethnics exists.

Sources: Not applicable

IMMIGRATION_96. Register the name of the group(s).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.2. Reasons for co-ethnicity

IMMIGRATION_97.: Reasons for co-ethnicity.

Shared language:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Shared religion:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Shared ancestry:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Citizen of former colony:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Ill treatment by country in the past:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Self-declaration: avowal to be of country's ethnicity:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_98. May converts apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.3. Language test

IMMIGRATION_100. What is the required level of language skills?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.4. Place of residence

IMMIGRATION_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.5. Place of application

IMMIGRATION_102.: Place of application.

Can applicants file an application from outside the territory of the host country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can applicants file an application on host country's territory?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.6. Date of birth

IMMIGRATION_103. Do applicants need to be born before or after a certain date to be eligible?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.10.7. Permit validity

IMMIGRATION_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_105. Permit renewal.

Is it possible to renew a temporary residence permit for co-ethnics?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is it possible to apply for a permanent resident permit for co-ethnics?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5. Immigrant policies

5.1. Permanent residence

5.1.1. Eligibility

IMMIGRANT_1: General existence of permanent residence scheme.

Answer: Yes

Code: 1

Explanation: Yes. “(d)A person not of Chinese nationality who has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than 7 years and has taken Hong Kong as his or her place of permanent residence before or after the establishment of the HKSAR”.

Sources: Immigration Department of Hong Kong Special Administrative Unit. “Right of Abode”. Access date not available. <https://www.immd.gov.hk/eng/faq/faqroa.html>.

IMMIGRANT_2: Existence of a permanent residence scheme for different proxies. Do asylum seekers have access to permanent residence?

Answer: No

Code: 0

Explanation: No. “(4)For the purposes of this Ordinance, a person shall not be treated as ordinarily resident in Hong Kong— (a)during any period in which he remains in Hong Kong— (Amended 122 of 1997 s. 2) (i)with or without the authority of the Director, after landing unlawfully; or (Amended 122 of 1997 s. 2) (ii)in contravention of any condition of stay; or (Amended 122 of 1997 s. 2) (iii)as a refugee under section 13A; or (Added 42 of 1982 s. 2) (iv)while detained in Hong Kong under section 13D; or (Added 23 of 1989 s. 2) (v)while employed as a contract worker, who is from outside Hong Kong, under a Government importation of labour scheme; or (Added 122 of 1997 s. 2) (vi)while employed as a domestic helper who is from outside Hong Kong; or (Added 122 of 1997 s. 2) (vii)as a member of a consular post within the meaning of the Consular Relations Ordinance (Cap. 557); or (Added 122 of 1997 s. 2) (ix)as a holder of a prescribed Central People’s Government travel document; or (Added 31 of 2002 s. 2) (b)during any period, whether before or after the commencement of this Ordinance, of imprisonment or detention pursuant to the sentence or order of any court”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Do refugees have access to permanent residence?

Answer: No

Code: 0

Explanation: No. “(4)For the purposes of this Ordinance, a person shall not be treated as ordinarily resident in Hong Kong— (a)during any period in which he remains in Hong Kong— (Amended 122 of 1997 s. 2) (i)with or without the authority of the Director, after landing unlawfully; or (Amended 122 of

1997 s. 2) (ii) in contravention of any condition of stay; or (Amended 122 of 1997 s. 2) (iii) as a refugee under section 13A; or (Added 42 of 1982 s. 2) (iv) while detained in Hong Kong under section 13D; or (Added 23 of 1989 s. 2) (v) while employed as a contract worker, who is from outside Hong Kong, under a Government importation of labour scheme; or (Added 122 of 1997 s. 2) (vi) while employed as a domestic helper who is from outside Hong Kong; or (Added 122 of 1997 s. 2) (vii) as a member of a consular post within the meaning of the Consular Relations Ordinance (Cap. 557); or (Added 122 of 1997 s. 2. Amended 16 of 2000 s. 12) (viii) as a member of the Hong Kong Garrison; or (Added 122 of 1997 s. 2) (ix) as a holder of a prescribed Central People's Government travel document; or (Added 31 of 2002 s. 2) (b) during any period, whether before or after the commencement of this Ordinance, of imprisonment or detention pursuant to the sentence or order of any court".

Sources: Immigration Ordinance. 2018. Cap. 115.

Do co-ethnics have access to permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: No co-ethnic proxy exists.

Sources: Not applicable

Do domestic workers have access to permanent residence?

Answer: No

Code: 0

Explanation: No. "(4) For the purposes of this Ordinance, a person shall not be treated as ordinarily resident in Hong Kong— (a) during any period in which he remains in Hong Kong— (Amended 122 of 1997 s. 2) (i) with or without the authority of the Director, after landing unlawfully; or (Amended 122 of 1997 s. 2) (ii) in contravention of any condition of stay; or (Amended 122 of 1997 s. 2) (iii) as a refugee under section 13A; or (Added 42 of 1982 s. 2) (iv) while detained in Hong Kong under section 13D; or (Added 23 of 1989 s. 2) (v) while employed as a contract worker, who is from outside Hong Kong, under a Government importation of labour scheme; or (Added 122 of 1997 s. 2) (vi) while employed as a domestic helper who is from outside Hong Kong; or (Added 122 of 1997 s. 2) (vii) as a member of a consular post within the meaning of the Consular Relations Ordinance (Cap. 557); or (Added 122 of 1997 s. 2. Amended 16 of 2000 s. 12) (viii) as a member of the Hong Kong Garrison; or (Added 122 of 1997 s. 2) (ix) as a holder of a prescribed Central People's Government travel document; or (Added 31 of 2002 s. 2) (b) during any period, whether before or after the commencement of this Ordinance, of imprisonment or detention pursuant to the sentence or order of any court".

Sources: Immigration Ordinance. 2018. Cap. 115.

Do agricultural workers have access to permanent residence?

Answer: No

Code: 0

Explanation: No. "(4) For the purposes of this Ordinance, a person shall not be treated as ordinarily resident in Hong Kong— (a) during any period in which he remains in Hong Kong— (Amended 122 of 1997 s. 2) (i) with or without the authority of the Director, after landing unlawfully; or (Amended 122 of

1997 s. 2) (ii) in contravention of any condition of stay; or (Amended 122 of 1997 s. 2) (iii) as a refugee under section 13A; or (Added 42 of 1982 s. 2) (iv) while detained in Hong Kong under section 13D; or (Added 23 of 1989 s. 2) (v) while employed as a contract worker, who is from outside Hong Kong, under a Government importation of labour scheme; or (Added 122 of 1997 s. 2) (vi) while employed as a domestic helper who is from outside Hong Kong; or (Added 122 of 1997 s. 2) (vii) as a member of a consular post within the meaning of the Consular Relations Ordinance (Cap. 557); or (Added 122 of 1997 s. 2. Amended 16 of 2000 s. 12) (viii) as a member of the Hong Kong Garrison; or (Added 122 of 1997 s. 2) (ix) as a holder of a prescribed Central People's Government travel document; or (Added 31 of 2002 s. 2) (b) during any period, whether before or after the commencement of this Ordinance, of imprisonment or detention pursuant to the sentence or order of any court".

Sources: Immigration Ordinance. 2018. Cap. 115.

Do medical doctors have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Yes. "Persons admitted under TechTAS who have ordinarily resided in the HKSAR for a continuous period of not less than seven years may apply for the right of abode in the HKSAR in accordance with the law".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRANT_3: Required time of habitual residence.

How many months of habitual residence are required from asylum seekers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from refugees for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from co-ethnics for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from domestic workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from agricultural workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from medical doctors for accessing permanent residence?

Answer: 84

Code: 84

Explanation: 7 years

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.

<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

IMMIGRANT_4: Periods of absence allowed.

Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that

non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 6

Code: 6

Explanation: During the application, period(s) of continuous absence from HK for more than 6 months during the periods of ordinary residence must be documented (time, whereabouts) together with reasons for the absence as well as the proof.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Verification of Eligibility for Permanent Identity Card [核實永久性居民身份證資格申請表]". Access date not available. <https://www.immd.gov.hk/pdfforms/rop145.pdf>.

IMMIGRANT_5. Result of a regularization process.

The regularization process leads to:

Answer: no regularization process possible

Code: 0

Explanation: Not applicable (no regularization process for illegal immigrants)

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRANT_6: Language test.

Is there a language requirement for asylum seekers to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for refugees to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for co-ethnics to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for domestic workers to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for agricultural workers to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for medical doctors to access permanent residence?

Answer: no requirement

Code: 1

Explanation: No requirement stated

Sources: Government of Hong Kong Special Administrative Region. "Online Application for Verification of Eligibility for Permanent Identity Card". Access date not available.
<https://www.gov.hk/en/residents/immigration/idcard/verifypic.htm>.

IMMIGRANT_7: Economic resources.

Is there an economic resources requirement for applying to permanent residence for asylum seekers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for refugees?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for co-ethnics?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for domestic workers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for agricultural workers?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for medical doctors?

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Income source linked to employment or no use of social assistance

Sources: Government of Hong Kong Special Administrative Region. "Online Application for Verification of Eligibility for Permanent Identity Card". Access date not available. <https://www.gov.hk/en/residents/immigration/idcard/verifypic.htm>.

IMMIGRANT_8: Cost of application.

What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?

Answer: 0

Code: 0

Explanation: The Application for verification of eligibility and the first issue of permanent identity card is free.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Fee Tables". Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?

Answer: 0

Code: 0

Explanation: The Application for verification of eligibility and the first issue of permanent identity card is free.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Fee Tables". Access date not available. <https://www.immd.gov.hk/eng/services/fee-tables/index.html>.

IMMIGRANT_9: Employer sponsorship.

Do asylum seekers have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do co-ethnics have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: No. Employer does not play a role in the application.

Sources: Government of Hong Kong Special Administrative Region. "Online Application for Verification of Eligibility for Permanent Identity Card". Access date not available.
<https://www.gov.hk/en/residents/immigration/idcard/verifypic.htm>.

5.1.2. Security of status

IMMIGRANT_10: Maximum length of application procedure.

Maximum length of application procedure for asylum seekers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for asylum seekers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for refugees in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for refugees:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for co-ethnics in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for co-ethnics:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for domestic workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for domestic workers:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for medical doctors in months:

Answer: 6

Code: 6

Explanation: 6 weeks.

Sources: Government of Hong Kong Special Administrative Region. "Online Application for Verification of Eligibility for Permanent Identity Card". Access date not available.
<https://www.gov.hk/en/residents/immigration/idcard/verifypic.htm>.

Maximum length of application procedure for medical doctors:

Answer: less than six months

Code: 1

Explanation: 6 weeks.

Sources: Government of Hong Kong Special Administrative Region. "Online Application for Verification of Eligibility for Permanent Identity Card". Access date not available.
<https://www.gov.hk/en/residents/immigration/idcard/verifypic.htm>.

IMMIGRANT_11: Grounds for rejection.

Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:

Answer: yes

Code: 1

Explanation: Potentially this ground may apply. But the Immigration Department does not maintain statistics on the reasons of refusal.

Sources: Government of Hong Kong Special Administrative Region. "LCQ15: Statistics of Applications for Verification of Eligibility for Permanent Identity Card". Access date not available. https://www.info.gov.hk/gia/general/201110/19/P201110190199_print.htm.

IMMIGRANT_12: Legal guarantees.

Rejection of applications must be reasoned:

Answer: no

Code: 0

Explanation: No such provision found.

Sources: Ley N° 25.871 [Law 25.871]. 2013.

Rejected applicants have the right to appeal:

Answer: yes

Code: 1

Explanation: "(5)Where the Director makes a removal order he shall cause written notice to be served as soon as is practicable on the person against whom it is made informing him— (a)of the ground on which the order is made; and (b)that if he wishes to appeal he must do so by giving to an immigration officer or immigration assistant written notice of his grounds of appeal and the facts upon which he relies within 24 hours of receiving the notice of the order". "53A.Appeal against removal orders made by Director or Deputy Director of Immigration (1)A person against whom a removal order has been made by the Director of Immigration, the Deputy Director of Immigration or any assistant director of immigration may appeal to the Tribunal against the removal order on the ground that on the facts of his case— (Amended 8 of 1998 s. 4) (aa)he enjoys the right of abode in Hong Kong; or (Added 31 of 1987 s. 22) (ab)he has the right to land in Hong Kong by virtue of section 2AAA; or (Added 28 of 1998 s. 2(2)) (a)(Repealed 88 of 1997 s. 17) (b)he had at the date when the removal order was made the permission of the Director of Immigration to remain in Hong Kong. (2)A person who wishes to appeal under subsection (1) shall serve written notice of appeal, stating his grounds of appeal and the facts upon which he relies, upon an immigration officer or immigration assistant, within 24 hours of being notified of the removal order under section 19(5): Provided that such notice shall not preclude such person from raising other facts prior to the determination of his appeal by the Tribunal and relying upon those facts. (3)Where the Tribunal, upon an examination of— (a)the written notice of appeal served under subsection (2) on which a person (the appellant) appealing under subsection (1) seeks to rely; and (b)the summary or record of the proceedings of the Registration of Persons Tribunal in respect of an unsuccessful appeal by the appellant under section 3D(1) of the Registration of Persons Ordinance (Cap. 177), is satisfied that the facts or matters on which the appellant is seeking to rely are the same or substantially the same facts or matters on which the appellant sought to rely on the appeal to the Registration of Persons Tribunal, it may dismiss the appeal under subsection (1) without

a hearing and shall cause written notice of such dismissal to be given or sent by post to the appellant. (Added 31 of 1987 s. 22)".

Sources: Immigration Ordinance. 2018. Cap. 115.

IMMIGRANT_13: Expulsion is precluded for victims of violence or crime.

Expulsion is precluded for immigrants of all categories who are victims of violence or crime:

Answer: no

Code: 0

Explanation: No such provision.

Sources: Immigration Ordinance. 2018. Cap. 115.

5.2. Policies of representation

IMMIGRANT_14: Regulation of electoral rights.

