



House of Commons
Home Affairs Committee

The UK's offer of visa and settlement routes for residents of Hong Kong

Second Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 2 July 2021*

Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

[Rt Hon Yvette Cooper MP](#) (*Labour, Normanton, Pontefract and Castleford*) Chair

[Rt Hon Diane Abbott MP](#) (*Labour, Hackney North and Stoke Newington*)

[Dehenna Davison MP](#) (*Conservative, Bishop Auckland*)

[Ruth Edwards MP](#) (*Conservative, Rushcliffe*)

[Laura Farris MP](#) (*Conservative, Newbury*)

[Simon Fell MP](#) (*Conservative, Barrow and Furness*)

[Andrew Gwynne MP](#) (*Labour, Denton and Reddish*)

[Adam Holloway MP](#) (*Conservative, Gravesham*)

[Dame Diana Johnson MP](#) (*Kingston upon Hull North*)

[Tim Loughton MP](#) (*Conservative, East Worthing and Shoreham*)

[Stuart C. McDonald MP](#) (*Scottish National Party, Cumbernauld, Kilsyth and Kirkintilloch East*)

The following Members were also Members of the Committee during this Parliament:

[Janet Daby MP](#) (*Labour, Lewisham East*); [Stephen Doughty MP](#) (*Labour (Co-op) Cardiff South and Penarth*); [Holly Lynch MP](#) (*Labour, Halifax*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

© Parliamentary Copyright House of Commons 2021. This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/copyright.

Committee reports are published on the Committee's website at www.parliament.uk/homeaffairscom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Melissa Bailey (Committee Operations Officer), Chris Battersby (Committee Specialist), Chloe Cockett (Senior Specialist), Elektra Garvie-Adams (Second Clerk), Elizabeth Hunt (Clerk), Kate Johal (Committee Specialist), Niamh McEvoy (Committee Specialist), Penny McLean (Committee Specialist), George Perry (Senior Media and Communications Officer), Paul Simpkin (Committee Operations Manager).

Contacts

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

You can follow the Committee on Twitter using [@CommonsHomeAffs](https://twitter.com/CommonsHomeAffs).

Contents

Summary	3
1 The introduction of the national security law in Hong Kong, and its consequences	5
Introduction of the new national security law	5
Use of the law	6
The international response	7
The UK's response and introduction of a new visa route	8
Our inquiry	9
2 The introduction of the new visa route	10
BN(O) status and eligibility for the new visa route	10
Leave outside the rules	11
The new visa route	12
3 People who are at risk of missing out	14
The situation for 18–24 year olds	14
Young people's routes to the UK	14
Asylum	15
The Youth Mobility Scheme	16
Improving the offer to young people	16
Other affected groups	17
People with politically motivated criminal convictions	18
Security concerns	19
People who were minors when the BN(O) registration scheme closed	19
Partners of BN(O) status holder sponsors and BN(O) Household Member sponsors	20
4 Barriers to application	22
Cost	22
Tuition fees	23
Asylum	24
Awareness of the scheme	25
5 Settlement in the UK	27
Eligibility for the Hong Kong BN(O) visa and estimates of the numbers expected to arrive in the UK	27
Preparations in the UK	29
Resettlement assistance and civil society support	30

Suggestions for improving the support available to arrivals in the UK	30
Support from the Government	30
Conclusion	33
Conclusions and recommendations	34
Formal minutes	38
Witnesses	39
Published written evidence	39
List of Reports from the Committee during the current Parliament	40

Summary

On 30 June 2020 a new security law, passed by the Chinese Government, came into force in Hong Kong. The wide-ranging law makes it easier to punish protesters and reduces the city's autonomy. Crimes of secession, subversion, terrorism and collusion with foreign forces are punishable by a maximum sentence of life in prison.

In the 1985 Sino-British joint declaration the UK made a historic commitment to protect the freedom of the people of Hong Kong. The Prime Minister has said that the passing of the new security law is a “clear and serious breach” of the joint declaration, and in July 2020 announced that citizens of Hong Kong who hold British National (Overseas) status (BN(O) status) would be given the right to remain in the UK, including the right to work and study, for five years. After this they would be able to apply for settled status and, after a further year, seek citizenship.

Given the grave concerns of Governments, NGOs and human rights experts about the impact of the new security law on Hong Kongers' freedoms, the Committee welcomes the Government's creation of the British National (Overseas) visa route. This is a substantial and important recognition both of the gravity of the situation in Hong Kong and the historic commitments made by the UK Government to the people of Hong Kong.

However, concerns were raised with the Committee about individuals and groups who may be at risk of missing out from the scheme. There remain worrying gaps in this offer of support, for young people born since 1 July 1997 who may be particularly vulnerable to political targeting by Beijing. People born after the handover are not themselves eligible for BN(O) status, yet a significant number of pro-democracy activists fall into this category.

For these young people the only viable routes to the UK are either to come on a visitor visa for six months and then to apply for asylum, or to come on a tier 5 youth mobility scheme visa which offers two years' leave to remain. We were concerned to hear that young people were deterred from claiming asylum in the UK because they felt delays by the Home Office in processing asylum casework might result in them being left for a substantial period without any economic support, unable to work or unable to study. The Home Office must urgently address the long delays in the asylum casework system in order to rebuild confidence in the asylum system.

We also heard that the current Youth Mobility Visa for Hong Kongers aged 18–30 did not provide a sufficient pathway for young activists because it is capped, only provides for a two-year stay for work in the UK and does not contribute to the residency requirement for settlement in the UK.

