



Home Office

# Hong Kong British National (Overseas) route

Version 9.0

This guidance tells you how to consider applications for entry clearance, permission to stay, and settlement on the Hong Kong British National (Overseas) route. It is based on Appendix Hong Kong British National (Overseas) to the Immigration Rules.

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# About this guidance

This guidance tells you how to consider applications for entry clearance, permission to stay, and settlement under the Hong Kong British National (Overseas) (BN(O)) route.

This guidance must be read in conjunction with [Appendix Hong Kong British National \(Overseas\)](#) to the Immigration Rules, and any other Rules or guidance referred to in this document.

Please consult operational instructions on any measures in place as a result of coronavirus (COVID-19) in conjunction with this guidance.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the BN(O) Route Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- version **9.0**
- published for Home Office staff on **31 January 2024**

## Changes from last version of this guidance

Updated to reflect changes to the relationship requirement to remove the need for partners to have been living together for at least 2 years prior to applying.

### Related content

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# Key requirements

This section shows you the key requirements for entry clearance and permission to stay on the Hong Kong British National (Overseas) (BN(O)) route.

Area	Requirements
Eligibility requirements	<p>The applicant:</p> <ul style="list-style-type: none"> <li>• is a BN(O) status holder or the eligible family member of a BN(O) status holder</li> <li>• is ordinarily resident in Hong Kong (overseas applications)</li> <li>• is ordinarily resident in Hong Kong, UK or Crown Dependencies (in country applications)</li> <li>• has adequate maintenance and accommodation for 6 months</li> <li>• holds a valid tuberculosis test certificate</li> </ul>
Suitability requirements	<p>The applicant must:</p> <ul style="list-style-type: none"> <li>• not fall for refusal under Part 9: grounds for refusal</li> <li>• if applying for permission to stay, not be: <ul style="list-style-type: none"> <li>○ in breach of immigration laws, unless an exception in paragraph 39E of the Rules or another exemption applies</li> <li>○ on immigration bail</li> </ul> </li> </ul>
Application forms	Hong Kong British National (Overseas) Visa using the UK Immigration: ID Check app (when available); or Hong Kong British National (Overseas) Visa
Cost of application	<ul style="list-style-type: none"> <li>• £180 for 30 months' permission</li> <li>• £250 for 5 years' permission</li> </ul>
Entry clearance mandatory?	Yes, if applying from overseas
Is biometric information required?	<p>Yes</p> <p>BN(O), Hong Kong Special Administrative Region (HKSAR) and dependent European Economic Area (EEA) passport holders will provide only facial biometrics, unless they cannot use the app to apply and must therefore attend a visa application centre (VAC) or UKVCAS in the UK.</p> <p>Any visa national and/or third country national dependants (and if the chip checker fails for a BN(O) or HKSAR passport holder) will need to book an appointment at a VAC or UKVCAS in the UK and provide their passport and fingerprint biometrics.</p>
Immigration Health Surcharge payable?	Yes, payable in full on application by each applicant
Conditions of entry or permission to stay	<ul style="list-style-type: none"> <li>• no access to public funds</li> </ul>

Area	Requirements
	<ul style="list-style-type: none"> <li>• work permitted (except as a professional sportsperson or sports coach)</li> <li>• study is allowed, subject to the requirement to obtain an Academic Technology Approval Scheme (ATAS) certificate if required by <a href="#">Appendix ATAS to the Immigration Rules</a></li> </ul>
How long is permission normally granted for?	30 months or 5 years as requested by the applicant
Are dependants of BN(O) status holders allowed?	<p>Yes. Dependent partners and children/grandchildren can apply with the BN(O) status holder. This includes the children/grandchildren of the partner of a BN(O) status holder who is also applying.</p> <p>Adult children of the partner of a BN(O) status holder and their dependent partners and children, as well as Adult Dependent Relatives may also be eligible to apply where they apply at the same time as the BN(O) status holder and form part of the same household.</p> <p>With the exception of partners and dependent children under 18, all family members should apply at the same time as the BN(O) status holder. Family members cannot usually join later if they do not apply with the BN(O) status holder (except partners and dependent children under 18).</p> <p>The adult child of a BN(O) status holder should apply independently of their BN(O) parent.</p>
Are dependants of the adult children of a BN(O) Status Holder allowed?	<p>Yes. Dependent partners, children under 18 and Adult Dependent Relatives can apply with the adult child of a BN(O) status holder.</p> <p>Partners and dependent children under 18 can apply to join the adult child of a BN(O) status holder separately. Adult Dependent Relatives should apply at the same time as the adult child of a BN(O) Status Holder and form part of the same household.</p>
Is switching into this category allowed?	Yes
Does this category lead to settlement (indefinite leave to remain)?	Yes, after 5 years' continuous residence in the UK for all applicants.



Area	Requirements
Is knowledge of language and life required?	For settlement applications but not for entry clearance or permission to stay applications.
Immigration Rules paragraphs	<ul style="list-style-type: none"> <li>• <a href="#">Immigration Rules: Appendix Hong Kong British National (Overseas)</a></li> <li>• <a href="#">Grounds for Refusal (Part 9)</a></li> </ul>

#### Related content

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# Definitions

This section provides a list of terms frequently used in this guidance and their definitions. The following definitions apply to the Hong Kong British National (Overseas) (BN(O)) route.

Term	Definition
Hong Kong BN(O) route	This means the routes in <a href="#">Appendix Hong Kong British National (Overseas) to the Immigration Rules</a>
BN(O) Status Holder route	The pathway for the BN(O) status holder and their dependants (dependent partner; Household Child; Adult Dependent Relative) to apply on the Hong Kong BN(O) route
BN(O) Household Member route	The pathway for the Household Member and their dependants to apply for the Hong Kong BN(O) route due to their connection to a BN(O) status holder
BN(O) status holder	A person aged 18 or over who registered for BN(O) status prior to the handover on 1 July 1997
Dependent Partner	The spouse, civil partner or unmarried partner for more than 2 years of a BN(O) status holder
BN(O) Household Child	The child or grandchild aged under 18 of a BN(O) status holder or a BN(O) status holder's partner
BN(O) Household Member	<ul style="list-style-type: none"> <li>the adult child (aged 18 or over) of a BN(O) or a BN(O)'s partner born on or after 1 July 1997</li> <li>for subsequent grants of permission, a person who was granted permission as a BN(O) Household Child (child or grandchild) when they were under 18 on the BN(O) Status Holder Route and who is now aged 18 or over</li> </ul>
Dependent partner of a BN(O) Household Member	The spouse, civil partner or unmarried partner for more than 2 years of a BN(O) Household Member
Dependent child of a BN(O) Household Member	The child under 18 of a BN(O) Household Member or of the dependent partner of a BN(O) Household Member
Adult Dependent Relative	<p>The brother, sister, parent, grandparent, son or daughter of:</p> <ul style="list-style-type: none"> <li>a BN(O) status holder or their partner</li> <li>the adult child of a BN(O) status holder applying as a BN(O) Household Member or their partner</li> </ul> <p>The Adult Dependent Relative must be aged 18 or over and can apply in exceptional circumstances where there is a high level of dependency</p>
Permission	This means 'permission to enter' or 'permission to stay'
Permission to stay	This means 'leave to remain' under the <a href="#">Immigration Act 1971</a> (and includes a variation of leave to enter or remain and an extension of leave to enter or remain).

Term	Definition
Settlement	This means 'indefinite leave to enter' or 'indefinite leave to remain'

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# Introduction

This section sets out the context for British National (Overseas) (BN(O)) status.

BN(O) status is a form of British nationality created for people from Hong Kong so they could retain a form of British nationality and a connection to the UK after the handover to China in 1997 in line with the Sino-British Joint Declaration.

Anyone who was a [British Dependent Territories citizen](#) through a connection with Hong Kong was able to apply to register as a BN(O) status holder and apply for a BN(O) passport. People could apply for BN(O) status for a period of 10 years prior to the handover to China on 1 July 1997. Some children aged under 18 were also listed as BN(O) status holders in their parents' BN(O) passports at the time of the handover. BN(O) status is valid for life and cannot be passed on to spouses or children. It is not possible to apply for BN(O) status now.

The UK government introduced the Hong Kong British National (Overseas) (BN(O)) route to provide the opportunity for BN(O) status holders and certain family members to live, work, and study in the UK. This followed the imposition by the Chinese Government of a national security law on Hong Kong, in breach of the Sino-British Joint Declaration, which restricts the rights and freedoms of the people of Hong Kong.

Under these arrangements, eligible BN(O) status holders and certain family members were initially able to come to the UK via a concession to grant them 'leave outside the rules at the border'. The concession ended on 19 July 2021. The grant of permission gave entitlements to work and study, but no recourse to public funds.

Prospective applicants for the Hong Kong BN(O) route already in the UK on another route, for example the Skilled Worker route, can apply to switch from within the UK.

The Hong Kong BN(O) route provides for permission to stay and to obtain settlement in the UK, as well as entry clearance from overseas.

## Related content

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# Overview of the Hong Kong BN(O) route

This section introduces the Hong Kong British National (Overseas) (BN(O)) route and gives an overview of the qualifying requirements.

## What is the Hong Kong BN(O) route?

The Hong Kong BN(O) route allows BN(O) status holders and certain family members to live, work and study in the UK. After 5 years, applicants will be able to apply for settlement, and after a further year, British citizenship, providing they meet the requirements.