Subnational electoral rights can be regulated at the subnational level:

Answer: no

Code: 0

Explanation: No. The electoral rights are regulated mainly in the Basic Law. Other relevant electoral law (選舉法) refers to— (a)the Electoral Affairs Commission Ordinance (Cap. 541); or (b)the Legislative Council Ordinance (Cap. 542); or (c)the District Councils Ordinance (Cap. 547); or (ca)the Chief Executive Election Ordinance (Cap. 569); or (Added 21 of 2001 s. 77) (d)the Heung Yee Kuk Ordinance (Cap. 1097); or (e)the Rural Representative Election Ordinance (Cap. 576); (Replaced 2 of 2003 s. 68; Amended 5 of 2014 s. 67) “Chief Executive Election According to the Basic Law, the Chief Executive (CE) of the Hong Kong Special Administrative Region (HKSAR) is the head of the HKSAR and is the head of the HKSAR Government. The specific method for selecting the CE is prescribed in Annex I to the Basic Law. According to Annex I to the Basic Law, the CE shall be elected by a broadly representative Election Committee (EC) in accordance with the Basic Law and appointed by the Central People’s Government. In accordance with Article 46 of the Basic Law, the term of office of the CE of the HKSAR shall be five years. The Chief Executive Election Ordinance (CEEO) (Cap.569) is a piece of local legislation that provides the legal framework for conducting the CE election”. “HKSAR LegCo Election Under the Basic Law, the Legislative Council is the legislature of the Hong Kong Special Administrative Region. The powers and functions that the Legislative Council is to exercise are specified in Article 73 of the Basic Law. They include:

Sources: Constitutional and Mainland Affairs Bureau. “Electoral Matters – 1”. Access date not available. <https://www.cmab.gov.hk/en/issues/electoral1.htm>. / Constitutional and Mainland Affairs Bureau. “Electoral Matters – 2”. Access date not available. <https://www.cmab.gov.hk/en/issues/electoral2.htm>. / Constitutional and Mainland Affairs Bureau. “Electoral Matters – 3”. Access date not available. <https://www.cmab.gov.hk/en/issues/electoral3.htm>

5.2.1. Electoral rights

IMMIGRANT_15: Voting eligibility for non-citizens.

Does the country have presidential elections?

Answer: no, the country does not hold democratic elections

Code: 3

Does the country have a bicameral system (composed of a Lower House and an Upper House)?

Answer: no, the country only has a lower house

Code: 2

Can non-citizen residents vote in national presidential elections?

Answer: generally disenfranchised

Code: 0

Explanation: Not applicable

Sources: Not applicable

Can non-citizen residents vote in national legislative elections (Lower House)?

Answer: generally disenfranchised

Code: 0.75

Explanation: Immigrants with right abode in HKSAR may only vote in geographical constituencies which are at the local level.

Sources: Voter Registration. "Geographical Constituency-Frequently Asked Questions". Access date not available. <https://www.voterregistration.gov.hk/eng/faq.html>.

Can non-citizen residents vote in national legislative elections (Upper House)?

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_16: Residence duration-based requirements for active electoral rights.

Previous residence required for being eligible to vote in presidential elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in Lower House elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in Upper House elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_17: Registration in the electoral roll for non-citizen residents.

Registration in the electoral roll for non-citizen residents:

Answer: active registration, once-off

Code: 0.67

Explanation: Eligible citizens must actively register as elector first (New Voter Registration) and there is no need to register again unless there are changes of particulars (such as resident address) to be reported. "Q5: Are there any deadlines for new voter registration and change of registration particulars? A5: Eligible residents/ registered electors may submit an application form for new voter registration/ report on change of registration particulars at any time of the year. However, should they wish to have their registration processed/ particulars updated in the register of electors to be published in the same cycle, they should submit the application forms to this Office on or before the respective statutory deadlines listed below : New Voter Registration District Council Election year (e.g. 2019): 2 July Non District Council Election year (e.g. 2020): 2 May Report on Change of Particulars by an Elector District Council Election year (e.g. 2019): 2 June Non District Council Election year (e.g. 2020): 2 April If the application forms are submitted after the above deadlines, the names and residential addresses of the relevant electors could only be recorded/ updated in the register of electors to be published in the subsequent voter registration cycle. [...] Q8: I have filled out an application form several years ago. Do I have to register again? A8: If you have signed up as an elector before, you are

not required to register again. You may log in to the Online Voter Information Enquiry System (www.voterinfo.gov.hk) or call the Registration and Electoral Office hotline at 2891 1001 to check whether your registration particulars are correct or not. [...] For electors with inaccurate registration particulars, their registration status and eligibility to vote may be affected. Please complete the “Report on Change of Particulars by an Elector in a Geographical Constituency” (REO-2) and submit the signed and completed form, together with an address proof issued within the last three months (applicable to change of residential address), to the REO for any change in your registration particulars especially residential address, so that the REO can update your records. Q10: I shall move to a new flat in the near future, should I report my new home address to the Registration and Electoral Office now? A10: You should complete the “Report on Change of Particulars by an Elector in a Geographical Constituency” (REO-2) and submit the signed and completed form, together with an address proof issued within the last three months, to the Registration and Electoral Office after you have moved home. If you submit an application for change of registered address on or before the statutory deadline for report on change of registration particulars of 2019 voter registration cycle (i.e. on or before 2 June 2019), your new address will be reflected in the 2019 Final Register for Electors”.

Sources: Voter Registration. “Geographical Constituency-Frequently Asked Questions”. Access date not available. <https://www.voterregistration.gov.hk/eng/faq.html>.

IMMIGRANT_18: Passive electoral rights for non-citizen residents.

Can non-citizen residents stand as candidates in national presidential elections?

Answer: generally disenfranchised

Code: 0

Explanation: Article 89 of the Constitution states: “To be elected President or Vice President of the Nation, it is required to have been born in the Argentine territory, or to be the child of a native citizen, having been born in a foreign country; and the other qualities required to be elected Senator”.

Sources: Constitución de la Nación Argentina [Constitution of the Argentine Nation]. 1994. Art. 89. / Emmerich, Norberto Access to Electoral Rights: Argentina. Fiesolana, 2016./ Tribunal Electoral. “Requisitos para ser candidato a diputado provincial en El Chaco [Requirements to be a Candidate for Provincial Deputy in Chaco]”. Accessed August 16, 2018. <http://www.electoralchaco.gov.ar/informacion/13-informacion/301-requisitos-para-ser-candidato-a-diputado-provincial.html>.

Can non-citizen residents stand as candidates in national legislative elections (Lower House)?

Answer: generally disenfranchised

Code: 0

Explanation: “13. Eligibility for nomination as candidate Subject to section 14, a person is eligible to be nominated as a candidate at an election if— (a)he is a permanent resident of the Hong Kong Special Administrative Region; (b)he is a Chinese citizen as defined by section 2 of the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539); (c)he has no right of abode in any foreign country; and (d)he— (i)in the case of an election to fill the vacancy in the office of the Chief Executive that will arise under section 4(a), will have— (A)reached 40 years of age on the day on which the vacancy is due to arise; and (B)ordinarily resided in Hong Kong for a continuous period of not less than 20 years before the day on which the vacancy is due to arise; (ii)in the case of an election to fill the vacancy in the office of the Chief Executive that arises under section 4(b) or (c), will have— (A)reached 40 years of age on the polling date; and (B)ordinarily resided in Hong Kong for a continuous period of not less than 20 years before the polling date”. (Cap. 569) “37. Who is eligible to be nominated as a candidate (1)A person is eligible to be nominated as a candidate at an election for

a geographical constituency only if the person— (Amended 25 of 2003 s. 20) (a)has reached 21 years of age; and (b)is both registered and eligible to be registered as an elector for a geographical constituency; and (c)is not disqualified from being elected as a Member by virtue of section 39 or any other law; and (d)has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and (e)is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People’s Republic of China. (2)A person is eligible to be nominated as a candidate at an election for a functional constituency only if the person— (a)has reached 21 years of age; and (b)either— (i)in the case of a functional constituency other than the District Council (second) functional constituency, is both registered and eligible to be registered as an elector for the constituency; or (Amended 11 of 2012 s. 61) (ii)in the case of a functional constituency other than the District Council (first) functional constituency and the District Council (second) functional constituency, satisfies the Returning Officer for the constituency that the person has a substantial connection with the constituency; and (Replaced 48 of 1999 s. 22. Amended 2 of 2011 s. 15) (c)is both registered and eligible to be registered as an elector for a geographical constituency; and (d)is not disqualified from being elected as a Member by virtue of section 39 or any other law; and (e)has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and (f)except in the case of the 12 functional constituencies specified in subsection (3), is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People’s Republic of China; and (Amended 2 of 2011 s. 15) (g)in the case of the District Council (first) functional constituency and the District Council (second) functional constituency, is a member of any District Council established under the District Councils Ordinance (Cap. 547) who is elected under Part V of that Ordinance. (Added 2 of 2011 s. 15)” (Cap. 542).

Sources: Chief Executive Election Ordinance. 2012. Cap. 569. / Legislative Council Ordinance. Cap. 542.

Can non-citizen residents stand as candidates in national legislative elections (Upper House)?

Answer Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_19: Residence duration-based restrictions for passive electoral rights.

Previous residence required for being eligible to stand as candidate in presidential elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to stand as candidate in lower house elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.2.2. Regulation of participation in parties

IMMIGRANT_20: Emigrant membership to home country political parties.

Non-citizen resident membership to state or reception political parties:

Answer: not regulated

Code: 0.25

Explanation: No restrictions on party membership based on nationality. It needs to be pointed out that Hong Kong has no legislation for political parties, and thus has no legal definition for what a political party is. Most political parties and political groups registered either as limited companies or societies. "Any person who is resident in Hong Kong, aged 18 or above shall be eligible to apply for Membership of the Party". (Democratic Party M&A) "All Hong Kong residents over the age of 18 years may apply for the membership of the Alliance". (Democratic Alliance For the Betterment and Progress of Hong Kong M&A).

Sources: Democratic Alliance for the Betterment and Progress of Hong Kong. 1992. Democratic Alliance for the Betterment and Progress of Hong Kong M&A. / Democratic Party. "Democratic Party M&A". Access date not available.
https://drive.google.com/file/d/0B0KMx05z39LrQkdrZ090OUNrZEE/view?usp=sharing&usp=embed_facebook.

5.2.3. Consultative bodies

IMMIGRANT_21: Existence of a consultative body of immigrants acting at the national level.

Existence of a consultative body on immigrant issues:

Answer: no

Code: 0

Explanation: No. There is an Immigration Department Users' Committee that is consulted on immigration-related matters, but the membership does not include immigrants and therefore does not qualify as a consultative body. "Immigration Department Users' Committee[入境事務處使用服務人士委員會]" "The Immigration Department Users' Committee was established in September 1993 for effective monitoring of the performance of the Department in comparison with the pledges made. It is chaired by the Director of Immigration and meets half-yearly. Terms of reference To monitor and review the fulfilment of performance pledges by the Immigration Department To receive and consider reports on suggestions by members of the public in regard to performance pledges To advise the Director of Immigration on areas which may require improvements for Immigration Department users and help to determine level of resources required to achieve the standards set Membership The Committee is chaired by the Director of Immigration. Its members include nine non-official members appointed by the Secretary for Security, a representative from the Security Bureau and departmental

representatives headed by the Deputy Director of Immigration. The nine non-official members are appointed from various trade and industries relating to immigration matters". (It is unspecified in the website whether these members are immigrants or HK permanent resident).

Sources: Immigration Department of Hong Kong Special Administrative Region. "Immigration Department Users' Committee". Access date not available. <https://www.immd.gov.hk/eng/about-us/users-committee.html>.

IMMIGRANT_22: Structural or ad hoc consultation.

The consultation is:

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_23: Composition of the consultative body.

Composition of the consultative body:

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_24: Leadership of the consultative body.

Who chairs the consultative body?

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_25: Right of initiative to make its own reports or recommendations.

The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_26: Right to get a response from the government of recommendation.

Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_27: Selection criteria to ensure representativeness.

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographic-balanced consultative body:

Answer: Not applicable

Code: 98

Explanation: Not applicable

Sources: Not applicable

5.3. Economic policies

5.3.1. Access to labor market

IMMIGRANT_28: Migrant access to labor market.

Can asylum seekers access the labor market?

Answer: no

Code: 0

Explanation: Vietnamese refugees and torture claimants are not allowed to work in HK.

Sources: Immigration Ordinance. 2018. Cap. 115.

Can refugees access the labor market?

Answer: no

Code: 0

Explanation: Vietnamese refugees and torture claimants are not allowed to work in HK.

Sources: Immigration Ordinance. 2018. Cap. 115.