We are concerned that this gap in the scheme will leave vulnerable young Hong Kongers at risk and recommend that the Government extends the BN(O) scheme to enable a young person with a BN(O) parent to apply separately from that parent, provided there is evidence of that parent's status.

Witnesses were concerned that visas could also be refused to those who do not satisfy the suitability criteria in the Immigration Rules due to a criminal conviction, but whose criminal conviction relates to free speech or peaceful protest in Hong Kong, which

would not be considered offences under UK law. The Government has said discretion would be given in respect of such applicants. While we welcome this statement of intent, the Government should provide assurances that the criminality policy and associated guidance for caseworkers explicitly recognise that convictions in Hong Kong may have been politically motivated and should be subject to investigation. Home Office caseworkers should be regularly trained and updated on the developing situation in Hong Kong and we encourage the Government to establish an expert casework team to process Hong Kong BN(O) applications.

When designing this visa route, the Government set out to increase its accessibility by setting a low fee for the applicant, but applicants must also pay the immigration health surcharge. We accept the principle that individuals who benefit from immigration should contribute towards the costs of essential UK services. However we are concerned that the upfront nature and scale of the surcharge will not be affordable for some BN(O) visa holders, particularly young people; we therefore urge the Government to introduce a means-tested fee waiver or other flexibilities for Hong Kongers to whom the cost is a significant barrier to protection.

Support for integration and cohesion is extremely important. We want to see Government, and particularly local authorities, prepared for the arrival of families from Hong Kong.

We welcome the Government's financial support package to help those on the Hong Kong BN(O) route to settle into the UK, and the establishment of an inter-Ministerial group to co-ordinate support for status holders. But we recommend further steps to ensure that integration support is delivered in practice. The inter-Ministerial group must draw up a clear integration plan. It must ensure that Hong Kongers are given the resources and support they need to study, work and participate in civil and community life in the UK. The Committee recommends that the Home Secretary appoints a BN(O) Resettlement Panel to implement the Ministerial plan and to coordinate with local authorities, new residents and civil society groups.

The new visa route is an extremely important and welcome expression of the UK's historic relationship with, and continued commitment to support, the citizens of Hong Kong. We expect individuals and families arriving from Hong Kong will enrich the life of our communities and contribute towards our economy. It is essential that the Government continues to monitor the situation so that support for status holders in the UK may be effectively planned and resourced, centrally and locally. It must ensure that strong measures are in place to promote integration and community cohesion.

Amending the scheme and making the associated changes we have recommended in this report will enable the Government to improve the scheme further and help to ensure that it provides the genuine protection and assistance the Government set out to provide.

1 The introduction of the national security law in Hong Kong, and its consequences

Introduction of the new national security law

1. On 30 June 2020 a new security law, passed by the Chinese Government, came into force in Hong Kong.

2. The wide-ranging law makes it easier to punish protesters and reduces the city's autonomy.¹ Some key provisions of the new law include that:

- Crimes of secession (seeking to break away from China), subversion (undermining the power or authority of the central government), terrorism and collusion with foreign forces are punishable by a maximum sentence of life in prison;
- Damaging government property—such as public transport facilities, police stations and mainland government offices—may be considered terrorism: those found guilty will not be allowed to stand for public office and companies can be fined if convicted under the law;
- Incitement of hatred of Chinese central government or Hong Kong's regional government is also criminalised;
- People suspected of breaking the law may be wire-tapped and put under surveillance;
- Beijing, rather than any Hong Kong judicial or policy body, will have power over how the law should be interpreted. If the law conflicts with any Hong Kong law, the Beijing law takes priority;
- Management of foreign non-governmental organisations and news agencies will be strengthened;
- The law will also apply to non-permanent residents and people “from outside [Hong Kong] ... who are not permanent residents of Hong Kong”.²

3. The organisation Human Rights in China said that the Chinese authorities “pursued an unusually swift process in drafting and promulgating” the new law: the formal decision authorising drafting of the law was only adopted a month previously, on 28 May, and the authorities held 10 consultations with 120 individuals from various sectors of the Hong Kong public.³

1 A translated and annotated version of the law has been produced by Human Rights in China, and Human Rights Watch has summarised its main powers; Human Rights in China, [HRIC annotated bilingual chart of The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region](#), 5 July 2020; Human Rights Watch, [‘China: New Hong Kong Law a Roadmap for Repression’](#), 29 July 2020

2 BBC News, [‘Hong Kong security law: What is it and is it worrying?’](#), 30 June 2020

3 Human Rights in China, [HRIC annotated bilingual chart of The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region](#), 5 July 2020

4. The details of the law's 66 articles were kept secret until it was passed. Only a handful of people had seen the full text of the law before it was enacted and this did not include the territory's Chief Executive, Carrie Lam.