There are 2 pathways under the Hong Kong BN(O) route in the rules: the BN(O) Status Holder route and the BN(O) Household Member route.

Applicants will be able to apply for permission for either 5 years or 30 months. Those granted entry clearance or permission to stay will be able to work in almost any capacity and study in the UK. They will not be able to access public funds.

In alignment with the UK, the Crown Dependencies (CDs) have also introduced a Hong Kong BN(O) route. Applicants to the BN(O) route operated by the CDs are subject to the same conditions and fees as those applying to the UK's Hong Kong BN(O) route. However, the Immigration Health Surcharge (IHS) is not payable for Crown Dependency BN(O) routes. The CDs make their own immigration rules as they are self-governing jurisdictions, but they have adopted the UK's BN(O) rules.

Applications for the Hong Kong BN(O) route can be made online on [GOV.UK](https://www.gov.uk) and via the UK Immigration: ID Check app.

## Where to find the rules

The route-specific Immigration Rules are contained in [Appendix Hong Kong British National \(Overseas\)](#). These apply to all applications for entry clearance, permission to stay and settlement.

## Structure of Appendix Hong Kong British National (Overseas)

Appendix Hong Kong British National (Overseas) is divided into 3 main parts:

- BN(O) Status Holder route
- BN(O) Household Member route
- Settlement on the Hong Kong BN(O) route

Each part is further subdivided into the following sections:

- validity requirements
- suitability requirements
- eligibility requirements
- decision (including period and conditions of stay)

The BN(O) Status Holder route is for BN(O) status holders, their partner or spouse, their dependent children or grandchildren under the age of 18, and an adult relative with a high degree of dependency on the BN(O) or the BN(O)'s partner.

The BN(O) Household Member route allows an adult child of a BN(O) status holder or of the partner of a BN(O) status holder born on or after the handover on 1 July 1997 to apply on the Hong Kong BN(O) route.

There are some key differences to the eligibility requirements and to the types of dependants the Household Member can bring; this is determined by whether the individual's parent is a BN(O) status holder or the partner of a BN(O) status holder.

The adult child of a BN(O) status holder can apply on the route regardless of whether their parent who holds BN(O) status has made an application or been granted permission on the route. Their partner and children aged under 18 can also apply on the route, and do not need to apply at the same time as the adult child. Their Adult Dependent Relatives can also apply, but they must apply at the same time as the adult child of a BN(O) Status Holder and must form part of the same household.

The adult child of the partner of a BN(O) status holder must form part of the same household as the BN(O) status holder and be applying at the same time as the BN(O) status holder. Their partner and children aged under 18 who form part of the same household as the BN(O) status holder can also apply, provided they do so at the same time as the BN(O) status holder.

The table below sets out the relevant paragraph numbers for each part and section of Appendix Hong Kong British National (Overseas):

<b>Part</b>	<b>Validity</b>	<b>Suitability</b>	<b>Eligibility</b>	<b>Decision</b>
BN(O) status holder: entry clearance or permission to stay	HK 1.1 to 1.3	HK 2.1 to 2.2	HK 3.1 to 7.4	HK 8.1 to 9.2
Dependent partner or BN(O) Household Child: entry clearance or permission to stay	HK 10.1 to 10.3	HK 11.1 to 11.2	HK 12.1 to HK 20.4	HK 21.1 to HK 22.5
BN(O) Household Member: entry clearance or permission to stay	HK 23.1 to 23.6	HK 24.1 to 24.2	HK 25.1 to HK 29.4	HK 30.1 to HK 31.3
Dependent partner or child of a BN(O)	HK 32.1 to 32.4	HK 33.1 to 33.2	HK 34.1 to HK 42.4	HK 43.1 to 44.5

Part	Validity	Suitability	Eligibility	Decision
Household Member: entry clearance or permission to stay				
BN(O) Adult Dependent Relative	HK 45.1 to 45.5	HK 46.1 to 46.2	HK 47.1 to HK 52.4	HK 53.1 to HK 54.3
Settlement	HK 55.1 to HK 55.3	HK 56.1 to HK 56.2	HK 57.1 to HK 63.1	HK 64.1 to HK 64.2
Variation of no access to public funds condition	HK 65.1 and sub-paragraphs			

## Related content

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# Considering evidence

This section provides general guidance on considering evidence submitted by an applicant on the Hong Kong British National (Overseas) (BN(O)) route, including when it may be appropriate to request further information, and verification or translation of documents.

## Supporting documents and information

All applicants are required to submit relevant information and supporting documents (including but not limited to evidence of their BN(O) status, finances, and a valid TB test certificate) to show they meet the requirements of the route. The application form provides guidance to applicants on what evidence to submit.

## Burden and standard of proof

The burden of proof is on the applicant to show they meet the validity and eligibility requirements of the rules. In some circumstances the burden may shift to the Home Office to show the applicant does not meet the suitability rules. See the relevant guidance on suitability for further information.

You must review the information on the application form and supporting evidence before deciding whether you are satisfied on the balance of probabilities (in other words that it is more likely than not) that the applicant has met the requirements of the rules.

## Requesting more information

If you need more information, or clarification of certain details, to decide whether an application is valid, or if it meets the suitability and eligibility requirements, you should consider requesting more information. You should apply the guidance on validity and evidential flexibility and consult the sections on [validity](#) and [evidential flexibility](#) below.

## Verifying documents

You must conduct verification checks if you have any doubts about whether any supporting document an applicant has submitted is genuine.

## Documents not in English or Welsh

All documents submitted with an application should be in English or Welsh. If the applicant submits documents in another language and you are unable to understand or interpret the evidence, you must ask them to submit a certified translation if they have not already provided one with their application. The translation must:

- confirm that it is an accurate translation of the original document
- be dated



- include the full name and signature of the translator or an authorised official of the translation company
- include the translator or translation company's contact details
- if the applicant is applying for permission to stay or settlement, be certified by a qualified translator and include details of the translator or translation company's credentials

If the translation does not meet these requirements and you are unable to understand or interpret the document, you may disregard it as evidence. This may result in the application being refused. For example, if you are unable to understand or interpret the applicant's evidence of their relationship to the BN(O) status holder (and they have not provided a suitable translation), and there is no other relevant evidence, you must refuse the application on the basis that you are not satisfied that they are the dependant of a BN(O) status holder. For further information, see guidance on Example refusal wording for applications on the Hong Kong BN(O) route.

## Translation of Welsh documents

Birth, marriage, civil partnership and death certificates issued in Wales are issued either in English only or bilingually (that is, with both Welsh and English printed on the same document). Such documents will therefore not require translation.

If you receive any supporting documentation in Welsh only (for example, an employer's covering letter), and you and your colleagues are unable to understand Welsh, you must arrange for the document to be translated into English.

Under the Home Office Welsh language scheme, customers living in Wales are entitled to correspond with the Home Office in Welsh. If an applicant writes to you in Welsh, they must receive a reply in Welsh.

The Home Office has a framework agreement with [the Big Word](#) translation company to translate material to and from Welsh. The cost of any translation must be met by your unit or directorate.

For guidance on handling correspondence in Welsh and how to procure Welsh translation services, see: Staff guide to the Home Office Welsh language scheme.

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# Validity requirements

This section tells you what validity requirements an applicant must meet for a grant of entry clearance, permission to stay in the UK or settlement on the Hong Kong British National (Overseas) (BN(O)) route. Route specific validation requirements are currently only applied in country, they will be rolled out to applications made out of country when the technology is in place.

For further information, see the guidance on Applications for leave to remain: validation, variation and withdrawal.

## Entry clearance or permission to stay

Before you consider an application for entry clearance or permission to stay, you must check whether the application is valid. The validity requirements for the Hong Kong BN(O) route are set out in the following paragraphs of the Immigration Rules:

Applicant	Paragraphs
BN(O) Status Holder	HK 1.1 to 1.4
Dependent partner	HK 10.1 to 10.3
BN(O) Household Child	HK 10.1 to 10.3
BN(O) Household Member	HK 23.1 to 23.6
BN(O) Household Member's dependent partner	HK 32.1 to 32.4
BN(O) Household Member's dependent child	HK 32.1 to 32.4
BN(O) Adult Dependent Relative	HK 45.1 to 45.5

## Requirement: applications made online

Applicants must apply by using the specified online application form on [GOV.UK](https://www.gov.uk), or using the UK Immigration: ID Check app.

The table below shows which application form applicants can use according to which nationality they hold.

Applicant	Specified form
Applicants with a chipped BN(O), Hong Kong Special Administrative Region (HKSAR), or European Economic	Either: <ul style="list-style-type: none"><li>Hong Kong British National (Overseas) Visa using the UK Immigration: ID Check app; or</li><li>Hong Kong British National (Overseas) Visa</li></ul>

Applicant	Specified form
Area (EEA) passport	
Other applicants of any other nationality	Hong Kong British National (Overseas) Visa

## Requirement: fee payment

The application fee for the Hong Kong BN(O) route is £180 for 30 months' permission and £250 for 5 years' permission.

The fee applies to each applicant.

Check the fees regulations and [UK visa fees](#) on GOV.UK for the most up to date information.

## Requirement: Immigration Health Charge payment

The applicant must have paid the Immigration Health Charge (IHC), which is sometimes called the Immigration Health Surcharge (IHS). For further information, see the guidance on the Immigration Health Surcharge.