Can co-ethnics access the labor market?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: For an immigrant to work as a domestic helper in HK, his/her residence permit is tied to the specific working contract stipulated before entry and it's not possible to change employer, job, or workplace during the stay; if the individual wants to change a new employer; she/ he must first go back to the place of origin and file a new entry permission with a new working contract. This is also the case when they want to renew their contract with the current employer "Helpers are normally admitted for a period of two years or until two weeks after termination of contract, whichever is the earlier. Only in exceptional circumstances that they may submit applications to Foreign Domestic Helpers Section to extend their stay in Hong Kong as a visitor by completing Application for Extension of stay (ID91)". "Helpers who wish to renew their employment contracts with their existing employers after the existing contract has run its 2-year full course shall make fresh applications to the Immigration Department and the application will normally be accepted within eight weeks prior to the expiry of the existing contract". "Helpers are admitted only for a specific job with a named employer, and for a limited period. Application to change employers in the HKSAR within the two-year contract will not as a rule be approved. If the Helper wishes to take up employment with a new employer in the HKSAR, he/she must return to his/her place of origin and apply for the appropriate visa directly to the Director of Immigration either by post or through his/her new employer" "In accordance with Clause 13 of the standard Employment Contract (ID 407), the Helper shall, upon expiry of an old contract and before the commencement of a new contract, return to his/her place of origin for vacation with the return fare

paid by the employer. A Helper should not stay in the HKSAR longer than the permitted period of stay”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Foreign Domestic Helpers”. Access date not available.

https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can agricultural workers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: For an immigrant to work as an imported worker in HK, his residence permit is tied to the specific working contract stipulated before entry and it’s not possible to change employer, job, or workplace during the stay; once the contract ends, the immigrant will need to go back to the place of origin. In addition, a levy is needed to be paid by the employer which is not necessary for native laborer. “Successful employers are required to pay a levy that goes to the Employees Retraining Board to augment the provision of training or retraining for local workers who are vulnerable in the economic restructuring process to changing their employment. The levy payable in a lump sum in respect of each imported worker is HK\$400 multiplied by the number of months covered by the employment contract up to a maximum of 24 months. It will be collected after the approval for importing workers and before the issue of visa/entry permit as directed by the Director of Immigration. The levy paid is not refundable under any circumstances”. “After entry, the imported worker must remain under the direct employment of the same employer for the specified job and in the specific workplace(s) as stipulated in the standard employment contract (LD 294) and cannot be contracted out to other companies/sub-contractors. Change of employer or post is not permitted. The imported worker is required to return to his/her place of origin on completion of his/her employment contract. If the contract is pre-maturely terminated, the worker is only permitted to remain in the HKSAR for two weeks from the date of termination of contract or the balance of permitted stay, whichever is shorter”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Can medical doctors access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: It’s possible for immigrant doctors under TechTAS admission scheme to change jobs during the stay in HK but usually prior approval from the Director of Immigration for such change is needed. “Persons admitted under TechTAS who are on employment condition shall only take such employment as approved by the Director of Immigration. They should seek prior approval from the Director of Immigration for any change in employment”. “For top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Technology Talent Admission Scheme (TechTAS)”. Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Can permanent residents access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Permanent residents, i.e., people with the right of abode in HK, are “free from any condition of stay (including a limit of stay) in the HKSAR” In the Employment Ordinance, there is no differentiation between HK permanent residents and Chinese nationals when it comes to access to labor market.

Sources: Immigration Department of Hong Kong Special Administrative Unit. “Meanings of Right of Abode and Other Terms”. Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>. / Employment Ordinance. 2015. Cap. 57.

IMMIGRANT_29: Migrant access to self-employment.

Can asylum seekers access self-employment?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees access self-employment?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics access self-employment?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access self-employment?

Answer: no

Code: 0

Explanation: It's not possible for domestic workers to be self-employed because one of the eligibility criteria for their entry and residence permit is to have an employer who "is a bona fide resident in the HKSAR" and "is financially capable of employing a Helper after his/her household expenditure has been deducted. In general, for every Helper to be employed, the employer must have a household income of no less than HK\$15,000 per month or assets of comparable amount to support the employment of a Helper for the whole contractual period. The monthly household income figure of HK\$15,000 may be adjusted by the Government of the Hong Kong Special Administrative Region (HKSAR) from time to time".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can agricultural workers access self-employment?

Answer: no

Code: 0

Explanation: It's not possible for imported workers to be self-employed because one of the eligibility criteria for their entry and residence permit is to have an employer who "is financially capable of employing the applicant, providing him/her with suitable accommodation and of guaranteeing his/her maintenance and repatriation upon termination of his/her contract".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Can medical doctors access self-employment?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: They have access, but under certain conditions (prior approval from the Director of Immigration) "Persons admitted under TechTAS who are on employment condition shall only take such employment as approved by the Director of Immigration. They should seek prior approval from the Director of Immigration for any change in employment". "For top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Can permanent residents access self-employment?

Answer: yes, equal access

Code: 1

Explanation: equal access as per the definition of the right of abode.

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>.

IMMIGRANT_30: Migrant access to civil service.

Can asylum seekers access employment in schools (primary and secondary)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees access employment in schools (primary and secondary)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics access employment in schools (primary and secondary)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No, it's not possible for foreign helper to switch to public sector employment in HK because their residence permit is tied to the specific working contract stipulated before entry.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can agricultural workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No, it's not possible for imported worker to switch to public sector employment in HK because their residence permit is tied to the specific working contract stipulated before entry.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Can medical doctors access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: In principle, restricted from posts in public administration before the status of HK permanent resident is achieved. "Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law. Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region". "Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Can permanent residents access employment in schools (primary and secondary)?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Permanent residents can access public service positions, but only up to a certain rank. "Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law. Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region". "Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only

Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region”.

Sources: Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China. 1997.

Can asylum seekers access employment in public administration?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees access employment in public administration?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics access employment in public administration?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in public administration?

Answer: no

Code: 0

Explanation: No, it’s not possible for foreign helper to switch to public sector employment in HK because their residence permit is tied to the specific working contract stipulated before entry.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can agricultural workers access employment in public administration?

Answer: no

Code: 0

Explanation: No, it's not possible for imported worker to switch to public sector employment in HK because their residence permit is tied to the specific working contract stipulated before entry.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Can medical doctors access employment in public administration?

Answer: no

Code: 0

Explanation: In principle, restricted from posts in public administration before the status of HK permanent resident is achieved. "Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law. Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region". "Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Can permanent residents access employment in public administration?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Permanent residents can access public service positions, but only up to a certain rank. "Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those

below a certain rank as prescribed by law. Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region". "Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Can asylum seekers access employment in the police?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees access employment in the police?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics access employment in the police?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in the police?

Answer: no

Code: 0

Explanation: No, it's not possible for foreign helper to switch to public sector employment in HK because their residence permit is tied to the specific working contract stipulated before entry.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can agricultural workers access employment in the police?

Answer: no

Code: 0

Explanation: No, it's not possible for imported worker to switch to public sector employment in HK because their residence permit is tied to the specific working contract stipulated before entry.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Can medical doctors access employment in the police?

Answer: no

Code: 0

Explanation: In principle, restricted from posts in public administration before the status of HK permanent resident is achieved. "Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law. Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region". "Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Can permanent residents access employment in the police?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Permanent residents can access public service positions, but only up to a certain rank. "Article 99 Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law. Public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region". "Article 101 The Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts: the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Quotas for preferential hiring of asylum seekers exist:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Quotas for preferential hiring of refugees exist:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Quotas for preferential hiring of co-ethnics exist:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Quotas for preferential hiring of domestic workers exist:

Answer: no

Code: 0

Explanation: No such quota found

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Quotas for preferential hiring of agricultural workers exist:

Answer: no

Code: 0

Explanation: No such quota found

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Quotas for preferential hiring of medical doctors:

Answer: no

Code: 0

Explanation: No such quota found

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Quotas for preferential hiring of permanent residents:

Answer: no

Code: 0

Explanation: No such quota found.

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Can asylum seekers access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics access employment in the armed forces?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Hong Kong does not have armed forces of its own.

Sources: Not applicable

Can agricultural workers access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Hong Kong does not have armed forces of its own.

Sources: Not applicable

Can medical doctors access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Hong Kong does not have armed forces of its own.

Sources: Not applicable

Can permanent residents access employment in the armed forces?

Answer: not applicable

Code: Not applicable

Explanation: Hong Kong does not have armed forces of its own.

Sources: Not applicable

5.3.2. Access to support

IMMIGRANT_31: Public employment services.

Can asylum seekers access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers access public employment services?

Answer: No

Code: 0

Explanation: Yes, but under certain circumstances (accessible to public services related to Labor Relations, Occupational Safety and Health, Employee Rights & Benefits, Policy Support; but not to Employment Services because they cannot switch to a new job during the stay).

Sources: Labour Department of Hong Kong Special Administrative Region. "Public Services". Access date not available. <https://www.labour.gov.hk/eng/service/menu.htm>.

Can agricultural workers access public employment services?

Answer: No

Code: 0

Explanation: Yes, but under certain circumstances (accessible to public services related to Labor Relations, Occupational Safety and Health, Employee Rights & Benefits, Policy Support; but not to Employment Services because they cannot switch to a new job during the stay).

Sources: Labour Department of Hong Kong Special Administrative Region. "Public Services". Access date not available. <https://www.labour.gov.hk/eng/service/menu.htm>.

Can medical doctors access public employment services?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, equal access as citizens by birth (Employment Services, Labour Relations, Occupational Safety and Health, Employee Rights & Benefits, Policy Support).

Sources: Labour Department of Hong Kong Special Administrative Region. "Public Services". Access date not available. <https://www.labour.gov.hk/eng/service/menu.htm>.

Can permanent residents access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as citizens by birth (Employment Services, Labour Relations, Occupational Safety and Health, Employee Rights & Benefits, Policy Support).

Sources: Labour Department of Hong Kong Special Administrative Region. "Public Services". Access date not available. <https://www.labour.gov.hk/eng/service/menu.htm>.

IMMIGRANT_32: Recognition of qualifications.

Recognition of qualifications acquired abroad by asylum seekers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

Recognition of qualifications acquired abroad by refugees:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

Recognition of qualifications acquired abroad by co-ethnics:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Recognition of qualifications acquired abroad by domestic workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

Recognition of qualifications acquired abroad by agricultural workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

Recognition of qualifications acquired abroad by medical doctors:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

Recognition of qualifications acquired abroad by permanent residents:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Hong Kong Council for Accreditation of Academic and Vocational Qualifications. "Process of Qualifications Assessment". Access date not available. <https://iportal.hkcaavq.edu.hk/process-of-assessment>.

5.3.3. Worker's rights

IMMIGRANT_33: Membership in trade unions.

Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees be members and participate in trade union associations and work-related negotiation bodies?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: No

Code: 0

Explanation: No access, since domestic workers are not seen as ordinary resident (Cap. 115) in HKSAR which is the prerequisite of becoming a member of a registered trade union. "17. Officers and members of trade unions (Adaptation amendments retroactively made - see 56 of 2000 s. 3) (1) Subject to subsection (1A), no person shall be a member of a registered trade union unless he is ordinarily resident in Hong Kong and engaged or employed in a trade, industry or occupation with which the trade union is directly concerned. (Replaced 18 of 1977 s. 3)".

Sources: Immigration Ordinance. 2018. Cap. 115. / Trade Unions Ordinance. 1991. Cap. 332.

Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: No

Code: 0

Explanation: No access, since imported workers are not seen as ordinary resident (Cap. 115) in HKSAR which is the prerequisite of becoming a member of a registered trade union. "17. Officers and members of trade unions (Adaptation amendments retroactively made - see 56 of 2000 s. 3) (1) Subject to subsection (1A), no person shall be a member of a registered trade union unless he is ordinarily resident in Hong Kong and engaged or employed in a trade, industry or occupation with which the trade union is directly concerned. (Replaced 18 of 1977 s. 3)".

Sources: Immigration Ordinance. 2018. Cap. 115. / Trade Unions Ordinance. 1991. Cap. 332.

Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with citizens by birth because immigrant doctors are deemed as ordinary residents in HKSAR.

Sources: Trade Unions Ordinance. 1991. Cap. 332.

Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Equal access with citizens by birth.

Sources: Trade Unions Ordinance. 1991. Cap. 332.

IMMIGRANT_34: Job transferability.

Can asylum seekers change their employer without risking their immigration status?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can refugees change their employer without risking their immigration status?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics change their employer without risking their immigration status?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers change their employer without risking their immigration status?

Answer: No

Code: 0

Explanation: No. They are banned from switching employer during the stay.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can agricultural workers change their employer without risking their immigration status?

Answer: No

Code: 0

Explanation: They are banned from switching employer during the stay.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Can medical doctors change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but only under certain circumstances: (1) they obtained the prior-approval for such change, (2) they have become top-tier talent under the TechTAS Scheme. "Persons admitted under TechTAS who are on employment condition shall only take such employment as approved by the Director of Immigration. They should seek prior approval from the Director of Immigration for any change in employment". "For top-tier talent who are permitted to remain in the HKSAR on time limitation only without other conditions of stay, they only need to notify the Immigration Department in writing of the change of their employment within the currency of their permitted limit of stay".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Can permanent residents change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions.

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>.

IMMIGRANT_35: Right to redress.

Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have the right to redress if the terms of their employment contracts have been violated?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: There is no distinction between citizens by birth and immigrant employees in the Employment Ordinance. “32A.Employee’s entitlement to employment protection (1)An employee may be granted remedies against his employer under this Part— (a)where he has been employed under a continuous contract for a period of not less than 24 months ending with the relevant date and he is dismissed by the employer because the employer intends to extinguish or reduce any right, benefit or protection conferred or to be conferred upon the employee by this Ordinance”

Sources: Employment Ordinance. 2015. Cap. 57.

Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: There is no distinction between citizens by birth and immigrant employees in the Employment Ordinance. “32A.Employee’s entitlement to employment protection (1)An employee may be granted remedies against his employer under this Part— (a)where he has been employed under a continuous contract for a period of not less than 24 months ending with the relevant date and he is dismissed by the employer because the employer intends to extinguish or reduce any right, benefit or protection conferred or to be conferred upon the employee by this Ordinance”

Sources: Employment Ordinance. 2015. Cap. 57.

Do medical doctors have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: There is no distinction between citizens by birth and immigrant employees in the Employment Ordinance. “32A.Employee’s entitlement to employment protection (1)An employee may be granted remedies against his employer under this Part— (a)where he has been employed under a continuous contract for a period of not less than 24 months ending with the relevant date and he is dismissed by the employer because the employer intends to extinguish or reduce any right, benefit or protection conferred or to be conferred upon the employee by this Ordinance”

Sources: Employment Ordinance. 2015. Cap. 57.

Do permanent residents have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: There is no distinction between citizens by birth and immigrant employees in the Employment Ordinance. “32A.Employee’s entitlement to employment protection (1)An employee may be granted remedies against his employer under this Part— (a)where he has been employed under a continuous contract for a period of not less than 24 months ending with the relevant date and he is dismissed by the employer because the employer intends to extinguish or reduce any right, benefit or protection conferred or to be conferred upon the employee by this Ordinance”

Sources: Employment Ordinance. 2015. Cap. 57.

5.3.4. Property rights

IMMIGRANT_36: Property rights.

Can asylum seekers acquire property in the state of reception?