Use of the law

5. Following the law coming into force on Wednesday 1 July 2020 thousands of protestors took to the streets in Hong Kong. The police response included the use of water cannon, pepper spray, and tear gas. According to the Hong Kong Free Press, the police reported that as of 10 pm they had made 370 arrests, ten of which were for offences related to the new security law.⁴ International media cited a police report that one of the ten was a 15-year-old girl who was waving a Hong Kong independence flag.⁵

6. On 29 July 2020 Human Rights Watch reported that in the first month after the new security law came into force Hong Kong police had invoked it at least four times during pro-democracy protests.⁶

7. On 30 July four students aged between 16 and 21 were arrested for “organising and inciting secession” on social media in what the BBC reported was the first police operation to enforce the new security law. A representative of the new national security unit within Hong Kong police said that the individuals had set up an organisation which advocated for Hong Kong independence. The students formerly had links to a pro-independence youth group.⁷

8. On 31 July it was reported that police in Hong Kong were seeking the arrest of six pro-democracy activists living in exile on suspicion of violating the new security law by inciting secession or colluding with foreign forces.⁸

9. On 10 August the business tycoon Jimmy Lai—who has UK citizenship and has been a prominent supporter of pro-democracy protests—was arrested along with two of his sons and two executives of his media company, and saw the offices of his newspaper Apple Daily raided, over allegations of collusion with foreign forces.⁹ Other reporting noted that the news directors of two broadcast stations, iCable and NowTV, had recently been replaced¹⁰ and that the Foreign Correspondents Club in Hong Kong had said several international media outlets (including the AP, AFP and Reuters) had had difficulty getting visas for correspondents in Hong Kong.¹¹ In September the Hong Kong Police Force announced revisions to media access rules restricting access to press briefings and restricted areas for journalists from news outlets not officially recognized by the government, following which only government-registered and “internationally known” foreign media would be permitted access.¹²

4 [Hong Kong Free Press, Hong Kong security law: 370 arrests, tear gas, pepper balls and water cannon as protesters ignore police ban](#), 1 July 2020

5 [The Guardian, 'Hong Kong: hundreds arrested as security law comes into effect'](#), 1 July 2020; [New York Times, In Hong Kong arrests and fear mark first day of new security law](#) 1 July 2020

6 [Human Rights Watch, 'China: New Hong Kong Law a Roadmap for Repression'](#), 29 July 2020

7 [BBC News, 'Hong Kong security law: Four students arrested for 'inciting secession''](#), 30 July 2020

8 [BBC News, 'Hong Kong 'seeking arrest' of fleeing activists'](#), 31 July 2020

9 [BBC News, 'Jimmy Lai: Hong Kong media tycoon held amid sweep of arrests'](#), 10 August 2020

10 [China Digital Times Beijing tightens control over Hong Kong broadcast media](#), 28 September 2020

11 [The Guardian, 'Hong Kong's independent press faces dark chapter in China's shadow'](#) 12 August 2020

12 [China Digital Times, 'Hong Kong police to stop recognising some journalists' credentials'](#), 23 September 2020

10. In October the Financial Times reported that the Hong Kong Monetary Authority—the statutory authority for banks in Hong Kong for which membership is compulsory—had advised banks (both local and international lenders) to report any transactions suspected of violating the national security law to police. The document posted by the HKMA said reporting obligations under the law would be triggered when a bank “knows or suspects that any property is offence-related property”.¹³

11. On 5 November 2020, Hong Kong police launched a new multi-platform hotline for the public to report suspected violations of the national security law. Members of the public can share intelligence related to national security matters via SMS, email and WeChat (a popular messaging app in China).¹⁴

12. The Foreign, Commonwealth and Development Office has reported to Parliament, from local media reports, that in the period July–December 2020 forty people were arrested under the national security law, four of whom were charged with national security offences.¹⁵

The international response

13. A joint statement issued by Australia, Canada, the US and the UK in May 2020, prior to the law coming into force, condemned the Chinese Government’s actions, saying the proposed laws would undermine Hong Kong’s “one country, two systems” framework.¹⁶

14. In June 2020 86 NGOs wrote to the Chairman of the Standing Committee of the National People’s Congress (NPCSC)¹⁷ urging the NPCSC to reject the planned legislation as they were “concerned about the law’s impact on Hong Kong, especially its vibrant civil society”:

People’s Republic of China law conceptualizes “national security” in such a broad manner that peaceful activists, human rights lawyers, scholars, ethnic minorities, journalists and netizens are detained, charged, and imprisoned for years—sometimes for life—for vaguely defined crimes such as “subversion,” “inciting subversion,” “splittism,” and “leaking state secrets.” The law’s expected prohibition on “foreign intervention” is another vague term that could apply to any group or individual perceived to be interacting with those outside Hong Kong.

15. As well as highlighting the legislation’s incompatibility with the Basic Law (the constitutional agreement at the 1997 handover) the letter noted how it failed to abide by existing human rights law:

13 Financial Times, [‘Banks in Hong Kong advised to report security law breaches to police’](#), 20 October 2020

14 Hong Kong Police Force, [Official launch of National Security Department reporting hotline](#); UK Government, [Hong Kong six monthly report July – December 2020](#), 10 June 2021 p9

15 UK Government, [Hong Kong six monthly report July - December 2020](#), 10 June 2021 p9

16 The Guardian, [‘UK says it will extend Hongkongers’ visa rights if China pursues security laws’](#), 28 May 2020

17 The Standing Committee of the National People’s Congress (NPCSC) is the body which, along with the National People’s Congress (NPC), exercises the legislative power of the state in China. It oversees the election of the NPC and has the power of judicial interpretation of the law in China. It is led by a Chairman, China’s top legislator, who is the third most senior political figure in China, after the General Secretary of the Communist Party of China and the Chinese Premier.