The Immigration Health Charge is not payable for the Crown Dependencies' Hong Kong BN(O) routes.

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### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

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### Official – sensitive: end of section

## Requirement: biometrics

Under the Immigration (Provision of Physical Data) Regulations 2006 (as amended), all applicants are required to provide a passport-style facial photograph of themselves as part of the application process.

BN(O), HKSAR, or EEA passport holders applying from overseas or in the UK will not have to provide fingerprints if they successfully apply on the UK Immigration: ID Check app. However, if an applicant is not able to use this application route (for example because they do not hold a biometric chipped passport or the chip checker

fails), they must provide fingerprint biometrics at a registered [visa application centre](#) overseas or at a [UKVCAS service point](#) in the UK.

All other passport holders will be required to present their passport and give their fingerprint biometrics at a registered visa application centre overseas or at a UKVCAS service point in the UK as part of the application process.

See the published biometric guidance for more details.

## Requirement: proof of identity

The application form includes guidance for applicants on what they can submit as proof of identity to meet the requirements set out in Appendix Hong Kong British National (Overseas).

An applicant must provide a passport or other travel document which satisfactorily establishes their identity and nationality.

## Requirement: age

A BN(O) status holder must be aged 18 or over on the date of application.

A BN(O) Household Child must be under the age of 18 at the date of application.

A BN(O) Household Member must have been born on or after 1 July 1997 and must be aged 18 or over on the date of application.

## Settlement

Before you consider an application for settlement, you must check whether the application is valid. The validity requirements are set out in paragraphs HK 55.1 to HK 55.3 of the Immigration Rules.

These requirements include that the applicant's last grant of permission must have been on the Hong Kong BN(O) route and they must be in the UK when applying for settlement.

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# Suitability requirements

This section tells you where to find the suitability requirements an applicant must meet when they apply for entry clearance, permission to stay, or settlement on the Hong Kong British National (Overseas) (BN(O)) route.

You must check the application meets the suitability requirements by referring to the suitability requirements set out at the following paragraphs of Appendix Hong Kong British National (Overseas):

Applicant	Paragraphs
BN(O) status holder	HK 2.1 to 2.2
Dependent partner of a BN(O) status holder	HK 11.1 to 11.2
BN(O) Household Child	HK 11.1 to 11.2
BN(O) Household Member	HK 24.1 to 24.2
Dependent partner of a BN(O) Household Member	HK 33.1 to 33.2
BN(O) Household Member Child	HK 33.1 to 33.2
BN(O) Adult Dependent Relative	HK 46.1 to 46.2
Settlement	HK 56.1 to HK 56.2

To meet the suitability requirements above, you must check that the applicant does not fall for refusal under any of the grounds for refusal in [Part 9 of the Immigration Rules](#).

If the applicant is applying for permission to stay or settlement, you must check that:

- the applicant is not in breach of immigration laws, except periods of overstaying discounted under paragraph 39E - refer to the full guidance on overstaying
- the applicant is not on immigration bail

For guidance on assessing this requirement, see Grounds for refusal and cancellation (suitability). You should consult the relevant part of the guidance according to the circumstances of the applicant.

## Overseas convictions and offences not recognised in the UK

Some overseas convictions do not have a direct equivalent in the UK and would not be recognised. For example, some convictions may be for offences which are not crimes in the UK. Furthermore, some overseas offences may carry a much higher penalty than an equivalent offence would in the UK. Such convictions would not count as automatic grounds for refusal on this route. See the criminality policy guidance: 'Overseas convictions and offences not recognised in the UK' for more

information. You must consult your senior caseworker and the BN(O) Route Policy team if this consideration applies.

See the sections [Grant or refuse entry clearance](#) and [Grant or refuse permission to stay](#) for more information about refusing an application.

## **Applicant refused on suitability grounds**

If you are not satisfied the applicant meets the suitability requirements, you must refuse the application. You should still fully consider whether the applicant meets the eligibility requirements for entry clearance, permission to stay, or settlement, as appropriate. If the applicant also fails under any of the eligibility criteria, you must also include these in the refusal notice.

### **Related content**

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# Eligibility for entry clearance or permission to stay

This section tells you the eligibility requirements for entry clearance or permission to stay on the Hong Kong BN(O) route.

## BN(O) status holder requirement

The main applicant who is applying on the BN(O) Status Holder route must be a BN(O) status holder.

The definition of a BN(O) status holder can be found in the Passports of UK and British Overseas Citizens guidance and the British Overseas Citizens guidance. Evidence of BN(O) status may include a valid or expired BN(O) passport or confirmation of registration as a BN(O) status holder using Home Office records such as the relevant Her Majesty's Passport Office (HMPO) database.

An applicant may hold both BN(O) status and British citizenship. British citizens have the right of abode in the UK. If a BN(O) status holder who is also a British citizen makes an application, you should void their application. However, if the family members of an applicant who holds both British citizenship and BN(O) status (whose application has been voided) have also applied on the BN(O) route, you should continue to consider their application as normal and the fact the BN(O) status holder is also a British citizen will not impact their eligibility.

## BN(O) status holders who were registered as children

Some applicants who were under 18 on 1 July 1997 may have been added onto their parent's passport. You should therefore check their parent's details on the relevant HMPO database. Furthermore, some BN(O) status holders were born between 1 January 1997 and 30 June 1997. Their parents were given until 30 September 1997, after the handover, to register them as BN(O) status holders.

## Lack of evidence of BN(O) status

If the applicant claims to hold BN(O) status, or claims their parent has BN(O) status where they are applying under the BN(O) Household Member route as the adult child of a BN(O) status holder, but cannot produce evidence of their eligibility, for example their BN(O) passport or their parent's BN(O) passport is lost or has been stolen, you should check the relevant HMPO database. If you have no grounds to believe there is fraud or abuse, confirmation with HMPO will be sufficient for meeting this requirement. If the passport has been stolen and there are concerns around the applicant's identity, you may consult Intel and/or refuse the application.

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**Official - sensitive: start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

**Official - sensitive: end of section**

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## Financial requirement

This section tells you about the financial requirement for the Hong Kong BN(O) route for entry clearance and permission to stay.

There is no set level of funds an applicant must hold. However, all applicants, including their dependants, must be able to prove they can adequately maintain and accommodate themselves in the UK for 6 months without access to public funds.

Evidence of finances must be shown as set out in [Appendix Finance](#) to the Immigration Rules. The most recently dated piece of evidence should be dated within 31 days of the date of application.

Applicants can rely on credible offers of financial support and/or accommodation from a third party (for example, a relative or friend) to meet this requirement. The test for adequate maintenance is whether you can show that, after your accommodation costs have been paid, you have at least as much money as you would if your family were receiving income support in the UK.

For further guidance on assessing adequate maintenance, see the Financial requirement guidance.

Applicants will not have to meet the financial requirement if they have already been living in the UK for 12 months when they apply for permission to stay on the Hong Kong BN(O) route with the exception of those who have been granted 12 months' leave outside the rules where their BN(O) application has been refused previously and those switching from the Youth Mobility Scheme. See 'Applicants who have lived in the UK for 12 months with permission' in the Financial requirement guidance for further information on how to assess this.

## Entry clearance applications

If you are not satisfied that the applicant and their dependants can meet the financial requirement, you must refuse the application for entry clearance.

## Permission to stay applications

If the applicant and their dependants are applying for permission to stay in the UK, but their applications fall for refusal because you are not satisfied they can meet the financial requirement, you can exercise discretion to grant 12 months' leave outside the rules. See the guidance on ['Exceptions: leave outside the rules following a refusal'](#) in the ['Grant or refuse permission to stay'](#) section for further information.



## Ordinary residence requirement

This section sets out what documentary evidence an applicant must provide to prove their ordinary residence.

Ordinary residence has the following features:

- it is a regular, habitual mode of life in a particular place
- its continuity has persisted despite temporary absences
- it may be of long or short duration
- it must be lawful
- it must have been adopted voluntarily
- it must be for a settled purpose

The sections below provide non-exhaustive lists of the type of documentary evidence which the applicant will be able to provide. The guidance below is not prescriptive or definitive. Some applicants may lack documentary evidence in their own name for various reasons, you must work flexibly with applicants to help them evidence their ordinary residence by the best means available to them.

Periods of absence do not necessarily mean that a person's ordinary residence has ceased. Applicants for the Hong Kong BN(O) route can apply for entry clearance from any country outside the UK but must be able to demonstrate their ordinary residence in Hong Kong.

For example, students studying abroad, businesspeople working away from Hong Kong or applicants visiting family overseas when they apply for the Hong Kong BN(O) route would usually meet the requirement for ordinary residence in Hong Kong, providing they were ordinarily resident in Hong Kong prior to travelling. However, an applicant for the Hong Kong BN(O) route with a permanent or settled immigration status in another country would likely not meet the ordinary residence requirement for entry clearance.

For further information, see 'Absences during a period of residence' in the guidance on Nationality policy: assessing ordinary residence.

## Entry clearance applications

Applicants who have submitted an application for entry clearance must be outside the UK and must show they are ordinarily resident in Hong Kong at the date of application.

Evidence of ordinary residence in Hong Kong could be (but is not limited to) a combination of the following documents:

- an official Hong Kong ID card
- an official Hong Kong permanent ID card
- itemised bank statements
- a letter from an employer confirming their employment in Hong Kong

- a visa or residence permit or other immigration documents (a colour photocopy would be acceptable) showing residence in Hong Kong
- an educational record, for example a school report
- tax records
- records of rent or mortgage payments
- payslips
- household or utility bills
- valid tuberculosis certificate (see: Tuberculosis (TB) certificate requirement)
- passport stamps that show an applicant travelling from, and returning to, Hong Kong for travel overseas.