Answer: No

Code: 0

Explanation: Land belongs to state property in HKSAR. "Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 7.

Can refugees acquire property in the state of reception?

Answer: No

Code: 0

Explanation: Land belongs to state property in HKSAR. "Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 7.

Can co-ethnics acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers acquire property in the state of reception?

Answer: No

Code: 0

Explanation: Land belongs to state property in HKSAR. "Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 7.

Can agricultural workers acquire property in the state of reception?

Answer: No

Code: 0

Explanation: Land belongs to state property in HKSAR. "Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 7.

Can medical doctors acquire property in the state of reception?

Answer: No

Code: 0

Explanation: Land belongs to state property in HKSAR. "Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 7.

Can permanent residents acquire property in the state of reception?

Answer: No

Code: 0

Explanation: Land belongs to state property in HKSAR. "Article 7 The land and natural resources within the Hong Kong Special Administrative Region shall be State property. The Government of the Hong Kong Special Administrative Region shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organizations for use or development. The revenues derived therefrom shall be exclusively at the disposal of the government of the Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 7.

5.4. Social policies

5.4.1. Family reunification

Can asylum seekers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Can refugees bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Can co-ethnics bring their families to their country of residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can domestic workers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Can agricultural workers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Can medical doctors bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Yes. Application for family reunion (entry of dependent) can be made together with the migrant's own application for TechTAS.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Can permanent residents bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Eligibility

IMMIGRANT_37: Resident requirement for ordinary legal residents.

Residence requirement for ordinary legal residents (asylum seekers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (refugees). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (refugees):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (co-ethnics). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (domestic workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (medical doctors). In months:

Answer: 0

Code: 0

Explanation: Application for family reunion (entry of dependent) can be made together with the migrant's own application for TechTAS.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Residence requirement for ordinary legal residents (medical doctors):

Answer: no residence requirement

Code: 1

Explanation: Application for family reunion (entry of dependent) can be made together with the migrant's own application for TechTAS.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Residence requirement for ordinary legal residents (permanent residents). In months:

Answer: 0

Code: 0

Explanation: There is no residence requirement.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Residence requirement for ordinary legal residents (permanent residents):

Answer: no residence requirement

Code: 1

Explanation: There is no residence requirement.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

IMMIGRANT_38: Family members considered for reunification.

Family member eligible for reunification (asylum seekers): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Children.

Answer: Not applicable

Code: Not applicable

Explanation:

Sources:

Family member eligible for reunification (asylum seekers): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Children.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Children.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (co-ethnics): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Children.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Children.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (medical doctors): Spouse.

Answer: yes

Code: 1

Explanation: "a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18;"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: "a. (i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b. his/her unmarried dependent child under the age of 18 (...)"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (medical doctors): Children.

Answer: yes

Code: 1

Explanation: "a .(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b. his/her unmarried dependent child under the age of 18 (...)"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (medical doctors): Parents.

Answer: no

Code: 0

Explanation: "a. (i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b. his/her unmarried dependent child under the age of 18 (...)".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (medical doctors): Grandparents.

Answer: no

Code: 0

Explanation: "a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18;"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (permanent residents): Spouse.

Answer: yes

Code: 1

Explanation: "a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18; and c. his/her parent aged 60 or above".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.

Answer: yes

Code: 1

Explanation: "a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by

him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18; and c. his/her parent aged 60 or above”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (permanent residents): Children.

Answer: yes

Code: 1

Explanation: “a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, “same-sex marriage”, opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18; and c. his/her parent aged 60 or above”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (permanent residents): Parents.

Answer: yes

Code: 1

Explanation: “a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, “same-sex marriage”, opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18; and c. his/her parent aged 60 or above”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Family member eligible for reunification (permanent residents): Grandparents.

Answer: no

Code: 0

Explanation: “a.(i) his/her spouse; or (ii) the other party to a same-sex civil partnership, same-sex civil union, “same-sex marriage”, opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration; and b.his/her unmarried dependent child under the age of 18; and c. his/her parent aged 60 or above”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Security of status

IMMIGRANT_39: Length of application procedure.

Length of application procedure in months (asylum seekers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (asylum seekers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (refugees).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (refugees).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (co-ethnics).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (co-ethnics).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (domestic workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (domestic workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (medical doctors).

Answer: 1.5

Code: 1.5

Explanation: "It normally takes six weeks to process a visa/entry permit application for residence as dependant upon receipt of all the required documents. The Immigration Department will not be able to start processing the application unless all the required documents and information have been received".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Length of application procedure (medical doctors).

Answer: less or equal six months defined by law

Code: 1

Explanation: "It normally takes six weeks to process a visa/entry permit application for residence as dependant upon receipt of all the required documents. The Immigration Department will not be able to start processing the application unless all the required documents and information have been received".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Length of application procedure in months (permanent residents).

Answer: 1.5

Code: 1.5

Explanation: "It normally takes six weeks to process a visa/entry permit application for residence as dependant upon receipt of all the required documents. The Immigration Department will not be able to start processing the application unless all the required documents and information have been received".

Sources: Not applicable

Length of application procedure (permanent residents).

Answer: less or equal six months defined by law

Code: 1

Explanation: "It normally takes six weeks to process a visa/entry permit application for residence as dependant upon receipt of all the required documents. The Immigration Department will not be able to start processing the application unless all the required documents and information have been received".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

IMMIGRANT_40: Duration of permit.

Duration of validity of permit (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (medical doctors):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: "The length of stay of such dependants will normally be linked to that of their sponsors. They will remain in the HKSAR on time limitation only without other conditions of stay and are not prohibited from taking up employment or studies in the HKSAR. Any subsequent applications for extension of stay of such dependants will be considered only if the applicants continue to meet the eligibility criteria for entry for residence as dependants and the sponsor remains a bona fide Hong Kong resident living in the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Duration of validity of permit (permanent residents):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: "the 3-3 years pattern" or "2-2-3 years pattern" "Extension of stay in respect of dependants of persons who are Hong Kong permanent residents or residents who are not subject to a limit of stay (i.e. a resident with the right to land or on unconditional stay), if approved, will normally follow the 3-3 years pattern for the spouse or the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration, and unmarried dependent children under the age of 18; and the 2-2-3 years pattern for parents aged 60 or above".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

IMMIGRANT_41: Grounds for rejection, withdrawing or refusing to renew status.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to public policy or national security is a ground for rejecting family reunification application (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):

Answer: no

Code: 0

Explanation: No such provision.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: "It is an offence to make false statements or representations to an immigration officer. To verify the authenticity of the information and documents submitted with a visa application, field visits may be conducted. A person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true shall be guilty of an offence under the Laws of Hong Kong and any such visa/entry permit issued or permission to enter or remain in the HKSAR granted shall have no effect". "A dependant may apply for extension of stay for residence in the HKSAR within four weeks before his/her limit of stay expires. Such applications will be considered only when the applicant continues to meet the eligibility criteria for entry for residence as dependants and the sponsor remains a bona fide Hong Kong resident living in the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: "It is an offence to make false statements or representations to an immigration officer. To verify the authenticity of the information and documents submitted with a visa application, field visits may be conducted. A person who knowingly and wilfully makes a statement or gives information which

he/she knows to be false or does not believe to be true shall be guilty of an offence under the Laws of Hong Kong and any such visa/entry permit issued or permission to enter or remain in the HKSAR granted shall have no effect". "A dependant may apply for extension of stay for residence in the HKSAR within four weeks before his/her limit of stay expires. Such applications will be considered only when the applicant continues to meet the eligibility criteria for entry for residence as dependants and the sponsor remains a bona fide Hong Kong resident living in the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):

Answer: no

Code: 0

Explanation: No such provision.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: "It is an offence to make false statements or representations to an immigration officer. To verify the authenticity of the information and documents submitted with a visa application, field visits may be conducted. A person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true shall be guilty of an offence under the Laws of Hong Kong and any such visa/entry permit issued or permission to enter or remain in the HKSAR granted shall have no effect". "A dependant may apply for extension of stay for residence in the HKSAR within four weeks before his/her limit of stay expires. Such applications will be considered only when the applicant continues to meet the eligibility criteria for entry for residence as dependants and the sponsor remains a bona fide Hong Kong resident living in the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: "It is an offence to make false statements or representations to an immigration officer. To verify the authenticity of the information and documents submitted with a visa application, field visits may be conducted. A person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true shall be guilty of an offence under the Laws of Hong Kong and any such visa/entry permit issued or permission to enter or remain in the HKSAR

granted shall have no effect". "A dependant may apply for extension of stay for residence in the HKSAR within four weeks before his/her limit of stay expires. Such applications will be considered only when the applicant continues to meet the eligibility criteria for entry for residence as dependants and the sponsor remains a bona fide Hong Kong resident living in the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

IMMIGRANT_42: Special circumstances.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):

Answer: no

Code: 0

Explanation: There is no provision on this in the regulation.

Sources: Ley N° 26.165 [Law 26.165]. 2006.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government

policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. “All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. “All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. “All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

IMMIGRANT_43: Legal guarantees and redress in case of refusal or withdrawal.

Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):

Answer: no

Code: 0

Explanation: Unspecified. "All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

IMMIGRANT_44: Right to autonomous permit.

Right to autonomous residence permit for partners and children at age of majority (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (refugees):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (medical doctors):

Answer: after more than 5 years, upon certain conditions

Code: 0.25

Explanation: After more than 5 years, upon certain conditions: above 7 years of ordinary residence
"Persons admitted for residence as dependants who have ordinarily resided in the HKSAR for a continuous period of not less than seven years may apply for the right of abode in the HKSAR in accordance with the law".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Dependants". Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

Right to autonomous residence permit for partners and children at age of majority (permanent residents):

Answer: after more than 5 years, upon certain conditions

Code: 0.25

Explanation: After more than 5 years, upon certain conditions: above 7 years of ordinary residence
“Persons admitted for residence as dependants who have ordinarily resided in the HKSAR for a continuous period of not less than seven years may apply for the right of abode in the HKSAR in accordance with the law”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Dependants”. Access date not available. https://www.immd.gov.hk/eng/services/visas/residence_as_dependant.html.

5.4.2. Education

IMMIGRANT_45: Access to education.

Children of asylum seekers have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While there is no explicit mention of access for migrants and their children, the law speaks to school admission for all eligible children. “Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications”. (Basic Law) “The Government ensures equal opportunities in school admission for all eligible children (including non-Chinese speaking (NCS) children) in public sector schools, regardless of their race. The Government is committed to encouraging and supporting the early integration of NCS students (notably ethnic minority students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language”. (Education services for non-Chinese speaking (NCS) students).

Sources: Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China. 1997. Art. 136. / Education Bureau of Hong Kong Special Administrative Region. “Education Services for Non-Chinese Speaking (NCS) Students”. Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>.

Children of refugees have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While there is no explicit mention of access for migrants and their children, the law speaks to school admission for all eligible children. “Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies

regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications". (Basic Law) "The Government ensures equal opportunities in school admission for all eligible children (including non-Chinese speaking (NCS) children) in public sector schools, regardless of their race. The Government is committed to encouraging and supporting the early integration of NCS students (notably ethnic minority students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language". (Education services for non-Chinese speaking (NCS) students).

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 136. / Education Bureau of Hong Kong Special Administrative Region. "Education Services for Non-Chinese Speaking (NCS) Students". Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>.

Children of co-ethnics have access to compulsory education:

Answer: Not applicable

Code: 98

Explanation: This proxy does not exist in Hong Kong.

Sources:

Children of domestic workers have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While there is no explicit mention of access for migrants and their children, the law speaks to school admission for all eligible children. "Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications". (Basic Law) "The Government ensures equal opportunities in school admission for all eligible children (including non-Chinese speaking (NCS) children) in public sector schools, regardless of their race. The Government is committed to encouraging and supporting the early integration of NCS students (notably ethnic minority students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language". (Education services for non-Chinese speaking (NCS) students).

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 136. / Education Bureau of Hong Kong Special Administrative Region. "Education Services for Non-Chinese Speaking (NCS) Students". Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>.

Children of agricultural workers have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While there is no explicit mention of access for migrants and their children, the law speaks to school admission for all eligible children. “Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications”. (Basic Law) “The Government ensures equal opportunities in school admission for all eligible children (including non-Chinese speaking (NCS) children) in public sector schools, regardless of their race. The Government is committed to encouraging and supporting the early integration of NCS students (notably ethnic minority students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language”. (Education services for non-Chinese speaking (NCS) students).

Sources: Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China. 1997. Art. 136. / Education Bureau of Hong Kong Special Administrative Region. “Education Services for Non-Chinese Speaking (NCS) Students”. Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>.

Children of medical doctors have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While there is no explicit mention of access for migrants and their children, the law speaks to school admission for all eligible children. “Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications”. (Basic Law) “The Government ensures equal opportunities in school admission for all eligible children (including non-Chinese speaking (NCS) children) in public sector schools, regardless of their race. The Government is committed to encouraging and supporting the early integration of NCS students (notably ethnic minority students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language”. (Education services for non-Chinese speaking (NCS) students).

Sources: Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China. 1997. Art. 136. / Education Bureau of Hong Kong Special Administrative Region. “Education Services for Non-Chinese Speaking (NCS) Students”. Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>.

Children of permanent residents have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While there is no explicit mention of access for migrants and their children, the law speaks to school admission for all eligible children. “Article 136 On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications”. (Basic Law) “The Government ensures equal opportunities in school admission for all eligible children (including non-Chinese speaking (NCS) children) in public sector schools, regardless

of their race. The Government is committed to encouraging and supporting the early integration of NCS students (notably ethnic minority students) into the community, including facilitating their adaptation to the local education system and mastery of the Chinese language". (Education services for non-Chinese speaking (NCS) students).

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 136. / Education Bureau of Hong Kong Special Administrative Region. "Education Services for Non-Chinese Speaking (NCS) Students". Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>.

IMMIGRANT_46: Access to higher education.