International human rights standards such as those found in the Johannesburg and Siracusa Principles set out that “national security” cannot be invoked to justify restrictions on rights and freedoms unless to protect a state’s existence or territorial integrity against the use or threat of force. A state cannot use national security as a reason to impose limitations on rights to prevent merely local or relatively isolated threats to law and order. A state must not invoke national security as a justification for measures aimed at suppressing opposition to human rights violations or at perpetrating repressive practices against its population.

It added that:

Any national security law must be accessible, unambiguous, and formulated narrowly and with precision, so as to enable individuals to foresee whether a particular act is unlawful. [...] Without the requirement to comply with international human rights law, these vague terms leave the proposed law open to abuse by authorities to crack down on a wide range of rights and freedoms.¹⁸

16. In July a coalition of rights organisations said that the national security law “sets out broad prohibitions encapsulating an ill-defined array of “conduct” and “activities” that can include the peaceful exercise of fundamental rights”, and does not stipulate what specific activities would merit the harsh penalties which the law allows. It stated that the law “stands in stark contrast to the experiences of and rights guaranteed to Hong Kong people” and “reflects a profound disdain for the protections afforded under international human rights law”.¹⁹

17. On 30 July a coalition of 17 independent organisations and scholars, including Human Rights Watch, Hong Kong Watch and Human Rights in China, wrote an open letter to the foreign ministers of 40 international governments²⁰ setting out policy options governments should pursue to preserve human rights in Hong Kong while imposing penalties on those curtailing them.²¹

18. The letter called on governments to, amongst other things, publicly and unequivocally condemn the national security law and refuse to enable or cooperate with its extraterritorial application; and to adopt mechanisms to enable people from Hong Kong to find safe haven.²²

The UK's response and introduction of a new visa route

19. The Prime Minister said that the passing of the new security law was a “clear and serious breach” of the 1985 Sino-British joint declaration (a legally binding agreement

18 [Human Rights in China, ‘HRIC Joins 85 NGOs Worldwide Urging the Withdrawal of the Planned National Security Law for Hong Kong’, 16 June 2020](#)

19 [Joint open letter to foreign ministers on China’s National Security Law for Hong Kong, 30 July 2020](#)

20 All 27 European Union member states, Australia, Canada, India, Indonesia, Japan, Malaysia, New Zealand, the Philippines, Singapore, South Korea, Sri Lanka, Thailand, and the United Kingdom.

21 [Joint open letter to foreign ministers on China’s National Security Law for Hong Kong, 30 July 2020](#)

22 [Joint open letter to foreign ministers on China’s National Security Law for Hong Kong, 30 July 2020](#)

which set out how certain freedoms would be protected for the 50 years after China assumed sovereignty in 1997): “It violates Hong Kong’s high degree of autonomy and threatens the freedoms and rights protected by the joint declaration”.²³

20. As a response, the Prime Minister announced in July 2020 that almost 3 million citizens of Hong Kong who hold British National (Overseas) status (BN(O) status) would be given the right to remain in the UK, including the right to work and study, for five years. After this they would be able to apply for settled status and, after a further year, seek citizenship.²⁴

Our inquiry

21. We decided to conduct a short inquiry into the introduction of the new Hong Kong visa route, to explore its effectiveness in providing support to Hong Kongers with BN(O) status and to consider the UK Government’s preparations to receive and integrate new arrivals from Hong Kong.

22. In view of the provisions of the national security law we took evidence for this inquiry in private, and the individuals who gave evidence to us did so anonymously. We are very grateful to them all for sharing their experiences with the Committee.

23. On the day of our hearing, 6 January 2021, police in Hong Kong arrested 53 people for alleged violations of the national security law after they had “helped run an unofficial “primary” to pick opposition candidates ahead of postponed 2020 elections”. Among those arrested were opposition figures, young campaigners, human rights lawyer John Clancey, who is a US citizen, academics, and candidates from the primaries.²⁵ Such developments show the continuing seriousness of the situation and the importance of the issues covered in this report.

23 BBC News, ‘[Hong Kong: UK makes citizenship offer to residents](#)’, 1 July 2020

24 BBC News, ‘[Hong Kong: UK makes citizenship offer to residents](#)’, 1 July 2020

25 [National security law: Hong Kong rounds up 53 pro-democracy activists](#), BBC 6 January 2021

2 The introduction of the new visa route

24. Successive governments have resisted calls to change the legal rights of BN(O)s, arguing that to do so would risk undermining the commitments made under the UK-China Joint Declaration on Hong Kong.²⁶

25. When announcing the new visa route the Foreign Secretary, Rt Hon Dominic Raab MP, said that “This is a special, bespoke, set of arrangements developed for the unique circumstances we face and in light of our historic commitment to the people of Hong Kong”. He said there would be no limit on numbers and that there would be a simple application process.²⁷

26. In a foreword to the policy statement,²⁸ the Home Secretary Rt Hon Priti Patel MP said that “The decision of the Chinese Government to impose its national security legislation on Hong Kong is a matter of deep regret to this Government” and a “clear breach” of the Joint Declaration which “cannot be ignored”:

Now that China, through its actions, has changed the circumstances that BN(O) citizens find themselves in, it is right that we should change the entitlements which are attached to BN(O) status. I have decided to improve significantly those entitlements, to reassure BN(O) citizens that they have options to live in the UK if they decide that is an appropriate choice for them.