Tuberculosis certificates and passport stamps can only be accepted as evidence of ordinary residence in Hong Kong in conjunction with other forms of evidence.

## Permission to stay applications

Applicants for permission to stay must be in the UK and must show they are ordinarily resident in the UK, the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man or Hong Kong at the date of application.

If the applicant is applying for permission to stay, for example they were granted leave outside the rules at the border or they have a previous grant of permission, you should check whether there is an existing immigration footprint for them to evidence their ordinary residence (for example, a passport stamp confirming entry at the UK border). If they do have an existing immigration footprint, then further evidence of their residence is not required.

If there is no existing immigration footprint, evidence of ordinary residence in the UK, the Bailiwick of Guernsey, Bailiwick of Jersey, or the Isle of Man could be:

- a letter from an employer or education provider confirming their employment or study
- a dated bank statement showing payments received or spending
- a dated letter from a GP or other healthcare professional confirming the applicant's attendance at appointments, or a card issued by the healthcare professional confirming those appointments
- a payslip or most recent P60
- a dated, UK or Islands-addressed domestic utility bill or council tax bill
- a letter from the local council or a government
- a voter's card
- an educational record, for example a school report
- other immigration documents
- records of rent or mortgage payments
- tax records

If the applicant and their dependants are applying for permission to stay in the UK but their applications fall for refusal because you are not satisfied they can meet the ordinary residence requirement, you have the discretion to grant 12 months' leave

outside the rules. See the guidance on [‘Exceptions: leave outside the rules following a refusal’](#) in the [‘Grant or refuse permission to stay’](#) section for further information.

In most cases this will be a simple assessment. In more complex cases, the principles of establishing whether someone is ordinarily resident in the UK may be applied here. See: Nationality Policy - assessing ordinary residence.

## Tuberculosis (TB) certificate requirement

Applicants and their dependants are required to provide a valid TB certificate for entry clearance or permission to stay applications, unless a qualifying exemption applies.

### Entry clearance applications

Where an applicant is applying for entry clearance, they will need to provide a valid TB certificate with their application if they have been residing within a country listed in [Appendix T](#) of the Immigration Rules for the 6 months immediately preceding the application.

The requirement is met if the applicant provided a valid TB certificate as part of a successful application for entry clearance in the 12 months prior to the date of application for the Hong Kong BN(O) route, for example they were granted entry clearance on a family visa or family permit.

If an applicant on the BN(O) route has not supplied a valid TB certificate when they are required to do so, you should make one attempt to contact the applicant and give them 10 working days to provide the certificate. If the applicant fails to provide a valid TB certificate following this, the application should be refused. If an applicant’s certificate shows that they have tested positive for TB, their application should also be refused.

For further information regarding which applicants are required to obtain a TB certificate before applying and the approved test centres, see [Tuberculosis tests for visa applicants](#) on GOV.UK.

### Permission to stay applications

For in-country applications, if the applicant has last been granted permission to stay in the UK for 6 months or less at the date of application, they must provide a valid test certificate obtained either from an [approved clinic in the UK](#) or an [approved clinic outside the UK](#) if they were previously in a country listed in [Appendix T](#) of the rules.

The requirement is met if the applicant provided a valid TB certificate as part of a successful application for entry clearance in the 12 months prior to the date of application for the Hong Kong BN(O) route, for example they were granted entry clearance on a family visa or family permit.

For permission to stay applications, where applicants have tested positive for TB and can demonstrate that they are getting treatment (for example a letter from a GP), their application should not be refused but should be kept on hold, allowing the applicant to stay with 3C leave for a minimum of six months while they undertake a full course of treatment. If the applicant provides a positive test certificate and then a negative test certificate shortly afterwards, this should not be taken as proof that the applicant no longer has TB. The applicant must complete a full course of treatment (minimum 6 months) and have written evidence of successful treatment before being reassessed for TB infection.

For further information regarding which applicants are required to obtain a TB certificate before applying and the approved test centres, see [Tuberculosis tests for visa applicants](#) on GOV.UK.

## Children

All children must see a clinician at an approved clinic who will decide if they need a chest x-ray. If the clinician decides the child does not have TB, they will provide a certificate which should be included in their application.

## Evidential flexibility

Consult the guidance on evidential flexibility further information on how to assess cases where evidence is missing.

### Related content

[Contents](#)

# Eligible dependants

This section sets out which family members can apply to come to the UK or remain in the UK under the Hong Kong BN(O) route. This includes eligible dependants under the BN(O) Status Holder route and the BN(O) Household Member route.

## BN(O) Status Holder route

On their first application under the route, all family members applying to the BN(O) Status Holder route must be able to demonstrate that they meet a relationship requirement which links them to a BN(O) status holder and, if they are applying as the grandchild of a BN(O) status holder, an Adult Dependent Relative or the adult child of the partner of a BN(O) status holder or their dependants, that they form part of the same household as that BN(O) status holder.

In subsequent applications, following a successful grant of permission, it will be sufficient for the partner of a BN(O) status holder to show that they already hold permission on the route. A child or grandchild who is under the age of 18 or an Adult Dependent Relative must continue to demonstrate that they meet a relationship requirement which links them to a person who has permission under the route. This is to ensure that those who have an on-going need to be cared for or supported by a relevant family member cannot have their application disconnected from that family member.

A child who is under the age of 18 on their first application but following a successful grant of permission is aged 18 or over on their subsequent application, should apply as a BN(O) Household Member in that subsequent application and, as with other adult children applying to extend their permission, will not need to demonstrate that they continue to meet a relationship requirement.

Dependants making an initial application for permission should be granted in line with the main applicant. If the main applicant and their dependants apply for different lengths of permission (for example, the main applicant applies for 5 years and their dependants apply for 30 months), you should write to the applicants to notify them that they must all apply for the same length of permission, either 30 months or 5 years.

If a dependent partner and/or dependent children are applying to join a main applicant who has already been granted permission to stay within the UK, all dependants should also be granted permission in line with the end date of the main applicant's permission.

Any dependants must meet the eligibility and suitability requirements of this route.

## If a BN(O) status holder is deceased or dies during the application process

Family members of a BN(O) status holder who died before an application was made under the Hong Kong BN(O) route will not be eligible to apply as if they were dependants of the deceased BN(O) status holder, unless they are a BN(O) status holder in their own right, or the family member of another BN(O) status holder.

This does not apply if the BN(O) status holder dies during the application process. Under a concession outside Appendix Hong Kong British National (Overseas), if the main applicant has submitted an application for permission under the BN(O) route that would not have been refused and their identity can be verified, regardless of whether they have submitted a valid application, you should consider the applications of their family members.

You should assess whether they meet the eligibility and suitability requirements of the route as if the deceased applicant were still alive. You must consider the care requirement for dependent children and Adult Dependent Relatives as set out below. If they do meet all remaining requirements, you can grant them permission on the BN(O) route. You may request further evidence if necessary, for instance, if the maintenance funds were held exclusively by the deceased main applicant at the time of applying, in line with the guidance on evidential flexibility.

The identity of the main applicant must still be verified. If the BN(O) main applicant has enrolled biometrics at a visa application centre or UKVCAS service point or has scanned their passport on the UK Immigration: ID Check App, you will be able to confirm their identity and, therefore, the eligibility of the applicant and their family members for the route. If they had not yet enrolled their biometrics, you should write to the family of the deceased applicant to ask them to submit the BN(O) status holder's passport in order to verify their identity.

You will also need to appoint one of the remaining family members as the main applicant for the purpose of granting permission for the dependants. In most cases, this will be another adult who is responsible for the care of the remaining applicants, for example the dependent partner.

The care requirement also still applies to dependent children under 18 and Adult Dependent Relatives. In order to meet the care requirements for the route and maintain a necessary level of safeguarding, if the deceased applicant was the sole care provider for dependants who are either children under 18 or an Adult Dependent Relative, you should refuse their applications on the grounds that the applicant or applicants do not meet the care requirement in the rules. If there is, however, another adult who is responsible for the care of the children or the Adult Dependent Relative (for instance, a spouse or partner, or the other parent of the children) who is also making an application, or already has permission on the route, you should consider the care requirement met as long as you are satisfied that the individual is responsible for the dependants' care.

Additionally, if a BN(O) status holder passes away during the application process, and their partner and/or children under 18 subsequently make an application under the BN(O) route, their applications may be considered as if the deceased applicant were still alive. See the section on [‘applying together: Who can apply separately from the main applicant?’](#) below for more information.

If a dependent child under 18 or [Adult Dependent Relative](#) makes a subsequent application for permission to stay, but their main applicant has passed away since the initial grant, you should still consider whether their application meets the requirements of the rules. You may consult your senior caseworker, who may refer to the BN(O) Route Policy team, for further advice.

## Dependent partner

The dependent partner on the BN(O) Status Holder route must:

- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying for permission to stay in the UK
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

## Assessing the relationship

The dependent partner must meet the relationship requirement. If they are applying for permission to stay and have permission as a dependent partner on the BN(O) Status Holder route on the date of application, they will meet the relationship requirement. Otherwise, they must demonstrate they meet the following:

- the relationship between the applicant and the BN(O) status holder must be genuine and subsisting
- the BN(O) status holder’s partner should intend to live with the BN(O) status holder once in the UK

A BN(O) status holder’s spouse or civil partner should enclose a digital copy of their marriage or civil partnership certificate along with their application.