Asylum seekers and their children have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: Restricted because of the status as non-ordinary resident. "(2)An immigration officer or a chief immigration assistant may at any time by notice in writing to a Vietnamese refugee impose any condition of stay or any further condition of stay which may include— (a)a limit of stay; (b)a condition that such person shall reside in a refugee centre specified by an immigration officer or a chief immigration assistant and shall comply with any rules made under section 13C; (Amended 65 of 1989 s. 3) (c)a condition that such person shall not— (i)take any employment, whether paid or unpaid; (ii)establish or join in any business; or (iii)become a student at a school, university or other educational institution".

Sources: Immigration Ordinance. 2018. Cap. 115.

Refugees have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: Restricted because of the status as non-ordinary resident. "(2)An immigration officer or a chief immigration assistant may at any time by notice in writing to a Vietnamese refugee impose any condition of stay or any further condition of stay which may include— (a)a limit of stay; (b)a condition that such person shall reside in a refugee centre specified by an immigration officer or a chief immigration assistant and shall comply with any rules made under section 13C; (Amended 65 of 1989 s. 3) (c)a condition that such person shall not— (i)take any employment, whether paid or unpaid; (ii)establish or join in any business; or (iii)become a student at a school, university or other educational institution".

Sources: Immigration Ordinance. 2018. Cap. 115.

Co-ethnics have access to higher education:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Domestic workers have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: Domestic workers' residence permit is tied to a working contract and cannot switch his / her purpose of stay to study.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available. https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Agricultural workers have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: Agricultural workers' residence permit is tied to a working contract and cannot switch his / her purpose of stay to study.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Medical doctors have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: No explicit exclusion.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available. <https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Permanent residents have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Immigrant permanent residents have the right of abode in HK and thus don't need visa to any forms of study in HK.

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available. <https://www.immd.gov.hk/eng/services/roa/term.html>. / Employment Ordinance. 2015. Cap. 57.

IMMIGRANT_47: Support for language instruction.

Provision of education support in language(s) of instruction for migrant pupils:

Answer: yes

Code: 1

Explanation: Yes, in the form of "Education services for non-Chinese speaking (NCS) students[非華語學童教育服務]" Concrete types of services include: Curriculum Development, information dissemination, bridging programmes before admission/ early stage of admission to school, after-school support in Chinese learning, grant, and placement assistance.

Sources: Education Bureau of Hong Kong Special Administrative Region. "Education Services for Non-Chinese Speaking (NCS) Students". Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>. / Education Bureau of Hong Kong Special Administrative Region. "Summary of Support Services for NCS Students". <https://www.edb.gov.hk/en/student-parents/ncs-students/summary-ncs-support-services/index.html>.

IMMIGRANT_48: Intercultural education.

Intercultural education is included in pre-service training in order to qualify as a teacher:

Answer: no

Code: 0

Explanation: Not necessarily required in pre-service training, but there are relevant reference materials (teachers' manual) and student support programme for non-Chinese-speaking (NCS) students in the form of teacher workshops. "A person who holds teacher qualification (e.g. a local Teacher's Certificate or Post-graduate Diploma/Certificate in Education) and is a Hong Kong permanent resident (for non-Hong Kong permanent resident, any one of the following proof issued by the Hong Kong Immigration Department is required: a. valid employment visa; b. landing slip bearing the conditions and limit of stay in Hong Kong; or c. HKSAR Document of Identity for Visa Purposes) may apply for registration as a teacher by filing a Form 8 to the Teacher Registration Team of this Bureau". Teacher Professional Development * Chinese Language Learning Support Centres Student Support Programme (SSP) for NCS Students - Teacher workshops * 'Reference Materials on Teaching of Chinese to NCS Students - Teacher's Manual' Developed by Department of Chinese and Bilingual Studies, The Hong Kong Polytechnic University (Commissioned by EDB).

Sources: Education Bureau of Hong Kong Special Administrative Region. "Teacher Registration". Access date not available. <https://www.edb.gov.hk/en/teacher/qualification-training-development/qualification/teacher-registration/index.html>. / Education Bureau of Hong Kong Special Administrative Region. "Support to Teachers". Access date not available. URL not available.

IMMIGRANT_49: Integration in teachers' syllabus.

Migration and integration are obligatory topics in professional development training:

Answer: yes

Code: 1

Explanation: Not necessarily obligatory, but such topics are part of the courses provided by Civil Service Bureau for public officials at different ranks in HK government. "9. CSTDI also offers a wide spectrum of management and communication courses for staff at different ranks. Some of the courses are outlined below - (a) induction training for new recruits covering integrity and core values of the civil service; (b) training of different themes including legislation and guidelines on equal opportunities, gender, race and cultural sensitivity, Disability Discrimination Ordinance, barrier-free access facilities and services, and basic sign language;"

Sources: Civil Service Bureau of Hong Kong Special Administrative Region. "An Overview of Training and Development for Civil Servants". Access date not available.

https://www.csb.gov.hk/english/admin/training/files/LCpaper_Overview_20190520_e.pdf

5.4.3. Health care

IMMIGRANT_50: Conditions for inclusion in the health care system

Conditions for inclusion of asylum seekers in the health care system:

Answer: no inclusion

Code: 0

Explanation: "Only patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons": -holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; -children who are Hong Kong residents and under 11 years of age; or - other persons approved by the Chief Executive of the Hospital Authority".

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>.

Conditions for inclusion of refugees in the health care system:

Answer: no inclusion

Code: 0

Explanation: "Only patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons": -holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; -children who are Hong Kong residents and under 11 years of age; or - other persons approved by the Chief Executive of the Hospital Authority".

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>.

Conditions for inclusion of co-ethnics in the health care system:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Conditions for inclusion of domestic workers in the health care:

Answer: no inclusion

Code: 0

Explanation: "Only patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons": -holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; -children who are Hong Kong residents and under 11 years of age; or - other persons approved by the Chief Executive of the Hospital Authority".

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>.

Conditions for inclusion of agricultural workers in the system of health care coverage:

Answer: no inclusion

Code: 0

Explanation: "Only patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons": -holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; -children who are Hong Kong residents and under 11 years of age; or - other persons approved by the Chief Executive of the Hospital Authority".

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>.

Conditions for inclusion of medical doctors in the system of health care coverage:

Answer: no inclusion

Code: 0

Explanation: "Only patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons": -holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid; -children who are Hong Kong residents and under 11 years of age; or - other persons approved by the Chief Executive of the Hospital Authority".

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>.

Conditions for inclusion of permanent residents in the system of health care coverage:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional because permanent residents are HK identity card holders.

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>. / Registration of Persons Ordinance. 2003. Cap. 177.

IMMIGRANT_51: Coverage of health care services.

Health care coverage for asylum seekers.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for refugees.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for co-ethnics.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for domestic workers.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for agricultural workers.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for medical doctors.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Health care coverage for permanent residents.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as citizens by birth because permanent residents are HK identity card holders.

Sources: Hospital Authority. "Home Page". Access date not available. <https://www.ha.org.hk/visitor/>.

5.4.4. Unemployment benefits

IMMIGRANT_52: Unemployment benefits.

Access of asylum seekers to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: "Persons whose presence in Hong Kong are unlawful and persons admitted to Hong Kong for a purpose other than residence (i.e. those who are subject to conditions of stay prescribed in

Regulation 2 of the Immigration Regulation Cap. 115A, such as imported workers and visitors) are excluded from the CSSA Scheme”.

Sources: Social Welfare Department of Hong Kong Special Administrative Unit. “Comprehensive Social Security Assistance (CSSA) Scheme”. Access date not available.
https://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_comprehens/.

Access of refugees to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: “Persons whose presence in Hong Kong are unlawful and persons admitted to Hong Kong for a purpose other than residence (i.e. those who are subject to conditions of stay prescribed in Regulation 2 of the Immigration Regulation Cap. 115A, such as imported workers and visitors) are excluded from the CSSA Scheme”.

Sources: Social Welfare Department of Hong Kong Special Administrative Unit. “Comprehensive Social Security Assistance (CSSA) Scheme”. Access date not available.
https://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_comprehens/.

Access of co-ethnics to unemployment benefits as compared to citizen residents:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Access of domestic workers to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Other limiting conditions apply: no access due to lack of ordinary residence status.

Sources: Social Welfare Department of Hong Kong Special Administrative Unit. “Comprehensive Social Security Assistance (CSSA) Scheme”. Access date not available.
https://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_comprehens/.

Access of agricultural workers to unemployment benefits as compared with citizen residents:

Answer: no access

Code: 0

Explanation: Other limiting conditions apply: no access due to lack of ordinary residence status.

Sources: Social Welfare Department of Hong Kong Special Administrative Unit. "Comprehensive Social Security Assistance (CSSA) Scheme". Access date not available.
https://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_comprehens/.

Access of medical doctors to unemployment benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: Other limiting conditions apply: at least one-year residence "Residence Requirement The applicant must: (i) be a Hong Kong resident; (ii) have held the Hong Kong resident status for not less than one year; and (iii) have resided in Hong Kong for at least one year (since acquiring the Hong Kong resident status to the date prior to the date of application). The one-year residence need not be continuous or immediately before the date of application. Absence(s) from Hong Kong up to a maximum of 56 days (whether continuous or intermittent) before the date of application is/are treated as residence in Hong Kong".

Sources: Social Welfare Department of Hong Kong Special Administrative Unit. "Comprehensive Social Security Assistance (CSSA) Scheme". Access date not available.
https://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_comprehens/.

Access of permanent residents to unemployment benefits as compared with citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access as nationals.

Sources: Social Welfare Department of Hong Kong Special Administrative Unit. "Comprehensive Social Security Assistance (CSSA) Scheme". Access date not available.
https://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_comprehens/.

5.4.5. Retirement benefits

IMMIGRANT_53: Retirement benefits.

Access of asylum seekers to retirement benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: "MPF is an employment-based retirement protection system. Except for exempt persons, employees (regular or casual) and self-employed persons who are at least 18 but under 65 years of age are required to join an MPF scheme. Regular employees are employees who are at least 18 but under 65 years of age and have been employed in any industry for a continuous period of 60 days or more". (Coverage).

Sources: Mandatory Provident Fund Schemes Authority. "Exempt Persons". Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>. / Mandatory Provident Fund Schemes Authority. "Coverage". Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>.

Access of refugees to retirement benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: "MPF is an employment-based retirement protection system. Except for exempt persons, employees (regular or casual) and self-employed persons who are at least 18 but under 65 years of age are required to join an MPF scheme. Regular employees are employees who are at least 18 but under 65 years of age and have been employed in any industry for a continuous period of 60 days or more". (Coverage).

Sources: Mandatory Provident Fund Schemes Authority. "Exempt Persons". Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>. / Mandatory Provident Fund Schemes Authority. "Coverage". Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>.

Access of co-ethnics to retirement benefits as compared to citizen residents:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Access of domestic workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access, unless they are exempt due to coverage by overseas retirement schemes. "The following are exempt persons who are not required to join an MPF scheme: domestic employees; self-employed hawkers; people covered by statutory pension or provident fund schemes, such as civil servants and subsidized or grant school teachers; members of occupational retirement schemes which are granted MPF exemption certificates; people from overseas who enter Hong Kong for employment for not more than 13 months, or who are covered by overseas retirement schemes; and employees of the European Union Office of the European Commission in Hong Kong". (Exempt Persons).

Sources: Mandatory Provident Fund Schemes Authority. "Exempt Persons". Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>.

Access of agricultural workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: “MPF is an employment-based retirement protection system. Except for exempt persons, employees (regular or casual) and self-employed persons who are at least 18 but under 65 years of age are required to join an MPF scheme. Regular employees are employees who are at least 18 but under 65 years of age and have been employed in any industry for a continuous period of 60 days or more”. (Coverage) “The following are exempt persons who are not required to join an MPF scheme: domestic employees; self-employed hawkers; people covered by statutory pension or provident fund schemes, such as civil servants and subsidized or grant school teachers; members of occupational retirement schemes which are granted MPF exemption certificates; people from overseas who enter Hong Kong for employment for not more than 13 months, or who are covered by overseas retirement schemes; and employees of the European Union Office of the European Commission in Hong Kong”. (Exempt Persons).

Sources: Mandatory Provident Fund Schemes Authority. “Exempt Persons”. Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>. / Mandatory Provident Fund Schemes Authority. “Coverage”. Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>.

Access of medical doctors to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access, unless they are exempt due to coverage by overseas retirement schemes. “The following are exempt persons who are not required to join an MPF scheme: domestic employees; self-employed hawkers; people covered by statutory pension or provident fund schemes, such as civil servants and subsidized or grant school teachers; members of occupational retirement schemes which are granted MPF exemption certificates; people from overseas who enter Hong Kong for employment for not more than 13 months, or who are covered by overseas retirement schemes; and employees of the European Union Office of the European Commission in Hong Kong”. (Exempt Persons).

Sources: Mandatory Provident Fund Schemes Authority. “Exempt Persons”. Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>. / Mandatory Provident Fund Schemes Authority. “Coverage”. Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>.

Access of permanent residents to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access (mandatory for most employed citizens by birth, and mandatory for most employed migrant workers working more than 13 months).

Sources: Mandatory Provident Fund Schemes Authority. “Exempt Persons”. Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>. / Mandatory Provident Fund Schemes Authority. “Coverage”. Access date not available. <https://www.mpfa.org.hk/en/mpf-system/mpf-coverage>.

5.5. Cultural policies

IMMIGRANT_54: Funding for bilingual education.

Is there public funding for bilingual education in the language of majoritarian migrant groups?

Answer: no

Code: 0

Explanation: No such funding can be found for the bilingual education of majoritarian (non-Chinese) migrant groups which are Indonesian and Filipino. It is worth mentioning that the Home Affairs Department sponsors non-governmental organisations to organise language classes at district level to facilitate integration of members of the ethnic minorities in our community. But such courses, as is describe on the official website, are focused in English and Cantonese.

Sources: Race Relations Unit. "Demographics". Access date not available. https://www.had.gov.hk/rru/english/info/info_dem.html. / Race Relations Unit. "Integration Programmes for Ethnic Minorities". Access date not available. https://www.had.gov.hk/rru/english/programmes/programmes_rad.html.