She noted that a specific policy had been designed due to the “unique position” of BN(O) citizens in Hong Kong: she emphasised that “It [would] not set a precedent” but was “a proportionate response to the situation which has arisen”.²⁹

BN(O) status and eligibility for the new visa route

27. British National (Overseas) (BN(O)) status was made available in the ten years prior to the handover to people who had British Dependent Territories Citizenship (BDTC) through a connection with Hong Kong. It is not available to those born after 1 July 1997 and, while it is valid for life, this status is not passed on to spouses or children.³⁰ Most BN(O)s are also considered to be Chinese, under Chinese nationality laws.

28. Those with BN(O) status can use a type of British passport and seek consular assistance and protection from UK diplomatic posts apart from in China, Hong Kong or Macao. British nationality law enables BN(O)s to register as British citizens, either on the basis of lawful residence in the UK or by being otherwise stateless (although the operation of Chinese nationality law means most BN(O)s are unlikely to be eligible for

26 House of Commons Library, [British National \(Overseas\) status](#), 6 May 2021

27 BBC News, [‘Hong Kong: UK makes citizenship offer to residents’](#), 1 July 2020

28 HM Government, [Hong Kong British National \(Overseas\) Visa: Policy Statement](#), 22 July 2020

29 HM Government, [Hong Kong British National \(Overseas\) Visa: Policy Statement](#), 22 July 2020; Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p4

30 Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p3

British citizenship through this route). They are entitled to visit the UK for up to 6 months at a time without a visa but are subject to immigration controls and do not have a right of abode in the UK.^{31 32}

29. The number of people with BN(O) status is currently believed to number around 2.9 million. The Government's impact assessment for the new visa route estimated that, including their dependants, those eligible under the new visa route may number approximately 5.4 million Hong Kong residents.

30. While this is a significant number, the impact assessment noted that not all BN(O)s will wish to leave Hong Kong and only a proportion of those who do are likely to come to the UK. It suggested that the numbers arriving in the UK over five years might be between 258,000 and 322,400, with a significant proportion of the group—between 123,000 and 153,700—arriving in the first year.³³ We discuss arrivals further at paragraphs 102–105.

Leave outside the rules

31. Prior to the launch of the new visa route the UK Government also gave Border Force officials discretion to grant six months' immigration leave 'outside the rules' to individuals with BN(O) status and their accompanying dependants arriving in the UK before 31 January 2021, who were not eligible for entry to the UK under any existing visa category. Individuals granted leave outside the rules may work and study in the UK but have 'no recourse to public funds' conditions on their leave and do not have full access to healthcare without full health insurance.

32. The Government's October 2020 impact assessment for introduction of the new visa route reported that 2,116 BN(O) citizens and their dependants had been granted Leave Outside the Rules at the border in the three months between 15 July and 14 October. The assessment commented that "this data is not considered to be a reliable proxy for the number that may apply for the Hong Kong BN(O) Visa when it opens in January. However, it does suggest that the number of BN(O) citizens seeking to come to the UK in the short term is unlikely to be at the high end of the scale".³⁴ More recent Government data suggests that in the region of 12,500 individuals were granted leave outside the rules at the border between 15 July 2020 and 31 March 2021.³⁵ Ministerial authorisation for Border Force to consider granting leave outside the rules to BN(O) status holders and their eligible family members has been extended, most recently until 23:59 on 19 July 2021. The Minister wrote to us that this extension "will ensure BN(O) status holders and their family members who are planning to travel to the UK before applying to the new Hong Kong

31 [Hong Kong British National \(Overseas\) visa](#), Commons Library briefing 6 May 2021. The 'right of abode' is the right to travel to, and live and work in the UK, free from immigration controls

32 HM Government, [Hong Kong British National \(Overseas\) Visa: Policy Statement](#), 22 July 2020; House of Commons Library, [British National \(Overseas\) status](#), 15 June 2020

33 Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p5

34 Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p7

35 This total is drawn from overlapping Government figures, as no single figure is publicly available. On 29 January 2021 the Home Office reported that approximately 7,000 BN(O) status holders and their dependants were granted LOTR at the border between 15 July and 13 January 2021 ('[Media factsheet: Hong Kong BN\(O\) Visa route](#)', 29 January 2021); official statistics show that 5,500 BN(O) and/or HKSAR passport holders were granted LOTR at the border between 1 January and 31 March 2021. ([Immigration statistics March 2021](#)). Combined, these totals give 12,500 individuals, but the 13 days' overlap between the two reports should be noted.

BN(O) route have enough notice of the end of the LOTR arrangements at the border and avoid confusion arising as a result of extending aspects of the COVID-19 roadmap to 19 July".³⁶

33. Individuals from Hong Kong are also able to apply to come to the UK through other routes including the youth mobility scheme which offers 1,000 places for applicants from Hong Kong each year (see paragraphs 52–58).³⁷

The new visa route

34. The new Hong Kong British National (Overseas) visa was created by a statement of changes to the Immigration Rules which was laid before the House on 22 October 2020. The changes came into effect from 31 January 2021.³⁸

35. The visa provides two routes:

- BN(O) Status Holder route—this is for BN(O)s ordinarily resident in Hong Kong or the UK, and their dependent partners or children or grandchildren under the age of 18 who form part of the same household. Other adult family members with a high degree of dependency may also apply under this route.
- BN(O) Household Member route—this is for BN(O) citizens' adult children (born on or after 1 July 1997) and the adult child's dependent partner and children (under 18). All applicants under this route must form part of the same household as the BN(O) citizen (i.e. normally live together) and be applying alongside the BN(O) citizen, who should apply first as the main applicant.³⁹

36. There are also qualifying eligibility criteria that applicants under either route must meet. These are that:

- they are ordinarily resident in Hong Kong (if applying from overseas), or are ordinarily resident in the UK, Channel Islands or Hong Kong (if already in the UK);
- they can accommodate and support themselves in the UK for at least six months;
- they have a current tuberculosis test certificate from a Home Office approved clinic (depending on recent residence history);
- they pay the visa fee and the Immigration Health Surcharge in full at the point of the visa application; and
- they do not have any serious criminal convictions, have not engaged in behaviour which is not conducive to the public good, and are not subject to other general grounds for refusal set out in the Immigration Rules.