If the partner is not the spouse or civil partner of the BN(O), they must show that:

- they have been in a relationship similar to marriage or civil partnership for at least 2 years before applying
- any previous relationships of the BN(O) status holder or the partner have permanently broken down
- they are not so closely related that they would not be allowed to marry in the UK

See the Relationship with a Partner guidance for further information.



## BN(O) Household Child

A BN(O) Household Child is the dependent child or grandchild under the age of 18 of a BN(O) status holder or their partner who is applying on the BN(O) Status Holder route.

Both of the BN(O) Household Child's parents must apply together with the Household Child, or have permission to be in the UK (except as a visitor). The requirement to have permission does not apply if the parent is a British citizen, or a person who has a right to enter or stay in the UK without restriction (although such persons are required to be ordinarily resident in the UK, or to become so). The following exemptions apply:

- the parent who is a BN(O) status holder or the partner of a BN(O) status holder is the only living parent
- the parent who is a BN(O) status holder or the partner of a BN(O) status holder has sole responsibility for bringing up the child
- there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the Hong Kong BN(O) route
- there are serious and compelling reasons to grant the child entry clearance or permission to stay with the BN(O) grandparent or BN(O) grandparent's partner who has permission on the Hong Kong BN(O) route

The Household Child must:

- normally live with the BN(O) status holder
- live with a parent who has permission on the Hong Kong BN(O) route during their stay in the UK
- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

If a dependent child is born in the UK to a BN(O) status holder and/or their partner, who already have permission on the route, the BN(O) status holder and/or their partner should apply for permission for the child and provide a full UK birth certificate showing the names of the child's parents.

## Assessing the relationship

The main applicant must show evidence that they are the parent, adopted parent or guardian of the Household Child, such as:

- a full birth certificate
- an adoption certificate
- a court order, such as a special guardianship order



## The best interests of a child

The duty in [section 55 of the Borders, Citizenship and Immigration Act 2009](#) to have regard to the need to safeguard and promote the welfare of a child under the age of 18 in the UK, together with Article 3 of the UN Convention on the Rights of the Child, means that consideration of the child's best interests must be a primary consideration in immigration decisions affecting them. This guidance and the Immigration Rules it covers form part of the arrangements for ensuring that we give practical effect to these obligations.

Where a child or children in the UK will be affected by the decision, you must have regard to their best interests in making the decision. You must carefully consider all the information and evidence provided concerning the best interests of a child in the UK and the impact the decision may have on the child.

Although the duty in section 55 only applies to children in the UK, the statutory guidance – [Every Child Matters – Change for Children](#) – provides guidance on the extent to which the spirit of the duty should be applied to children overseas. You must adhere to the spirit of the duty and make enquiries when you have reason to suspect that a child may be in need of protection or safeguarding, or presents welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries and you are to abide by these and work with local agencies in order to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

Further guidance can be found in paragraphs 2.34 to 2.36 of the [statutory guidance](#).

## Adult Dependent Relative of a BN(O) status holder or their partner

An Adult Dependent Relative is the:

- parent aged 18 or over
- grandparent
- brother or sister aged 18 or over
- son or daughter aged 18 or over

of a BN(O) status holder or BN(O) status holder's dependent partner.

## Assessing high dependency

Cases of exceptional high dependency can be considered outside of the definitions of dependants above (dependent partner/spouse, Household Child, Household Member, partner/spouse of a Household Member, dependent child of a Household Member). Assessing high dependency is guided by, but not limited to, the following factors:

- their age, illness, or disability requires long-term personal care to perform everyday tasks
- the applicant normally lives with the BN(O) status holder
- the applicant is unable to access care in Hong Kong, even with the practical and financial support of the BN(O) status holder or the BN(O) status holder's partner/spouse

You can request further information to establish whether the dependent adult relative is part of the same household as the BN(O) status holder and the level of their dependency on the BN(O) status holder or the BN(O) status holder's partner/spouse, such as evidence of medical conditions, how long have they been living together and how care is provided.

See the guidance on Adult Dependent Relatives for further information.

See [Adult Dependant Relatives of the adult child of a BN\(O\) status holder](#) for more information on how to assess applications from Adult Dependent Relatives on the BN(O) Household Member route.

## Applying together

Under the BN(O) Status Holder route, our expectation is that BN(O) status holders and relevant family members will usually apply together, although they may choose to travel to the UK separately. See: [Travelling to the UK separately](#). In practice, this means that the main applicant who is a BN(O) status holder should apply first and receive their Unique Applicant Number (UAN) or Global Web Form (GWF) reference. Any dependants applying will need to quote this UAN or GWF in their applications.

## Who must apply together with the main applicant?

A grandchild and an Adult Dependent Relative of a BN(O) status holder or their partner must apply for permission at the same time as the main applicant. They must pay their application fee within 48 hours of the BN(O) status holder submitting their application. If a BN(O) status holder is granted entry clearance or permission to stay and a grandchild or Adult Dependent Relative makes an application at a later date, you must refuse the application.

## Who can apply separately from the main applicant?

Dependent partners and dependent children aged under 18 are not required to apply at the same time as the main applicant and can instead apply to join them at a later date. When applying as a dependent partner or child for the first time, the main applicant must have either made a valid application for entry clearance or permission to stay that has not been decided, or have entry clearance or permission as a BN(O) status holder or as the partner of a BN(O) status holder. If a dependent partner and/or dependent children are applying to join a main applicant who has already been granted permission to stay within the UK, all dependants should be granted permission in line with the end date of the main applicant's permission.

The partner and dependent child of a BN(O) status holder who passed away during the application process are also not required to have applied at the same time as the main applicant.

## BN(O) Household Member route

The BN(O) Household Member Route allows the adult child of a BN(O) status holder or the adult child of the partner of a BN(O) status holder, who was born on or after 1 July 1997 and is aged 18 or over, to apply to the Hong Kong BN(O) route with their eligible family members. The BN(O) Household Member route may also be used where a person had permission as a BN(O) Household Child but no longer qualifies for that route because they are now aged 18 or over. The applicant cannot have, or have last had, permission as a BN(O) Adult Dependent Relative on the Hong Kong BN(O) route.

On their first application under the route, all family members applying to the BN(O) Household Member route must be able to demonstrate that they meet a relationship requirement which links them to the adult child of a BN(O) status holder or the adult child of the partner of a BN(O) status holder. If they are applying as the family member of the adult child of the partner of a BN(O) status holder, they will also need to form part of the same household as that BN(O) status holder.

In subsequent applications, following a successful grant of permission, it will be sufficient for a dependent partner to show that they already hold permission on the route. A child or grandchild who is under the age of 18 or an Adult Dependent Relative must continue to demonstrate that they meet a relationship requirement which links them to a person who has permission under the route. This is to ensure that those who have an on-going need to be cared for or supported by a relevant family member cannot have their application disconnected from that family member.

The BN(O) Household Member Route has two subcategories depending on whether the applicant is the child of a BN(O) status holder or the child of the partner of a BN(O) status holder.

## Adult child of a BN(O) Status Holder

On 30 November 2022, a change was made to the Hong Kong BN(O) route to allow the adult children of a BN(O) status holder to apply to the route independently from their BN(O) parents. Applicants will no longer need to form part of the BN(O) status holder's household and will not need to apply at the same time.

An adult child of a BN(O) status holder applying as a BN(O) Household Member is the child of a BN(O) status holder who is aged 18 or over, and who was born on or after 1 July 1997.

The adult child of a BN(O) status holder must:

- be the child of a BN(O) status holder or someone who held BN(O) status before their death

- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

## Assessing the relationship

The applicant must show evidence that they are the child of a BN(O) status holder, such as:

- a full birth certificate
- an adoption certificate
- a court order, such as a special guardianship order

The adult child must also show proof that their BN(O) parent holds BN(O) status (or did so before their death) such as:

- a copy of their parent's BN(O) passport
- their parent's BN(O) passport number

In circumstances where they are unable to obtain any of the evidence listed above, they can provide their parent's date of birth and full name which can be checked using HMPO's records.

## If an adult child of a BN(O) status holder is deceased or dies during the application process

Family members of an adult child of a BN(O) status holder who died before an application was made under the Hong Kong BN(O) route will not be eligible to apply as if they were dependants of the deceased BN(O) Household Member.

This does not apply if the adult child of a BN(O) status holder dies during the application process. Under a concession outside Appendix Hong Kong British National (Overseas), if the deceased applicant has submitted an application for permission under the BN(O) route that would not have been refused and their identity can be verified, regardless of whether they have submitted a valid application, you should consider the applications of their family members.

You should assess whether they meet the eligibility and suitability requirements of the route as if the deceased applicant were still alive, including confirming that the deceased applicant was the child of a BN(O) status holder. You must also consider the care requirement for dependent children and Adult Dependent Relatives as set out below. If they do meet all remaining requirements, you can grant them permission on the BN(O) route. You may request further evidence if necessary, for instance, if the maintenance funds are held exclusively by the deceased applicant at the time of applying, in line with the guidance on [evidential flexibility](#)

The identity of the deceased applicant must still be verified. If the adult child of a BN(O) status holder had enrolled biometrics at a visa application centre or UKVCAS service point or scanned their passport on the UK Immigration: ID Check App, you will be able to confirm their identity and therefore, eligibility of the applicant and their family members for the route. If they had not yet enrolled their biometrics, you should write to the family of the deceased applicant to ask them to submit the passport of the adult child of a BN(O) status holder in order to verify their identity.