IMMIGRANT_55: Funding for media on main migrant group's language.

Is there public funding for media in the language of the main migrant group?

Answer: yes

Code: 1

Explanation: Yes "RTHK runs 7 distinctive radio channels. They are broadcast in Cantonese, English, and Putonghua and transmitted on FM and AM signals. RTHK also provides news services in Cantonese, Putonghua and English and offers the latest and the most accurate Greater China and international news". (RTHK 香港電台) "The Committee on the Promotion of Racial Harmony Description of the job: - The Committee has initiated a range of support services, including the cross-cultural learning youth programme, radio programmes in minority languages and Community Support Teams". "Radio Programmes for Ethnic Minorities The Home Affairs Department has launched five radio programmes in Bahasa Indonesia, Hindi (the Indian language), Nepali, Thai and Urdu (the Pakistan language). Purpose The aim is to offer a variety of radio programmes combining information with entertainment that is relevant to Hong Kong's ethnic minority communities".

Sources: Race Relations Unit. "Demographics". Access date not available. https://www.had.gov.hk/rru/english/info/info_dem.html. / Race Relations Unit. "Integration Programmes for Ethnic Minorities". Access date not available. https://www.had.gov.hk/rru/english/programmes/programmes_rad.html.

5.6. Mobility policies

5.6.1. Identity documents

IMMIGRANT_56: Confiscation of identification documents.

Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: "17H. Transitional powers of employers (1)An employee may be required by his employer to produce for inspection within the time limited by subsection (3)— (a)the employee's identity card; (b)the employee's official passport; or (c)where the employee is not the holder of an identity card and is not required to be registered under the Registration of Persons Ordinance (Cap. 177)— (i)a valid travel document; (ii)(Repealed 31 of 1984 s. 5) (iii)a Vietnamese refugee card or a document issued by the Director acknowledging that the employee is the holder of a Vietnamese refugee card which is reported lost or destroyed; (iv)a certificate of exemption; or (v)any other approved document, held by the employee".

Sources: Immigration Ordinance. 2018. Cap. 115.

Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: “17H. Transitional powers of employers (1) An employee may be required by his employer to produce for inspection within the time limited by subsection (3)— (a) the employee’s identity card; (b) the employee’s official passport; or (c) where the employee is not the holder of an identity card and is not required to be registered under the Registration of Persons Ordinance (Cap. 177)— (i) a valid travel document; (ii) (Repealed 31 of 1984 s. 5) (iii) a Vietnamese refugee card or a document issued by the Director acknowledging that the employee is the holder of a Vietnamese refugee card which is reported lost or destroyed; (iv) a certificate of exemption; or (v) any other approved document, held by the employee”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: “17H. Transitional powers of employers (1) An employee may be required by his employer to produce for inspection within the time limited by subsection (3)— (a) the employee’s identity card; (b) the employee’s official passport; or (c) where the employee is not the holder of an identity card and is not required to be registered under the Registration of Persons Ordinance (Cap. 177)— (i) a valid travel document; (ii) (Repealed 31 of 1984 s. 5) (iii) a Vietnamese refugee card or a document issued by the Director acknowledging that the employee is the holder of a Vietnamese refugee card which is reported lost or destroyed; (iv) a certificate of exemption; or (v) any other approved document, held by the employee”.

Sources: Immigration Ordinance. 2018. Cap. 115.

Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: “17H. Transitional powers of employers (1) An employee may be required by his employer to produce for inspection within the time limited by subsection (3)— (a) the employee’s identity card; (b) the employee’s official passport; or (c) where the employee is not the holder of an identity card and is not required to be registered under the Registration of Persons Ordinance (Cap. 177)— (i) a valid travel document; (ii) (Repealed 31 of 1984 s. 5) (iii) a Vietnamese refugee card or a document issued by the Director acknowledging that the employee is the holder of a Vietnamese refugee card which is reported lost or destroyed; (iv) a certificate of exemption; or (v) any other approved document, held by the employee”.

Sources: Immigration Ordinance. 2018. Cap. 115.

5.6.2. Freedom of movement

IMMIGRANT_57: Freedom of movement within country.

Do asylum seekers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: 13D. Detention pending decision as to permission to remain in Hong Kong, or pending removal from Hong Kong (1) As from 2 July 1982 any resident or former resident of Vietnam who— (a) arrives in Hong Kong not holding a travel document which bears an unexpired visa issued by or on behalf of the Director; and (b) has not been granted an exemption under section 61(2), may, whether or not he has requested permission to remain in Hong Kong, be detained under the authority of the Director in such detention centre as an immigration officer may specify pending a decision to grant or refuse him permission to remain in Hong Kong or, after a decision to refuse him such permission, pending his removal from Hong Kong, and any child of such a person, whether or not he was born in Hong Kong and whether or not he has requested permission to remain in Hong Kong, may also be so detained, unless that child holds a travel document with such a visa or has been granted an exemption under section 61(2). (Replaced 52 of 1991 s. 2).

Sources: Immigration Ordinance. 2018. Cap. 115.

Do refugees have the right to move freely within the country?

Answer: no

Code: 0

Explanation: Refugees are subject to removal at any time. "Removal from Hong Kong of Vietnamese refugees and persons detained under section 13D (1) The Director may at any time order any Vietnamese refugee or person detained in Hong Kong under section 13D to be removed from Hong Kong".

Sources: Immigration Ordinance. 2018. Cap. 115.

Do co-ethnics have the right to move freely within the country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: No. "The Helper shall work and reside in the employer's residence as specified in Clause 3 of the standard Employment Contract"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Foreign Domestic Helpers". Access date not available.

https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Do agricultural workers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: "After entry, the imported worker must remain under the direct employment of the same employer for the specified job and in the specific workplace(s) as stipulated in the standard employment contract (LD 294)"

Sources: Immigration Department of Hong Kong Special Administrative Region. "Imported Workers". Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Do medical doctors have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: No restrictions exist on internal mobility

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.

<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Do permanent residents have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: No restrictions exist on internal mobility

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available.

<https://www.immd.gov.hk/eng/services/roa/term.html>.

IMMIGRANT_58: Freedom to move outside the country.

Do asylum seekers have the right to leave the country?

Answer: no

Code: 0

Explanation: No, they can't leave the country while being detained during the application

Sources: Immigration Ordinance. 2018. Cap. 115.

Number of months of absence allowed per year (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have the right to leave the country?

Answer: no

Code: 0

Explanation: No such provision.

Sources: Immigration Ordinance. 2018. Cap. 115.

Number of months of absence allowed per year (refugees):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do co-ethnics have the right to leave the country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of months of absence allowed per year (co-ethnics):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the right to leave the country?

Answer: no

Code: 0

Explanation: No. No provisions allowing periods of absence “The Helper shall work and reside in the employer’s residence as specified in Clause 3 of the standard Employment Contract”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Foreign Domestic Helpers”. Access date not available.
https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html.

Number of months of absence allowed per year (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the right to leave the country?

Answer: no

Code: 0

Explanation: No. No provisions allowing periods of absence “After entry, the imported worker must remain under the direct employment of the same employer for the specified job and in the specific workplace(s) as stipulated in the standard employment contract (LD 294)”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Imported Workers”. Access date not available. https://www.immd.gov.hk/eng/services/visas/imported_worker.html.

Number of months of absence allowed per year (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have the right to leave the country?

Answer: yes

Code: 1

Explanation: Yes, there are no restrictions on leaving the country.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Number of months of absence allowed per year (medical doctors):

Answer: Not applicable

Code: Not applicable

Explanation: This is not regulated.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Technology Talent Admission Scheme (TechTAS)". Access date not available.
<https://www.immd.gov.hk/eng/services/visas/TECHTAS.html>.

Do permanent residents have the right to leave the country?

Answer: yes

Code: 1

Explanation: Yes, permanent residents are free from any condition of stay. "The right of abode in the HKSAR will allow a person the right: To land in the HKSAR; To be free from any condition of stay (including a limit of stay) in the HKSAR; Not to be deported from the HKSAR; and Not to be removed from the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>.

Number of months of absence allowed per year (permanent residents):

Answer: Not applicable

Code: Not applicable

Explanation: Permanent residents are free from any condition of stay. "The right of abode in the HKSAR will allow a person the right: To land in the HKSAR; To be free from any condition of stay (including a limit of stay) in the HKSAR; Not to be deported from the HKSAR; and Not to be removed from the HKSAR".

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available.
<https://www.immd.gov.hk/eng/services/roa/term.html>.

5.6.3. Obligations

5.6.4. Military service

IMMIGRANT_59: Military service.

Do asylum seekers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Not applicable. (There is no military conscription at all in HKSAR) "Article 14 The Central People's Government shall be responsible for the defence of the Hong Kong Special Administrative Region. The Government of the Hong Kong Special Administrative Region shall be responsible for the maintenance of public order in the Region. Military forces stationed by the Central People's Government in the Hong Kong Special Administrative Region for defence shall not interfere in the local affairs of the Region. The Government of the Hong Kong Special Administrative Region may, when necessary, ask the Central People's Government for assistance from the garrison in the maintenance of public order and in disaster relief. In addition to abiding by national laws, members of the garrison shall abide by the laws of the Hong Kong Special Administrative Region".

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997. Art. 14.

Do refugees have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR.

Sources: Not applicable

Do co-ethnics have the obligation to comply with military service?

Answer: Nott applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR.

Sources: Not applicable

Do agricultural workers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR.

Sources: Not applicable

Do medical doctors have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR.

Sources: Not applicable

Do permanent residents have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR.

Sources: Not applicable

5.6.5. Social service

IMMIGRANT_60: Social service.

Do asylum seekers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1997.

Do refugees have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Not applicable

Do co-ethnics have the obligation to comply with social service?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Not applicable

Do agricultural workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Not applicable

Do medical doctors have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Not applicable

Do permanent residents have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: There is no military conscription at all in HKSAR and thus also no social service as the alternative.

Sources: Not applicable

5.6.6. Taxes

IMMIGRANT_61: Income taxes.

Do asylum seekers have to pay income taxes in state of reception?

Answer: no

Code: 0

Explanation: No, asylum seekers have no legal source of income.

Sources: Not applicable

Do refugees have to pay income taxes in state of reception?

Answer: no

Code: 0

Explanation: No, refugees have no legal source of income.

Sources: Not applicable

Do co-ethnics have to pay income taxes in state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, domestic workers must pay tax on their salaries. "Do I Need to Pay Salaries Tax? You can be charged salaries tax [薪俸稅] on your income arising in or derived from Hong Kong from any employment, office, and pension. If you receive a tax return from the Inland Revenue Department, you must complete and submit it by the due date for filing even if you have no income that can be charged to salaries tax. If you work for yourself and are not an employee, you are considered to be self-employed and can be charged profits tax [利得稅] instead".

Sources: Government of Hong Kong Special Administrative Region. "Employee Tax Obligations". Access date not available.
<https://www.gov.hk/en/residents/taxes/salaries/salariestax/employeeobligations.htm>.

Do agricultural workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, agricultural workers need to pay tax on their salaries.

Sources: Government of Hong Kong Special Administrative Region. "Employee Tax Obligations". Access date not available.
<https://www.gov.hk/en/residents/taxes/salaries/salariestax/employeeobligations.htm>.

Do medical doctors have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, medical doctors need to pay taxes on salaries and profits.

Sources: Government of Hong Kong Special Administrative Region. "Employee Tax Obligations". Access date not available.
<https://www.gov.hk/en/residents/taxes/salaries/salariestax/employeeobligations.htm>.

Do permanent residents have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Yes, permanent residents need to pay taxes on salaries and profits.

Sources: Government of Hong Kong Special Administrative Region. "Employee Tax Obligations". Access date not available.
<https://www.gov.hk/en/residents/taxes/salaries/salariestax/employeeobligations.htm>.

5.7. Administration

IMMIGRANT_62: Existence of immigrant integration agency in state of reception.

Existence of institution/agency with competencies for immigrant policies:

Answer: no

Code: 0

Explanation: No, there is no integrated agency for resident immigrants. Specific issues related to them are regulated and maintained by several different governmental bodies. The rank of the Immigration Department The Government of the Hong Kong Special Administrative Region 行政府 Administrative Department 決策局 Security Bureau 保安局 Immigration Department 入境事務處] Immigration Department: extension of stay, family reunification, application for permanent identity card (right of abode). Labor Department: public services (Labour Relations, Occupational Safety and Health, Employee Rights & Benefits, Policy Support) Education Bureau: Education services for non-Chinese speaking (NCS) students.

Sources: Labour Department of Hong Kong Special Administrative Region. "Public Services". Access date not available. <https://www.labour.gov.hk/eng/service/menu.htm>. / Immigration Department of Hong Kong Special Administrative Region. "Visas". Access date not available. <https://www.immd.gov.hk/eng/services/index.html>. / Education Bureau of Hong Kong Special Administrative Region. "Education Services for Non-Chinese Speaking (NCS) Students". Access date not available. <https://www.edb.gov.hk/en/student-parents/ncs-students/about-ncs-students/index.html>. / Government of Hong Kong Special Administrative Region. "Hong Kong Special Administrative Region Government Organization Chart". Access date not available. <https://www.gov.hk/tc/about/govdirectory/govchart/index.htm>.

Name of the institution with competencies for immigrant policies in original language:

Answer: Not applicable

Name of the institution with competencies for immigrant policies in English:

Answer: Not applicable

Access to antidiscrimination body.

Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):

Answer: Yes

Code: 1

Explanation: Yes, without restrictions. "13. Can I lodge a complaint to the Office if I am not a Hong Kong resident? Regardless of your nationality or whether you are a Hong Kong permanent resident, you may lodge a complaint to this Office if you are dissatisfied with any maladministration by Government departments and the public organisations under The Ombudsman's purview".

Sources: Office of The Ombudsman, Hong Kong. "Home Page". Access date not available. <https://www.ombudsman.hk/en-us/>.

6. Immigrant citizenship and nationality

6.1. Immigrant nationality

6.1.1. Immigrant dual nationality

IMNAT_1: Renunciation of previous nationality.