36 [Letter](#) from the Minister for Future Borders and Immigration, 21 June 2021

37 Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p4

38 HC 395 of 1993–4 as amended by [Statement of Changes HC 813](#), 2019–21

39 [Hong Kong British National \(Overseas\) visa](#), Commons Library briefing 6 May 2021.

There is no English language requirement for the visa, but applicants will be subject to the usual knowledge of English and Life in the UK test requirements if they later choose to apply for permanent settlement.

37. Applicants on the Hong Kong BN(O) visa route will receive up to 5 years' temporary permission to stay in the UK, which may be granted as a single period of 5 years or as successive periods of 30 months, subject to further application for the second 30 month period. They also have the right to work in the UK and access to education and healthcare. After five years in the UK visa holders may apply for permanent leave to remain, as a precursor to British citizenship, subject to meeting eligibility criteria and paying an application fee. Like other visas, the Hong Kong BN(O) visa has 'no recourse to public funds' conditions although visa holders may be able to request access to public funds in exceptional circumstances or if they become destitute.

38. On 23 February the Government launched a smartphone app enabling applicants with certain biometric passports to apply online and submit their biometrics digitally by scanning their passport chip. Applicants who cannot scan their passport chip must attend a visa application centre to enrol their biometric data.⁴⁰ A biometric enrolment fee of £19.20 is payable.

39. In the 1985 Sino-British joint declaration the UK made a historic commitment to protect the freedom of the people of Hong Kong. Given the grave concerns of Governments, NGOs and human rights experts about the impact of the new security law on Hong Kongers' freedoms we welcome the Government's decision to honour this promise through the creation of the British National (Overseas) visa route. This is a substantial and important recognition both of the gravity of the situation in Hong Kong and the commitments made by the UK Government to the people of Hong Kong.

40 [Hong Kong BN\(O\) visa: UK government launch digital process](#), 23 February 2021 gov.uk

3 People who are at risk of missing out

40. Witnesses who gave evidence to us on 6 January—the day when police arrested 53 people for alleged violations of the national security law in Hong Kong—warmly welcomed the “courageous and generous” establishment of the new visa route.⁴¹ Witness D told us that the proposal was “incredibly generous”, continuing

... Providing a vital lifeline to Hong Kongers is very important because a lot of people—ordinary citizens—will be in fear for their own safety. Being able to leave Hong Kong is so important, because sometimes that is people’s only option. It is not because they want to leave Hong Kong or because they want to give up what they have in Hong Kong. Rather, it is because the political situation in Hong Kong is so severe that they can no longer stay.

41. Witness D noted, however, that “of course the policy has a lot of drawbacks and a lot of areas that we wish the Government would cover, which it has not covered.”⁴² In this section of our report we consider some of the concerns raised with us about individuals and groups who may be at risk of missing out from the scheme.

The situation for 18–24 year olds

42. Key among these concerns was the situation of young people who were born after 1 July 1997.

43. As noted previously, BN(O) status was only available to individuals who had a personal connection with Hong Kong and who applied for status in the 10 years prior to the handover of Hong Kong to China on 1 July 1997. The status cannot be passed on directly to family members. People who were born after the handover therefore are not themselves eligible for BN(O) status and may only be considered dependants if they form part of the same household as a BN(O) status holder and apply for status at the same time as the BN(O) citizen.

44. We heard that a significant number of pro-democracy activists fall into this category since most of the protestors were born after 1997, are aged 18–24 and cannot benefit from the scheme unless their parents plan to move to the UK. Witness D told us that many of these young people are “probably... estranged from their families” owing to their political beliefs and are consequently “the most vulnerable” targets of the Beijing regime. Some of these young people have already made their way to the UK.

45. We were told that “lots of young activists who are now in the UK ... don’t feel that they can apply for asylum, or maybe they feel that they don’t fit in any of the [supported] categories”.⁴³

Young people’s routes to the UK

46. We were told that the Hong Kong census estimated there are approximately 277,000 Hong Kong citizens aged 18 to 23. Witness D said that a “significant” but unknown

41 [Q29](#) 6 January 2021

42 [Q3](#) 6 January 2021

43 [QQ4–5](#) 6 January 2021

number of this cohort were in need of refuge. For these young people, we heard, the only viable routes to the UK were either to come as “tourists” on a visitor visa for six months and then to apply for asylum, or to come on a tier 5 youth mobility scheme visa which offers two years’ leave to remain (see paragraphs 52–58).⁴⁴

47. Witnesses told us that a number of Hong Kongers had travelled to the UK in 2020 because, unlike other countries such as Taiwan, Australia and Canada which had promised Hong Kong ‘lifeboat’ schemes, it had not closed its borders during the pandemic. Some of these individuals who urgently needed to flee Hong Kong had entered the UK on visit visas, effectively using the UK as a “transit point”: they hoped that their preferred destination country would re-open its borders before their UK leave expired. Witness E noted that the immigration routes promised for Hong Kongers in other countries might be preferred because individuals were not required to claim asylum—although their circumstances might make them eligible to do so.⁴⁵