You will also need to appoint one of the remaining family members as the main applicant for the purpose of granting permission for the dependants. In most cases, this will be another adult who is responsible for the care of the remaining applicants, for example the dependent partner.

The care requirement also still applies to dependent children under 18 and Adult Dependent Relatives. In order to meet the care requirements for the route and maintain a necessary level of safeguarding, if the deceased applicant was the sole care provider for dependents who are either children under 18 or an Adult Dependent Relative, you should refuse their applications on the grounds that the applicant or applicants do not meet the care requirement in the rules. If there is, however, another adult who is responsible for the care of the children or the Adult Dependent Relative (for instance, a spouse, or partner, or the other parent of the children) who is also making an application, or already has permission on the route, you should consider the care requirement met as long as you are satisfied that the individual is responsible for the dependents' care.

Additionally, if an adult child of a BN(O) status holder passes away during the application process, and their partner and/or children under 18 subsequently make an application under the BN(O) route, their applications may be considered as if the deceased applicant were still alive. See the section 'applying together' below for more information.

If a dependent child under 18 or Adult Dependent Relative makes a subsequent application for permission to stay, but their main applicant has passed away since the initial grant, you should still consider whether their application meets the requirements of the rules. You may consult your senior caseworker, who may refer to the BN(O) Route Policy team, for further advice.

### **Dependent partner of an adult child of a BN(O) status holder**

The dependent partner of an adult child of a BN(O) status holder applying on the BN(O) Household Member route must:

- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

## Assessing the relationship

The dependent partner must meet the relationship requirement. If they are applying for permission to stay and have permission as a dependent partner on the BN(O) Household Member route on the date of application, they will meet the relationship requirement. Otherwise, they must demonstrate they meet the following:

- the relationship between the applicant and the Household Member must be genuine and subsisting
- the Household Member's partner should intend to live with the BN(O) Household Member once in the UK

A BN(O) Household Member's spouse or civil partner should enclose a digital copy of their marriage or civil partnership certificate along with their application.

If the partner is not the spouse or civil partner of the BN(O) Household Member, they must show that:

- they have been in a relationship similar to marriage or civil partnership for at least 2 years before applying
- any previous relationships of the BN(O) Household Member or the Household Member's partner have permanently broken down
- they are not so closely related that they would not be allowed to marry in the UK

See the Relationship with a Partner guidance for further information.

## Dependent child of the adult child of a BN(O) status holder

The Household Member's child must be the child of an applicant granted permission as a BN(O) Household Member or their partner.

Both of the parents of a dependent child of a BN(O) Household Member must apply together with the dependent child or have permission to be in the UK (except as a visitor). The requirement to have permission does not apply if the parent is a British citizen, or a person who has a right to enter or stay in the UK without restriction (although such persons are required to be ordinarily resident in the UK, or to become so). The following exemptions apply:

- the parent who is a BN(O) Household Member or the partner of a BN(O) Household Member is the only living parent
- the parent who is a BN(O) Household Member or the partner of a BN(O) Household Member has sole responsibility for bringing up the child
- there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the BN(O) Household Member route

The child of a BN(O) Household Member must:



- intend to live with a parent who has permission on the BN(O) Household Member route during their stay in the UK (unless they can demonstrate a valid reason why not)
- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

If a dependent child is born in the UK to a BN(O) Household Member and/or their partner, who already have permission on the route, the BN(O) Household Member and/or their partner should apply for permission for the child and provide a full UK birth certificate showing the names of the child's parents.

### Assessing the relationship

The Household Member or their partner must show evidence that they are the parent, adoptive parent or guardian of the child, such as:

- a full birth certificate
- an adoption certificate
- a court order, such as a special guardianship order

### Adult Dependent Relative of the adult child of a BN(O) Status holder

An Adult Dependent Relative is the:

- parent aged 18 or over
- grandparent
- brother or sister aged 18 or over
- son or daughter aged 18 or over

of an adult child of a BN(O) status holder who is applying on the BN(O) Household Member Route.

### Assessing high dependency

Cases of exceptional high dependency can be considered outside the definitions of dependants above (dependent partner/spouse, Household Child). Assessing high dependency is guided by, but not limited to, the following factors:

- their age, illness, or disability requires long-term personal care to perform everyday tasks
- the applicant normally lives with the adult child of a BN(O) status holder
- the applicant is unable to access care in Hong Kong, even with the practical and financial support of the adult child of a BN(O) status holder or the partner of the adult child of a BN(O) status holder

You can request further information to establish whether the dependent adult relative is part of the same household as the adult child of a BN(O) status holder and the level of their dependency on them or their partner/spouse, such as evidence of medical conditions, how long have they been living together and how care is provided.

See the guidance on Adult Dependent Relatives for further information.

## Applying together

Under the BN(O) Household Member route, our expectation is that the adult child of a BN(O) status holder and their relevant family members will usually apply together, although they may choose to travel to the UK separately. See: [Travelling to the UK separately](#). In practice, this means that the main applicant who is the adult child of a BN(O) status holder should apply first and receive their Unique Applicant Number (UAN) or Global Web Form (GWF) reference. Any dependants applying will need to quote this UAN or GWF in their applications.

## Who must apply together with the main applicant?

An Adult Dependent Relative of an adult child of a BN(O) status holder must apply for permission at the same time as the main applicant. They must pay their application fee within 48 hours of the adult child of a BN(O) status holder submitting their application. Therefore, if the main applicant is granted entry clearance or permission to stay and an Adult Dependent Relative makes an application at a later date, you must refuse the application.

## Who can apply separately from the main applicant?

Dependent partners and dependent children aged under 18 are not required to apply at the same time as the main applicant and can instead apply to join the main applicant at a later date. When applying as a dependent partner or child for the first time, the main applicant must have either made a valid application for entry clearance or permission to stay that has not been decided; or have entry clearance or permission as a BN(O) Household Member. If a dependent partner and/or dependent children are applying to join a main applicant who has already been granted permission to stay within the UK, all dependants should be granted permission in line with the end date of the main applicant's permission.

The partner and dependent child of an adult child of a BN(O) status holder who passed away during the application process are also not required to have applied at the same time as the main applicant.

## Adult child of the partner of a BN(O) status holder

Applicants applying through the BN(O) Household Member Route who are the adult child of the partner of a BN(O) status holder cannot apply to the BN(O) route independently and will need to apply together with the BN(O) status holder who is the main applicant.



The adult child of the partner of a BN(O) status holder can apply to the BN(O) Household Member route where they are the child of the partner of a BN(O) status holder who is aged 18 or over and was born on or after 1 July 1997. The adult child must:

- be the child of a BN(O) status holder's partner
- normally live with the BN(O) status holder
- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

### Assessing the relationship

Where the adult child of the partner of a BN(O) status holder does not have permission on the Hong Kong BN(O) route, they must show evidence that they are the child or adoptive child of the partner of the BN(O) status holder, such as:

- a full birth certificate
- an adoption certificate
- a court order, such as a special guardianship order

### Dependent partner of an adult child of a BN(O) status holder's partner

The dependent partner of an adult child of a BN(O) status holder's partner must:

- normally live with the BN(O) Household Member (and therefore, by extension, the BN(O) status holder)
- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

### Assessing the relationship

The dependent partner must meet the relationship requirement. If they are applying for permission to stay and have permission as a dependent partner on the BN(O) Household Member route on the date of application, they will meet the relationship requirement. Otherwise, they must demonstrate they meet the following:

- the relationship between the applicant and the Household Member must be genuine and subsisting
- the Household Member's partner should intend to live with the BN(O) Household Member once in the UK
- the partner and BN(O) Household Member should apply together, along with the main applicant who is a BN(O) status holder

The partner should enclose a digital copy of their marriage or civil partnership certificate along with their application.

If the partner is not the spouse or civil partner of the Household Member, they must show that:

- they have been in a relationship similar to marriage or civil partnership for at least 2 years before applying any previous relationships of the adult child of the BN(O) status holder's partner or their partner has permanently broken down
- they are not so closely related that they would not be allowed to marry in the UK

See the Relationship with a Partner guidance for further information.

### **Dependent child of an adult child of a BN(O) status holder's partner**

The child must be the child of an applicant who is at the same time being granted permission as the adult child of a BN(O) status holder's partner, or as the adult child's partner, on the BN(O) Household Member route.

Both of the parents of a dependent child must apply together with the dependent child or have permission to be in the UK (except as a visitor). The requirement to have permission does not apply if the parent is a British citizen, or a person who has a right to enter or stay in the UK without restriction (although such persons are required to be ordinarily resident in the UK, or to become so). The following exemptions apply:

- the parent who is the adult child of the partner of a BN(O) status holder or their partner is the only living parent
- the parent who is the adult child of the partner of a BN(O) status holder or their partner has sole responsibility for bringing up the child
- there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the BN(O) Household Member route

The child of the adult child of the partner of a BN(O) status holder must:

- normally live with the BN(O) Household Member (and, by extension, the BN(O) status holder)
- live with a parent who has permission on the BN(O) Household Member route during their stay in the UK (unless they can demonstrate a valid reason why not)
- hold a valid TB test certificate when applying for entry clearance
- hold a valid TB test certificate when applying in country
- meet the financial requirements
- be ordinarily resident in Hong Kong, the UK, the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man

If a dependent child is born in the UK to a BN(O) Household Member and/or their partner, who already have permission on the route, the BN(O) Household Member and/or their partner should apply for permission for the child and provide a full UK birth certificate showing the names of the child's parents.