Does the country require applicants to naturalization by residence to renounce their previous nationality?

Answer: Yes

Code: 0

Explanation: The track of naturalization process for immigrants in HKSAR means becoming a person of Chinese nationality defined in the PRC nationality law. "Article 8 Any person who applies for naturalisation as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalisation as a Chinese national has been approved shall not retain foreign nationality". (Application for Naturalisation as a Chinese National) "Changes in Immigration Status and Foreign Nationality if Application is Successful If the application for naturalisation as a Chinese national is approved, the applicant cannot retain his/her foreign nationality. The applicant will continue to enjoy the right of abode in Hong Kong as long as he/she remains as a Chinese national". (Application for Naturalisation as a Chinese National) "Issue of passport (1) Subject to this Ordinance, the Director may upon an application for a passport issue a passport to the applicant. (2) The Director shall not issue a passport to the applicant unless the applicant has satisfied all of the following conditions— (a) he is a Chinese citizen; (b) he is a permanent resident of the Hong Kong Special Administrative Region; and (c) he is a holder of a valid permanent identity card as defined in section 1A of the Registration of Persons Ordinance (Cap. 177)". (Cap. 539) "“Chinese citizen” (中國公民) means a person of Chinese nationality under the Nationality Law of the People’s Republic of China, as implemented in the Hong Kong Special Administrative Region in accordance with the Explanations of Some Questions by the Standing Committee of the National People’s Congress Concerning the Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region adopted at the 19th meeting of the Standing Committee of the National People’s Congress at the 8th National People’s Congress on 15 May 1996" (Cap. 539).

Sources: Hong Kong Special Administrative Region Passports Ordinance. 2018. Cap. 539. / Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

Citizenship can be withdrawn only if person resides outside the country:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are there exceptions?

Answer: Not applicable

Code: Not applicable

Explanation: No provision for standard naturalization based on residence.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

IMNAT_1_1: Sanctions.

Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?

Answer: No

Code: 0

Explanation: Keeping the nationality of the country of origin is not allowed for naturalized persons; but the sanctions are not clearly announced. "Changes in Immigration Status and Foreign Nationality if Application is Successful If the application for naturalisation as a Chinese national is approved, the applicant cannot retain his/her foreign nationality. The applicant will continue to enjoy the right of abode in Hong Kong as long as he/she remains as a Chinese national". (Application for Naturalisation as a Chinese National) "Article 8 Any person who applies for naturalization as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalization as a Chinese national has been approved shall not retain foreign nationality. [第八条 申请加入中国国籍获得批准的，即取得中国国籍；被批准加入中国国籍的，不得再保留外国国籍。]"

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

6.1.2. Emigrant dual nationality for immigrants who naturalized

IMNAT_2: Emigrant dual nationality for naturalized immigrants.

Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?

Answer: No provision

Code: 1

Explanation: No. Although it is required by the HK Immigration Department that all applicants whose application of naturalization becomes successful to renounce their foreign nationality, there is no differentiation of citizenships between citizens by naturalization and citizens by birth according to the PRC Nationality Law and its Interpretation in HKSAR. Thus, after emigration, national citizens by

naturalization, as just national citizens by birth, may use the travel document issued by the government of the country where they have gained right of abode in regions other than PRC without being deprived of their Chinese nationality. "Article 3 The People's Republic of China does not recognize dual nationality for any Chinese national. [第三条 中华人民共和国不承认中国公民具有双重国籍。]"(This applies for both naturalized citizens and citizens by birth.) 4. Any Chinese national who resides in the Hong Kong Special Administrative Region and has the right of abode in a foreign country may use the relevant document issued by the foreign government for the purpose of travelling to other countries or regions, but he or she shall not be entitled to the consular protection of the foreign country in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China on account of his or her holding the foreign documents mentioned above.(This applies for both nationalized citizens and citizens by birth of HKSAR).

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

6.1.3. Loss of nationality after residence abroad for naturalized immigrants

IMNAT_3: Loss after residence abroad for naturalized immigrants

For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad

Answer: No provision

Code: 1

Explanation: No. Citizens by naturalization who emigrated will not be deprived of their PRC nationality because of residence abroad. Nonetheless, they can voluntarily apply to renounce their Chinese nationality after having settled abroad. "Article 9 Any Chinese national who has settled abroad and who has been naturalized as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality. Article 10 Chinese nationals who meet one of the following conditions may renounce Chinese nationality upon approval of their applications: [...] (2) they have settled abroad [...]. Article 11 Any person who applies for renunciation of Chinese nationality shall lose Chinese nationality upon approval of his application. [第九条 定居外国的中国公民，自愿加入或取得外国国籍的，即自动丧失中国国籍。第十条 中国公民具有下列条件之一的，可以经申请批准退出中国国籍：[...] 二、定居在外国的；[...] 第十一条 申请退出中国国籍获得批准的，即丧失中国国籍。]"

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. Arts. 9, 10 and 11.

After how many years abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.4. Unrestrictive jus soli

IMNAT_4: Unrestrictive jus soli.

Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?

Answer: No

Code: 0

Explanation: Yes, under certain conditions. Any person born in China shall have Chinese nationality if the parents are stateless or of uncertain nationality and have settled in China. Under this condition, the birthplace of the parents is irrelevant. "Article 6 Any person born in China whose parents are stateless or of uncertain nationality and have settled in China shall have Chinese nationality.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. Art. 6.

6.1.5. Qualified jus soli

IMNAT_5: Qualified jus soli.

Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?

Answer: No

Code: 0

Explanation: No. (Other restrictive conditions apply.) Any person born in China shall have Chinese nationality if (1) his/ her parents are both Chinese nationals or (2) one of the parents is a Chinese national. In both cases, (one of) the parents need to not only be born in China but also stay as a Chinese national. In the second case scenario, it doesn't matter if it's the mother or father who is the Chinese national. "Article 4 Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. Art. 4.

6.1.6. Standard naturalization procedure for immigrants due to residence in the country

IMNAT_6: Ordinary naturalization.

Does the country provide for standard naturalization procedure for immigrants due to residence in it?

Answer: No provision for standard naturalization based on residence

Code: 0

Explanation: There is no independent naturalisation procedure that applies for Hong Kong, and available sources only offer indication of several possible considerations that may be made, but residence is not listed as a sufficient condition.

“Each application for naturalisation as a Chinese national will be considered on its own merits but consideration will be given to:

- whether you have a near relative who is a Chinese national with the right of abode in Hong Kong
 - whether you have the right of abode in Hong Kong
 - whether your habitual residence is in Hong Kong
 - whether the principal members of your family (spouse and minor children) are in Hong Kong
 - whether you have a reasonable income to support yourself and your family
 - whether you have paid taxes in accordance with the law
 - whether you are of good character and sound mind
 - whether you have sufficient knowledge of the Chinese language
 - whether you intend to continue to live in Hong Kong in case your naturalisation application is approved
 - whether there are other legitimate reasons to support your application”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Application for Naturalisation as a Chinese National”. Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

Number of years of residence required for naturalization:

Answer: Not applicable

Code: Not applicable

Explanation:

Sources: Not applicable

Number of continuous years of residence required for naturalization:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Permanent residence status is required for naturalization:

Answer: Not applicable

Code: 1

Explanation: Not applicable

Sources: Not applicable

Renunciation of previous nationality is required:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Language condition for naturalization:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Civil knowledge is a requisite for naturalization:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Clean criminal record is a requisite:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Economic resources as requisite for naturalization:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.7. Socialization based acquisition of citizenship

IMNAT_7: Naturalization by socialization.

Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?

Answer: No provision

Code: 0

Explanation: No such provision

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

6.1.8. Special procedure for immigrants with very long residence in country

IMNAT_8: Long residence.

Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?

Answer: No

Code:

Explanation: No, in the case of HKSAR, long habitual residence is linked to the right of abode in HK but unrelated to the acquisition of PRC nationality.

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available.

<https://www.immd.gov.hk/eng/services/roa/term.html>. / Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

6.1.9. Preferential naturalization for immigrants from specific countries

IMNAT_9: Preferential naturalization by polity.

Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific polity?

Answer: No

Code: 0

Explanation: No

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

6.1.10. Cultural affinity/Ethnic ties

IMNAT_10: Preferential naturalization due to cultural or ethnic ties.

Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?

Answer: No

Code: 0

Explanation: Not Applicable, HK has not co-ethnic proxy.

Sources: Not applicable

6.1.11. Spousal transfer

IMNAT_11: Spousal transfer.

Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: It's legally possible. In practice, the spouse of a Chinese national must firstly apply for a permanent residence permit which is granted only under demanding conditions. There are few cases of successful naturalization via spousal transfer. "Article 7 Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications:(1) they are near relatives of Chinese nationals[...] [第七条 外国人或无国籍人, 愿意遵守中国宪法和法律, 并具有下列条件之一的, 可以经申请批准加入中国国籍: 一、中国人的近亲属[...]]" (Nationality Law of the People's Republic of China, 1980) "Article 6 Foreigners applying for permanent residence in China must abide by Chinese laws, be in good health and without any criminal record, and must meet at least one of the following requirements:[...] (5) Being the spouse of a Chinese citizen or of a foreigner with permanent residence status in China, in a marriage relationship for at least five years, with at least five successive years of residence in China and at least nine months of residence in China each year, and having stable source of subsistence and a dwelling place; [第六条 申请在中国永久居留的外国人应当遵守中国法律, 身体健康, 无犯罪记录, 并符合下列条件之一: [...] (五)中国公民或者在中国获得永久居留资格的外国人的配偶, 婚姻关系存续满五年、已在中国连续居留满五年、每年在中国居留不少于九个月且有稳定生活保障和住所的]"(Measures for the Administration of Examination and Approval of Foreigners' Permanent Residence in China, 2004) the acquisition of PRC nationality cannot be merely based on spousal transfer. "The Nationality Law of the People's Republic of China of 1980 became effective in the Hong Kong Special Administrative Region and the Macau Special Administrative Region as of 1 July 1997 and 20 December 1999, respectively.²⁶In both regions, the 1980 PRC Nationality Law is applied in accordance with two interpretations: 1) the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region and 2) the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Macau Special Administrative Region of the PRC. Both Interpretations provided that Hong Kong and Macau residents of Chinese descent born in Chinese territory (including Hong Kong and Macau) are PRC nationals.²⁷The combined principle of *ius sanguinis* and *ius solio* of the PRC law is applicable to Hong Kong and Macau. 'Chinese descent' refers to those with at least one parent who is of Chinese origin (Song 2008: 615). The interpretations provided that any other person who meets the conditions for Chinese nationality as prescribed by the 1980 Nationality Law of the People's Republic of China are Chinese nationals.²⁸The acquisition of Chinese nationality at birth in both regions follows the PRC model: 1) birth in Hong Kong and Macau to Hong Konger or Macanese Chinese parent; 2) birth abroad to Hong Konger or Macanese Chinese parents; and 3) birth in Hong Kong and Macau to stateless parents, or when their nationality is uncertain, who have settled there".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 1980. / Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region, 1997, Art 1.; Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Macau Special Administrative Region of the PRC, 1999, Art 1. Access date not available. [https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y\(MS\)](https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y(MS)).

6.1.12. Filial transfer

IMNAT_12: Filial transfer.

Does the polity provide for acquisition of nationality by the child of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: Yes, if the parents of the child are Chinese nationals, then the child is eligible for the acquisition of Chinese nationality. This excludes the situation where the child has already acquired foreign nationality at birth because the parents have settled abroad. “Article 4 Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. Article 5 Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality. [第四条 父母双方或一方为中国公民，本人出生在中国，具有中国国籍。第五条 父母双方或一方为中国公民，本人出生在国外，具有中国国籍；但父母双方或一方为中国公民并定居在国外，本人出生时即具有外国国籍的，不具有中国国籍。]” “The Nationality Law of the People’s Republic of China of 1980 became effective in the Hong Kong Special Administrative Region and the Macau Special Administrative Region as of 1 July 1997 and 20 December 1999, respectively.²⁶In both regions, the 1980 PRC Nationality Law is applied in accordance with two interpretations: 1) the Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region and 2) the Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Macau Special Administrative Region of the PRC. Both Interpretations provided that Hong Kong and Macau residents of Chinese descent born in Chinese territory (including Hong Kong and Macau) are PRC nationals.²⁷The combined principle of *ius sanguinis* and *ius solio* of the PRC law is applicable to Hong Kong and Macau. ‘Chinese descent’ refers to those with at least one parent who is of Chinese origin (Song 2008: 615). The interpretations provided that any other person who meets the conditions for Chinese nationality as prescribed by the 1980 Nationality Law of the People’s Republic of China are Chinese nationals.²⁸The acquisition of Chinese nationality at birth in both regions follows the PRC model: 1) birth in Hong Kong and Macau to Hong Konger or Macanese Chinese parent; 2) birth abroad to Hong Konger or Macanese Chinese parents; and 3) birth in Hong Kong and Macau to stateless parents, or when their nationality is uncertain, who have settled there”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Application for Naturalisation as a Chinese National”. Access date not available.

https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / 中华人民共和国国籍法 [Nationality Law of the People’s Republic of China]. 1980. / Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region, 1997, Art 1; Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Macau Special Administrative Region of the PRC, 1999, Art 1. Access date not available.
[https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y\(MS\)](https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y(MS)).

6.1.13. Special naturalization for refugees

IMNAT_13: Refugees.

Does the polity facilitate the acquisition of nationality by a refugee in its territory?

Answer: No

Code:

Explanation: Hong Kong does not have a standard naturalization procedure, including for refugees.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003.

6.1.14. Naturalization for special achievements/talents

IMNAT_14: Special talents.

Does the polity provide for the acquisition of nationality by a person in account of special achievements/talents?