Asylum

48. Some young people would potentially be eligible for asylum in the UK. It was suggested to us in January that between 100 and 300 young people had made their way to the UK who were not formally reflected in Home Office records of asylum claims.⁴⁶ In February the Financial Times reported that there might be approximately 500 prospective Hong Kong asylum seekers in the UK, many of whom had not yet submitted claims. The FT noted that these individuals “are likely to face a far more complex, time-consuming and stressful journey to permanent residency than those on the BNO route”.⁴⁷

49. We heard that there were particular disincentives for young people to claim asylum in the UK: delays by the Home Office in processing asylum casework might result in them getting “trapped in the system for a substantial period without any economic support”;⁴⁸ they were aware that they would be unable to work, and might be unable to study, while their asylum claims were being processed⁴⁹ unless they could secure permission after one year to take up work on the shortage occupation list.⁵⁰ UK Government statistics show that the asylum processing backlog stood at 109,456 on 30 June 2020 (the latest date for which Government figures are available). 48,698 (44.5%) of these people had been waiting for over three years.⁵¹

50. Witness B wrote to us suggesting that the specific restrictions on work and study should be lifted to support the integration of asylum seekers from Hong Kong, and in particular to ensure that young asylum seekers did not lose opportunities for work experience and education which would support their mental health and ensure they were not left behind.⁵²

44 [QQ4,6](#) 6 January 2021

45 [VIS0002](#) paragraphs 50–52

46 [Q5](#) 6 January 2021

47 [UK visa offer to Hong Kongers fails to help thousands wanting to flee](#), FT.com 16 February 2021

48 [Q5](#) 6 January 2021

49 [Q35](#) 6 January 2021

50 [VIS0002](#) paragraph 52

51 UK Government National Statistics Transparency data Home Office [Immigration and protection data Q1: 2021](#) ASY_03: Asylum work in progress 27 May 2021;

52 [VIS001](#)

51. We discuss further concerns about barriers to asylum claims from Hong Kong at paragraphs 91–97.

The Youth Mobility Scheme

52. Witnesses E and F each informed us that the current Youth Mobility Visa for Hong Kongers aged 18–30 did not provide a sufficient pathway for young activists.⁵³ This is because:

- The scheme only provides for a two-year stay for work in the UK. It is not extendable and leave under the scheme may not contribute to the 5-year continuous residency requirement for settlement in the UK, although it may contribute to the 10-year continuous residency route separately provided in the Immigration Rules;⁵⁴
- The cap of 1000 places on the scheme limits the numbers who could use this route; and
- It is a bilateral agreement directly with the Hong Kong Government.⁵⁵

53. We were told that at the end of the period any individual on the Tier 5 youth visa scheme who is not eligible to apply for a BN(O) visa would have to return to Hong Kong, potentially facing arrest, or to seek asylum. An individual who was born before 1 July 1997 and meets the relevant criteria might apply for the BN(O) visa but would have to be successful in that application and to accrue the period of continuous residence required under that route to enable their settlement.⁵⁶

Improving the offer to young people

54. Witness C argued that “exceptional treatment” should be provided by the Government for young Hong Kongers, reflecting the commitments made by the UK in the Joint Declaration, with a special scheme provided in response to the “consistent emergency” in Hong Kong.⁵⁷ Witnesses made various suggestions to us as to how better support could be provided to this vulnerable group.

55. Witness B proposed that a young person who has a parent with BN(O) status should be allowed to apply without that parent, provided there is proof of the parent’s status.⁵⁸ Witness F advocated reforms to the Youth Mobility Scheme including the length of the visa offered, the removal of the cap on places, and a review of the bilateral arrangement with the Hong Kong Government.⁵⁹

56. Witness E argued further that a wider permission for young Hong Kongers to stay in the UK and work, without claiming asylum, would economically benefit the UK.⁶⁰ Witness A suggested that the UK Government might develop a policy “to draw the talents

53 [VIS003](#)

54 [VIS0002](#) paragraph 40, para 119

55 [VIS003](#)

56 [VIS0002](#) paragraphs 39–45

57 [Q29](#) 6 January 2021

58 [VIS001](#)

59 [VIS003](#)

60 [VIS0002](#) paragraph 52

of the Hong Kong youth to the UK” similar to the Canadian scheme, which offers a three-year work visa to Hong Kong graduates and their dependants and includes a path to citizenship.⁶¹ Witness F wrote to us to suggest that the UK Government might follow Australia’s example in providing a 5 year graduate visa for Hong Kongers studying in the country: this scheme provides for current and future students and also offers a path to citizenship.⁶²

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

58. We also agree with witnesses that the current provisions of the Youth Mobility Scheme—places on which are allotted through a lottery⁶³—are inadequate to support the size and needs of this cohort. The Government must provide assurances about the continuing feasibility and effectiveness of the bilateral agreement with the Hong Kong government which underpins the Youth Mobility Scheme and should take steps to remove or raise the cap on places on the scheme given the current circumstances.

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

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

Other affected groups

61. In the remainder of this chapter we consider some other groups who are potentially unable to benefit from the BN(O) scheme. Some individuals are likely to belong to more than one of these groups.