## Assessing the relationship

The adult child of the partner of a BN(O) status holder, or their partner, must show evidence that they are the parent, adoptive parent or guardian of the child, such as:

- a full birth certificate
- an adoption certificate
- a court order, such as a special guardianship order

## Applying together

The adult child of the partner of a BN(O) status holder, their dependent partner and children under-18 must apply for permission at the same time as the BN(O) status holder who is the main applicant. They must pay their application fee within 48 hours of the adult child of a BN(O) status holder submitting their application. Therefore, if a BN(O) status holder is granted entry clearance or permission to stay and an adult child of the partner of a BN(O) status holder makes an application at a later date, you must refuse the application.

## The best interests of a child

The duty in [section 55 of the Borders, Citizenship and Immigration Act 2009](#) to have regard to the need to safeguard and promote the welfare of a child under the age of 18 in the UK, together with Article 3 of the UN Convention on the Rights of the Child, means that consideration of the child's best interests must be a primary consideration in immigration decisions affecting them. This guidance and the Immigration Rules it covers form part of the arrangements for ensuring that we give practical effect to these obligations.

Where a child or children in the UK will be affected by the decision, you must have regard to their best interests in making the decision. You must carefully consider all the information and evidence provided concerning the best interests of a child in the UK and the impact the decision may have on the child.

Although the duty in section 55 only applies to children in the UK, the statutory guidance – [Every Child Matters – Change for Children](#) – provides guidance on the extent to which the spirit of the duty should be applied to children overseas. You must adhere to the spirit of the duty and make enquiries when you have reason to suspect that a child may be in need of protection or safeguarding, or presents welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries and you are to abide by these and work with local

agencies in order to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

Further guidance can be found in paragraphs 2.34 to 2.36 of the [statutory guidance](#).

## Children born in the UK

The parents of a child born in the UK, who have permission on the BN(O) route, should register the birth and apply for permission for the child. You should grant these children permission on the route in line with that of the BN(O) status holder or BN(O) Household Member (as applicable). When considering the application of such a child, you should also confirm whether one of the child's parents is a British citizen or settled and therefore whether the child themselves is a British citizen and so is not eligible for permission on the BN(O) route.

## Travelling to the UK separately

Once they have been granted permission, applicants may choose to travel to the UK separately. Applicants must travel to the UK within 90 days if they went to a visa application centre to prove their identity, or before their permission (either 30 months or 5 years) expires if they used the 'UK Immigration: ID Check' smartphone app to prove their identity. Children under 18 must travel with one or both parents, unless they are joining their parents who are already in the UK.

Additionally, for a grant of settlement on the Hong Kong BN(O) route, a BN(O) Household Child or the child of a BN(O) Household Member must be granted at the same time as their parent, and/or their other parent who is already settled or a British citizen. An Adult Dependent Relative who is on the BN(O) Status Holder route or the BN(O) Household Member route must also be applying for settlement at the same time as the main applicant or the partner of the main applicant, or who is already settled or a British citizen. If the main applicant and their Adult Dependent Relative travelled to the UK separately, the continuous residence requirement for settlement may mean that these dependants may have to apply for further permission to stay beyond 5 years if the main applicant has not yet fulfilled the continuous residence requirement.

### Related content

[Contents](#)

### Related external links

[Relationship with a Partner guidance](#)

# Grant or refuse entry clearance

This section tells you about how to grant or refuse entry clearance on the Hong Kong British National (Overseas) (BN(O)) route.

## Grant entry clearance

If the applicant meets all of the [suitability](#) and [eligibility](#) requirements of Appendix Hong Kong British National (Overseas), you must grant entry clearance. Permission should begin on the date you grant the application.

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**Official - sensitive: start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

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**Official - sensitive: end of section**

## Biometric information for entry clearance

Successful applicants for entry clearance are given either a digital status or a vignette in their passport. If the entry clearance application is successful, you must issue a 90-day entry clearance vignette to allow them to collect their biometric residence permit (BRP) after they have arrived in the UK. If the vignette has expired, an applicant may [apply for a replacement vignette](#).

Applicants collecting a BRP may choose to collect it from a different Post Office branch, but they will need to arrange this at the branch and pay a fee. For further information, see the [BRP guidance on GOV.UK](#). BRPs may show an expiry date of 31 December 2024, even if the applicant has permission beyond that date. Further guidance will be issued in 2024 on how to update the BRP. Applicants do not need to contact the Home Office if their BRP shows an expiry date of 31 December 2024.

## Refuse entry clearance

You must refuse the application if you are not satisfied the applicant has met all the suitability and eligibility requirements.

Consult the guidance on the Hong Kong British National (Overseas) (BN(O)) route: refusal wordings for more information about refusing an application on the Hong Kong BN(O) route.

If you require further information, you must discuss the case with your entry clearance manager who may refer to the BN(O) Route Policy team for further advice.

## Family members

A family member applying for entry clearance can only be granted permission in line with the BN(O) status holder or the adult child of a BN(O) status holder, depending on who they are applying with. As such, a family member cannot be granted entry clearance if the BN(O) status holder or adult child of a BN(O) status holder's application is refused. If the applications are granted, family members' permission will have the same expiry date as the main applicant's permission.

A BN(O) status holder or adult child of a BN(O) status holder's application may meet the suitability and eligibility requirements but one or more of their family members' applications may not. In these cases, you must grant entry clearance for the applicants that meet the suitability and eligibility criteria and refuse those family members who do not.

## Crown Dependencies

There is no legal provision to collect biometrics from applicants seeking to travel directly (not transiting the UK) to the Channel Islands. Biometrics must be enrolled at a visa application centre or UKVCAS service point if an applicant intends to transit the UK on the way to the Channel Islands. They cannot use the UK Immigration: ID Check smartphone app. However, applicants wishing to reside in the Isle of Man must enrol their biometrics at a visa application centre or UKVCAS service point regardless of whether they intend to travel directly to the Isle of Man or transit the UK. They cannot use the UK Immigration: ID Check smartphone app.

Applications to the BN(O) route of a Crown Dependency (CD) must be referred to the appropriate island for authority to issue or refuse by email using the Channel Islands and Isle of Man referral form. You must also include a recommendation in your referral. Send only a copy of the visa application form (VAF) with the referral form; the island will request supporting documentation if required.

BRPs are not issued by the CDs. All entry clearances are issued for the full period of permission granted. Applicants must not be instructed to collect BRPs.

For further information, please see the Common Travel Area guidance.

## Right to administrative review: entry clearance applications

If an application for entry clearance is refused, the applicant cannot appeal against the refusal. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review.

### Related content

[Contents](#)

# Grant or refuse permission to stay

This section tells you when to grant or refuse permission to stay on the Hong Kong British National (Overseas) (BN(O)) route.

## Grant permission to stay

If the applicant meets all of the [suitability](#) and [eligibility](#) requirements, you must grant permission to stay.

## Biometric information

Successful applicants for permission to stay are given either a digital status or a [biometric residence permit \(BRP\)](#).

## Refuse permission to stay

You must refuse the application if you are not satisfied the applicant has met all the suitability requirements of [Appendix Hong Kong British National \(Overseas\)](#), or if any of the grounds for refusal in [Part 9: Grounds for Refusal](#) apply.

Consult the guidance on Example refusal wording for applications on the Hong Kong BN(O) route for more information about refusing an application on the Hong Kong BN(O) route.

Where an application for permission to stay does not meet the eligibility requirements you must consider whether the following [exceptions](#) apply.

## Exceptions: leave outside the rules following a refusal

If an applicant cannot meet the eligibility requirements for permission to stay because, either:

- they cannot demonstrate they meet the financial requirement
- they are not ordinarily resident in Hong Kong, the UK, Jersey, Guernsey or the Isle of Man

you must inform the applicant of the reasons why their application does not meet the eligibility requirements under Appendix Hong Kong British National (Overseas) using the relevant decision template. However, you have the discretion to grant the applicants 12 months' leave outside the rules (LOTR) to allow them further time to meet the eligibility requirements for a further application for the Hong Kong BN(O) route. Family members should only be granted LOTR where the BN(O) status holder or the adult child of a BN(O) status holder is also being granted permission.

This grant of LOTR does not apply if the applicant has not met all the suitability requirements of the Hong Kong British National (Overseas) route.



This grant of LOTR gives applicants the right to work and study in the UK, but no recourse to public funds. The conditions of their stay are set out in the relevant decision template.

Where you decide to apply discretion, you should grant BN(O) status holders or the adult child of a BN(O) status holder and their family members refused under the Hong Kong BN(O) route LOTR via the same application, meaning they do not have to pay again for a separate in country LOTR application. Hong Kong BN(O) applicants will have paid either 30 months or 5 years of IHS with their application, but would only receive 12 months' permission, so you must refund the difference in IHS. They will not receive a refund of the original application fee paid.

If you are considering granting LOTR you must discuss the case with your senior caseworker who may refer to the BN(O) Route Policy team for further advice.