Answer: No

Code: 0

Explanation: No. (investment is a legitimate advantage that may facilitate the process of application for permanent residence which is a required condition for naturalization. But it is not a waiver for residence) "The Nationality Law of the People's Republic of China of 1980 became effective in the Hong Kong Special Administrative Region and the Macau Special Administrative Region as of 1 July 1997 and 20 December 1999, respectively.²⁶In both regions, the 1980 PRC Nationality Law is applied in accordance with two interpretations: 1) the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region and 2) the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Macau Special Administrative Region of the PRC. Both Interpretations provided that Hong Kong and Macau residents of Chinese descent born in Chinese territory (including Hong Kong and Macau) are PRC nationals.²⁷The combined principle of *ius sanguinis* and *ius solio* of the PRC law is applicable to Hong Kong and Macau. 'Chinese descent' refers to those with at least one parent who is of Chinese origin (Song 2008: 615). The interpretations provided that any other person who meets the conditions for Chinese nationality as prescribed by the 1980 Nationality Law of the People's Republic of China are Chinese nationals.²⁸The acquisition of Chinese nationality at birth in both regions follows the PRC model: 1) birth in Hong Kong and Macau to Hong Konger or Macanese Chinese parent; 2) birth abroad to Hong Konger or Macanese Chinese parents; and 3) birth in Hong Kong and Macau to stateless parents, or when their nationality is uncertain, who have settled there".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 1980. / Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong

Special Administrative Region, 1997, Art 1 ; Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Macau Special Administrative Region of the PRC, 1999, Art 1. Access date not available.
[https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y\(MS\)](https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y(MS)).

6.1.15. Naturalization due to investment/financial assets

IMNAT_15: Special talents.

Does the polity provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?

Answer: No

Code: 0

Explanation: No. (investment is a legitimate advantage that may facilitate the process of application for permanent residence which is a required condition for naturalization. But it is not a waiver for residence) "The Nationality Law of the People's Republic of China of 1980 became effective in the Hong Kong Special Administrative Region and the Macau Special Administrative Region as of 1 July 1997 and 20 December 1999, respectively.²⁶In both regions, the 1980 PRC Nationality Law is applied in accordance with two interpretations: 1) the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region and 2) the Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Macau Special Administrative Region of the PRC. Both Interpretations provided that Hong Kong and Macau residents of Chinese descent born in Chinese territory (including Hong Kong and Macau) are PRC nationals.²⁷The combined principle of *ius sanguinis* and *ius solio* of the PRC law is applicable to Hong Kong and Macau. 'Chinese descent' refers to those with at least one parent who is of Chinese origin (Song 2008: 615). The interpretations provided that any other person who meets the conditions for Chinese nationality as prescribed by the 1980 Nationality Law of the People's Republic of China are Chinese nationals.²⁸The acquisition of Chinese nationality at birth in both regions follows the PRC model: 1) birth in Hong Kong and Macau to Hong Konger or Macanese Chinese parent; 2) birth abroad to Hong Konger or Macanese Chinese parents; and 3) birth in Hong Kong and Macau to stateless parents, or when their nationality is uncertain, who have settled there".

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html.

6.1.16. Transfer to other relatives

IMNAT_16: Transfer to other relatives.

Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?

Answer: Yes

Code: 1

Explanation: “Each application for naturalisation as a Chinese national will be considered on its own merits but consideration will be given to: whether you have a near relative who is a Chinese national with the right of abode in Hong Kong” “Article 7 Aliens or stateless persons who are willing to abide by the Chinese Constitution and laws and have one of the following conditions may apply for approval to join Chinese nationality: 1. Close relatives of Chinese people [第七条 外国人或无国籍人，愿意遵守中国宪法和法律，并具有下列条件之一的，可以经申请批准加入中国国籍：一、中国人的近亲属]” “The Nationality Law of the People’s Republic of China of 1980 became effective in the Hong Kong Special Administrative Region and the Macau Special Administrative Region as of 1 July 1997 and 20 December 1999, respectively.²⁶In both regions, the 1980 PRC Nationality Law is applied in accordance with two interpretations: 1) the Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region and 2) the Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Macau Special Administrative Region of the PRC. Both Interpretations provided that Hong Kong and Macau residents of Chinese descent born in Chinese territory (including Hong Kong and Macau) are PRC nationals.²⁷The combined principle of *ius sanguinis* and *ius solio* of the PRC law is applicable to Hong Kong and Macau. ‘Chinese descent’ refers to those with at least one parent who is of Chinese origin (Song 2008: 615). The interpretations provided that any other person who meets the conditions for Chinese nationality as prescribed by the 1980 Nationality Law of the People’s Republic of China are Chinese nationals.²⁸The acquisition of Chinese nationality at birth in both regions follows the PRC model: 1) birth in Hong Kong and Macau to Hong Konger or Macanese Chinese parent; 2) birth abroad to Hong Konger or Macanese Chinese parents; and 3) birth in Hong Kong and Macau to stateless parents, or when their nationality is uncertain, who have settled there”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Application for Naturalisation as a Chinese National”. Access date not available.
https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / 中华人民共和国国籍法 [Nationality Law of the People’s Republic of China]. 1980. / Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region, 1997, Art 1 ; Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Macau Special Administrative Region of the PRC, 1999, Art 1. Access date not available.
[https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y\(MS\)](https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y(MS)).

6.1.17. Nationality for the stateless

IMNAT_17: Stateless.

Does the country facilitate the naturalization of a stateless person in its territory?

Answer: Yes

Code: 1

Explanation: Not applicable. Naturalization of a stateless person is legally possible. “Article 7 Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications: (1) they are near relatives of Chinese nationals ; (2) they have settled in China; or (3) they have other legitimate reasons. [第七条 外国人或无国籍人，愿意遵守中国宪法和法律，并具有下列条件之一的，可以经申请批准加入中国国籍：一、中国人的近亲属；二、定居在中国的；三、有其它正当理由。]” “The Nationality Law of the People’s Republic of China of 1980 became effective in the Hong Kong Special Administrative Region and the Macau Special Administrative Region as of 1 July 1997 and 20 December 1999, respectively.²⁶ In both regions, the 1980 PRC Nationality Law is applied in accordance with two interpretations: 1) the Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region and 2) the Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Macau Special Administrative Region of the PRC. Both Interpretations provided that Hong Kong and Macau residents of Chinese descent born in Chinese territory (including Hong Kong and Macau) are PRC nationals.²⁷ The combined principle of *ius sanguinis* and *ius solio* of the PRC law is applicable to Hong Kong and Macau. ‘Chinese descent’ refers to those with at least one parent who is of Chinese origin (Song 2008: 615). The interpretations provided that any other person who meets the conditions for Chinese nationality as prescribed by the 1980 Nationality Law of the People’s Republic of China are Chinese nationals.²⁸ The acquisition of Chinese nationality at birth in both regions follows the PRC model: 1) birth in Hong Kong and Macau to Hong Konger or Macanese Chinese parent; 2) birth abroad to Hong Konger or Macanese Chinese parents; and 3) birth in Hong Kong and Macau to stateless parents, or when their nationality is uncertain, who have settled there”.

Sources: Immigration Department of Hong Kong Special Administrative Region. “Application for Naturalisation as a Chinese National”. Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / 中华人民共和国国籍法 [Nationality Law of the People’s Republic of China]. 1980. / Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region, 1997, Art 1 ; Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Macau Special Administrative Region of the PRC, 1999, Art 1. Access date not available. [https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y\(MS\)](https://cadmus.eui.eu/bitstream/handle/1814/43624/EudoCit_2016_10_Chn_Twn%20.pdf?sequence=1&isAllowed=y(MS)).

6.1.18. Nationality for regularized immigrants

IMNAT_18: Regularization.

Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?

Answer: Not applicable (i.e. no regularization)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.19. Naturalization possible even if applicant had irregular status before

IMNAT_19: Irregular status.

Does the polity provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?

Answer: No

Code: 0

Explanation: No, it's not possible. A prerequisite for a possible naturalization process to begin is that the applicant is "willing to abide by the Chinese Constitution and laws[愿意遵守中国宪法和法律]" (Nationality Law of the People's Republic of China, 1980). Also, considering that there is no regularization scheme in PRC, when an immigrant is found out to be in an irregular status, he/she would be subject to deportation. "Article 62 Under any of the following circumstances, foreigners may be repatriated:(3) Illegally reside or work in China[第六十二条 外国人有下列情形之一的，可以遣送出境：（三）非法居留、非法就业的]" (The Exit and Entry Administration Law of the People's Republic of China, 2013)

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / 中华人民共和国出境入境管理法 [The Exit and Entry Administration Law of the People's Republic of China]. 2013.

6.2. Immigrant citizenship

6.2.1. Restrictions on citizenship for naturalized immigrants

IMCIT_1: Restrictions for naturalized immigrants.

Does the polity restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?

Answer: No

Code: 0

Explanation: No explicit citizenship restrictions for naturalized nationals. The application for naturalization preconditions that the applicant has already obtained the right of abode in HK which is linked to basically full citizenship in HK. But for non-Chinese HK permanent residents, the right of abode can be lost due to long-term absence.

Sources: Immigration Department of Hong Kong Special Administrative Region. "Application for Naturalisation as a Chinese National". Access date not available. https://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html. / Immigration Department of Hong Kong Special Administrative Region. "Loss of Hong Kong Permanent Resident Status". Access date not available. <https://www.immd.gov.hk/eng/services/roa/loss.html>.

For how long are the restrictions applied?

Answer: Indefinitely

Code: 0

Explanation: The restrictions are applied indefinitely, so long as the naturalized citizen retains the other nationality.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office posts?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized

IMCIT_2. Loss or suspension of citizenship.

Does the polity deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad.

Answer: No

Code: 0

Explanation: No loss or suspension of citizenship (right of abode) for the naturalized nationals after residence abroad. However, because of their absence in HK, emigrated HK Chinese (regardless of by birth or by naturalization) are not eligible for elections in Chief Executive and Legislative Assembly before ordinary habitual residences of over 20 years and 3 years are respectively required.

Sources: Immigration Department of Hong Kong Special Administrative Unit. "Meanings of Right of Abode and Other Terms". Access date not available. <https://www.immd.gov.hk/eng/services/roa/term.html>. / Chief Executive Election Ordinance. 2012. Cap. 569. / Legislative Council Ordinance. 2012. Cap. 542.

Are these rights recovered upon return?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals

IMCIT_3: Restrictions for naturalized immigrants who are dual nationals.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?

Answer: Yes

Code: 1

Explanation: Dual nationality is not recognized in general in PRC (including HK). But for Chinese HK citizens by naturalization who have gained right of abode in another country, they are (1) not entitled to consular protection of this foreign country within PRC, (2) not eligible for elections of Chief Executive and (3) not eligible for elections of Legislative Council. (2) and (3) apply not only to naturalized citizens but citizens by birth as well. See documentation in 5.2.1 Citizenship restrictions for dual nationals. 4. Any Chinese national who resides in the Hong Kong Special Administrative Region and has the right of abode in a foreign country may use the relevant document issued by the foreign government for the purpose of travelling to other countries or regions, but he or she shall not be entitled to the consular protection of the foreign country in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China on account of his or her holding the foreign documents mentioned above.(This applies for both nationalized citizens and citizens by birth of HKSAR).

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

How long do the restrictions apply?

Answer: Indefinitely

Code: 0

Explanation: Dual nationality is not recognized in general in PRC (including HK). But for Chinese HK citizens by n who have gained right of abode in another country, they are (1) not entitled to consular protection of this foreign country within PRC, (2) not eligible for elections of Chief Executive and (3) not eligible for elections of Legislative Council. (2) and (3) apply not only to naturalized citizens but citizens by birth as well. See documentation in 5.2.1 Citizenship restrictions for dual nationals. 4. Any Chinese national who resides in the Hong Kong Special Administrative Region and has the right of abode in a foreign country may use the relevant document issued by the foreign government for the purpose of travelling to other countries or regions, but he or she shall not be entitled to the consular protection of the foreign country in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China on account of his or her holding the foreign documents mentioned above.(This applies for both nationalized citizens and citizens by birth of HKSAR).

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

Do the restrictions apply to electoral rights?

Answer: Yes

Code: 1

Explanation: Dual nationality is not recognized in general in PRC (including HK). But for Chinese HK citizens by naturalization who have gained right of abode in another country, they are (1) not entitled to consular protection of this foreign country within PRC, (2) not eligible for elections of Chief Executive and (3) not eligible for elections of Legislative Council. (2) and (3) apply not only to naturalized citizens but citizens by birth as well. See documentation in 5.2.1 Citizenship restrictions for dual nationals. 4. Any Chinese national who resides in the Hong Kong Special Administrative Region and has the right of abode in a foreign country may use the relevant document issued by the foreign government for the purpose of travelling to other countries or regions, but he or she shall not be entitled to the consular protection of the foreign country in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China on account of his or her holding the foreign documents mentioned above.(This applies for both nationalized citizens and citizens by birth of HKSAR).

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

Do the restrictions apply to public office post?

Answer: Yes

Code:

Code: 1

Explanation: Dual nationality is not recognized in general in PRC (including HK). But for Chinese HK citizens by naturalization who have gained right of abode in another country, they are (1) not entitled to consular protection of this foreign country within PRC, (2) not eligible for elections of Chief Executive and (3) not eligible for elections of Legislative Council. (2) and (3) apply not only to naturalized citizens but citizens by birth as well. See documentation in 5.2.1 Citizenship restrictions for dual nationals. 4. Any Chinese national who resides in the Hong Kong Special Administrative Region and has the right of abode in a foreign country may use the relevant document issued by the foreign government for the purpose of travelling to other countries or regions, but he or she shall not be entitled to the consular protection of the foreign country in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China on account of his or her holding the foreign documents mentioned above.(This applies for both nationalized citizens and citizens by birth of HKSAR).

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.

Other type of restrictions (beyond electoral and public office posts).

Answer: No

Code: 0

Explanation: No other restrictions.

Sources: 中华人民共和国国籍法 [Nationality Law of the People's Republic of China]. 2003. / 全國人民代表大會常務委員會關於《中華人民共和國國籍法》在香港特別行政區實施的幾個問題的解釋(1996年5月15日第八屆全國人民代表大會常務委員會第十九次會議通過). [Instrument A204 Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (Adopted at the 19th Meeting of the Standing Committee of the Eighth National People's Congress on May 15, 1996)]. 1996.