## **Right to administrative review**

If an application for permission to stay is refused, there is no right of appeal against the refusal. However, if the applicant thinks the Home Office has made an error in considering their application, they can apply for an administrative review.

### **Related content**

[Contents](#)

# Conditions of entry clearance or stay

This page tells you about the conditions of stay those applying to the Hong Kong BN(O) route must comply with if they are granted entry clearance or permission to stay. This includes those granted on the BN(O) Status Holder route and the BN(O) Household Member route, including their dependants.

## No access to public funds

Applicants granted under the Hong Kong BN(O) route are granted permission on the condition that they cannot access public funds and can maintain themselves. This term is defined in [paragraph 6](#) of the Immigration Rules and includes most state benefits and housing or homelessness assistance. However, those who have been granted permission on the Hong Kong BN(O) route who are destitute or are at imminent risk of falling into destitution can [apply to change their conditions to lift the No Recourse to Public Funds condition](#).

## Work

Applicants granted under the Hong Kong BN(O) route can take any kind of employment or self-employment. The work can be full-time or part-time, paid or unpaid, does not have to be with a licensed Tier 2 or Tier 5 sponsor, and they do not need any additional permission or endorsement from the Home Office to work once they have been granted permission. They cannot, however, be employed as a [professional sportsperson or sports coach](#).

## Study

Applicants granted under the Hong Kong BN(O) route are allowed to study in the UK. There is no limit on the number of hours they can study or level of course they undertake. Study may be undertaken anywhere the applicant chooses and does not have to be with a licensed Tier 4 sponsor.

## ATAS condition

If they intend to study a discipline listed in [Appendix ATAS to the Immigration Rules](#) and are 18 years of age or over, they must obtain an [Academic Technology Approval Scheme \(ATAS\) clearance certificate](#) from the Counter-Proliferation Department of the [Foreign, Commonwealth and Development Office](#) in relation to this course before beginning their study, unless an [exemption](#) applies.

## Related content

[Contents](#)

# Settlement

This section tells you how to assess an application for settlement (also known as indefinite leave to enter or remain) on the Hong Kong BN(O) route.

Refer to the validity and suitability sections earlier in this document for more information on how to assess these requirements.

The guidance below explains how to assess the eligibility requirements for settlement, which are set out at paragraphs HK 57.1 to HK 63.1 in Appendix Hong Kong British National (Overseas).

## Qualifying period

The applicant must have spent a continuous period of 5 years in the UK, with permission on a route to settlement, which includes, but is not limited to any of, or any combination of, the following routes:

- Skilled Worker
- Tier 2 (General)
- Global Talent
- Innovator
- T2 Minister of Religion / Tier 2 (Minister of Religion)
- T2 Sportsperson / Tier 2 (Sportsperson)
- Representative of an Overseas Business
- Tier 1 (Exceptional Talent)
- Tier 1 (Entrepreneur)
- Tier 1 (Investor)
- Tier 1 (General)
- Global Talent visa (or a Tier 1 Exceptional Talent visa)
- UK Ancestry visa
- Appendix FM routes
  - Family life with a partner
  - Bereaved partner
  - Victim of domestic abuse
  - Family life as a parent of a child in the UK
  - Adult dependent relative

The most recent permission held by the applicant must have been on the Hong Kong BN(O) route.

If the applicant has had permission on a route not listed here, you should check the Immigration Rules to see if it is a route that leads to settlement. For example, the Student route (previously known as Tier 4) and Youth Mobility Scheme are not routes to settlement.

Any periods of LOTR, including the BN(O) LOTR at the border concession which operated from 15 July 2020 to 19 July 2021, do not count towards the qualifying period.

Absences from the UK must be considered in line with [Appendix Continuous Residence](#). See the continuous residence guidance for further details.

## Knowledge of life in the UK

Unless an exemption applies, the applicant must meet the Knowledge of Life in the UK requirement as set out in [Appendix KOL UK](#).

## English language requirement

Unless an exemption applies, the applicant must demonstrate sufficient knowledge of the English language on the Common European Framework of Reference for Languages in speaking and listening to at least level B1. They must show that they meet the English Language requirement as specified in [Appendix English Language](#).

## Relationship requirement for applicants aged 18 or over who are not Adult Dependent Relatives

Where an applicant is aged 18 or over on the date of application, and their most recent permission was not as an Adult Dependent Relative on the Hong Kong BN(O) route, the applicant does not need to meet a relationship requirement in order to qualify for settlement.

The applicant must have last been granted permission on the Hong Kong BN(O) route. The applicant does not need to apply for settlement at the same time as (or after) the BN(O) status holder or the BN(O) Household Member; they may apply regardless of whether the BN(O) status holder or the BN(O) Household Member has applied for settlement. Partners will not need to demonstrate that their relationship with the BN(O) status holder or the BN(O) Household Member is subsisting on the date of application.

Applicants who are aged under 18 on the date of application or who are Adult Dependent Relatives must meet the relationship requirements set out below.

## Relationship and care requirements for a dependent child on the Hong Kong BN(O) route

This section tells you about the relationship and care requirements for a dependent child on both the BN(O) Status Holder route and the BN(O) Household Member route. These must be met where the applicant is under the age of 18 on the date of application.

The applicant must have last been granted permission as a dependent child on the BN(O) Status Holder route or the BN(O) Household Member route.

At least one parent of the applicant must be being granted settlement on the Hong Kong BN(O) route at the same time as their child or grandchild, or be settled, or a British citizen. Their other parent must be being granted settlement at the same time, be a British citizen, or be settled, unless one of the following exceptions apply:

- one parent is deceased
- one parent has sole responsibility for the child's upbringing
- there are serious and compelling reasons to grant the child settlement

Serious and compelling reasons must be assessed on a case-by-case basis. You must consult your senior caseworker if you have doubts about granting. They may refer you to the BN(O) Route Policy team for further guidance.

There must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

A child who has turned 18 since they successfully applied for entry clearance or permission to stay should apply as a BN(O) Household Member at settlement. As with other adult children, they will not need to demonstrate that they continue to meet a relationship requirement.

## **Relationship requirement for a BN(O) Adult Dependent Relative**

The applicant's last grant of permission must have been as an Adult Dependent Relative on the Hong Kong BN(O) route. The applicant must be the parent, grandparent, brother, sister, son or daughter of a person who is being granted settlement on the Hong Kong BN(O) route; who has already been granted settlement on the Hong Kong BN(O) route; or who is a British citizen.

### **Related content**

[Contents](#)

# Grant or refuse settlement

This section tells you when to grant or refuse settlement on the Hong Kong British National (Overseas) (BN(O)) route.

## Grant settlement

If the applicant meets all of the [suitability](#) and [eligibility](#) requirements, you must grant settlement.

## Grant permission to stay (where settlement requirements are not met)

If an applicant does not meet the requirements for settlement, they may still meet all the suitability and eligibility requirements to be granted permission to stay on the Hong Kong BN(O) route. Where you consider it likely that the applicant would meet these requirements you must vary their application from an application for settlement under the Hong Kong BN(O) route to one to permission to stay.

When you do this, you must write to the applicant using template IHC Request Vary Settlement to Permission and notify them:

- they do not meet the requirements for settlement – you must not refuse the application at this point as if you do it may end any 3C leave the applicant has and prevent them from qualifying for settlement in future
- why they do not meet the requirements for settlement – explain which requirements they do not meet and why as you would in a refusal letter
- you have varied their application
- they must pay the Immigration Health Charge (IHC) within 14 days to be granted permission to stay
- if they do not pay the IHC their application for permission to stay will be rejected
- the application fee is retained regardless and explain they will not receive a refund

You must check the IHS portal at the end of the 14 day period (starting from the date the notification is sent) to see if the IHC has been paid.

If the IHC has been paid and they meet all eligibility and suitability requirements, you should grant permission to stay for 30 months with the following conditions:

- no access to public funds
- work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach)
- study is permitted, subject to the ATAS condition in Appendix ATAS

If the IHC has not been paid, you should reject the application and record this on the caseworking system. In all cases the fee the applicant paid for their settlement application will be retained.

You will need to send the appropriate notification to the applicant using the relevant template (Validity rejection no write out).

If, before the 14 day period is over, the applicant contacts you to notify you that they believe there has been an error in the decision, you should consider any further information they provide only where this is relevant to the reason they did not meet the settlement requirement.

For example, where an applicant did not meet the qualifying period requirement because they were absent for more than 180 days in a 12 month period, and their absences were not for one of the reasons for permitted absences in Appendix Continuous Residence – the applicant may contact you with evidence that the absences over the 180 days were for a permitted reason.

In such a case you may grant settlement if all eligibility and suitability requirements are met.

If the applicant provides information that is not relevant to the reasons their application was refused, you do not need to consider this and should follow existing guidance. You should, however, notify the applicant that you have not considered this information and why.

## Refuse settlement

If the applicant does not meet the requirements for settlement or permission to stay [Appendix Hong Kong British National \(Overseas\)](#), or if any of the grounds for refusal in [Part 9: Grounds for Refusal](#) apply you must refuse the application.

Consult the guidance on Example refusal wording for applications on the Hong Kong BN(O) route for more information about refusing an application on the Hong Kong BN(O) route.

Where an application for settlement does not meet the eligibility requirements you must consider whether any exceptions apply.

## Right to administrative review

If an application for settlement is refused there is no right of appeal against that decision. However, if they think the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

### Related content

[Contents](#)