61 [Q24](#) 6 January 2021; [Canada announces immigration measures supporting Hong Kong residents and Canadians in Hong Kong](#), 12 November 2020, Government of Canada

62 [VIS003](#)

63 [First ballot of the 2021 youth mobility scheme for Hong Kong SAR passport holders](#), gov.uk, 5 January 2021

People with politically motivated criminal convictions

62. The Immigration Rules generally provide powers for the Government to refuse visas to people who do not satisfy the suitability criteria, for example because of criminal convictions, character and conduct, or who come within the scope of other grounds for refusal in the rules. The Government confirmed, through the answer to a written Parliamentary Question in October 2020, that discretion would be given in respect of applicants for the Hong Kong BN(O) visa who have convictions related to free speech or peaceful protest “which would not be considered offences under UK law”.⁶⁴ Despite these assurances witnesses to our inquiry in January noted, alongside their own concerns, a more widespread perception that those with convictions associated with the pro-democracy protests would be denied entry. They commented that this might represent a barrier to people applying to come to the UK.

63. Witness B and Witness C were concerned about the approach taken by Home Office caseworkers, with Witness C describing “a huge culture of suspicion” relating to asylum applications. Witness C said that “Definitely when you fit in certain criteria you will be granted that [BN(O)] visa but if you want to seek asylum they are a little suspect about whether you are credible to claim it” and noted the need for consistency in asylum decision-making.⁶⁵

64. Witness E similarly identified a concern about culture in Home Office decision-making—describing Home Office staff as “very overwhelmed” and under pressure to “get everything done”—and noted that, notwithstanding the Minister’s statement on the handling of politically-motivated convictions from Hong Kong, formal Home Office guidance on criminality did not make a distinction between convictions for recognised crimes and politically-motivated convictions. In written evidence Witness E explained further that, while a conviction under the national security law would be unlikely to be considered as a reason for refusing entry clearance

The problem with the issue of criminality is that the authorities in HK or China are not going to charge people specifically with “peaceful protest”, but for other criminal offences such as “money laundry” or “rioting”, both of which are also crimes under English law. In these cases, there may be a risk where Home Office caseworkers... may simply see this as a tick box exercise without delving into the details as to the reasons for which the applicant has accrued these convictions.⁶⁶

65. As short term measures Witness E advocated the provision of specific guidance on Hong Kong, and amendment of the Government’s criminality policy, to reflect the fact that politically-motivated prosecutions may be made for “real and existing offences”: on that basis any conviction for offences should require investigation.⁶⁷ In the longer term Witness E suggested that this might best be dealt with by establishing a dedicated team to work solely on Hong Kong applications, or by creating a process for individuals to submit a claim that their conviction was politically-motivated.

64 PQ [UIN 103578](#) [Visas: British National (Overseas)], answered on 19 October 2020

65 [Q37](#) 6 January 2021

66 [VIS0002](#) paragraphs 20–27

67 [Q38](#) 6 January 2021; [VIS0002](#) paragraph 27

66. We wrote to the Minister for Future Borders and Immigration on 3 February setting out the concerns we had heard from witnesses. On the issue of criminal convictions, the Minister wrote back that “caseworkers have flexibility within the existing Immigration Rules to ensure those who have custodial sentences for crimes which are not recognised as such in the UK would not be automatically refused on the Hong Kong BN(O) route”.⁶⁸

67. **We welcome the statement of intent by the Home Office that discretion will be given in cases where applicants for the BN(O) visa have convictions related to free speech or peaceful protest. We are however concerned that correspondence we received from the Minister failed to provide assurances about the need to investigate the possibility of politically-motivated convictions.**

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

Security concerns

69. Equally, however, we were told that anti-democracy agents might apply for visas, seeking to use the BN(O) route to infiltrate, monitor and inform on the BN(O) community in the UK. Article 38 of the national security law provides that non-Hong Kong residents can be prosecuted for their acts outside of Hong Kong, meaning that members of the BN(O) community who are considered to have committed offences under the national security law while in the UK could face legal risks if they enter or return to Hong Kong.⁶⁹ While witnesses called for discretion to be granted to young people with protest-related convictions, they also called for the UK Government to apply intelligence-led checks in order to identify any applicant who might pose a risk to the safety of individual Hong Kongers and/or the community in the UK.

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

People who were minors when the BN(O) registration scheme closed

71. Witness E told us that people who were eligible for BN(O) status but were legally minors when the voluntary registration scheme closed on 30 June 1997 would have been reliant on their parents to register them: if their parents had failed to do so they would now be ineligible for the BN(O) visa scheme “despite their being born in a Crown colony under the administration of HM Government”. In a small number of cases it was possible that a family would have registered some of its eligible children during the 10-year registration

68. [Letter](#) from the Minister for Future Borders and Immigration, 15 February 2021

69. Hong Kong Free Press [In full: English translation of the Hong Kong national security law](#) 1 July 2020; [Explainer: ten things to know about Hong Kong's national security law: new crimes, procedures and agencies](#) 1 July 2020

period, but not others. They commented “it does not seem fair that such decisions are to be held against those who had no choice and no say in the decision of whether to maintain ties to the UK or not” and proposed that the visa scheme should be extended to those who were eligible but unregistered minors on 30 June 1997.⁷⁰

72. In this context we note that the UK Government laid before Parliament on 29 April draft secondary legislation (The British Nationality Act 1981 (Immigration Rules Appendix EU) (Amendment) Regulations 2021) “to protect the nationality rights of children who might otherwise be affected adversely by the 30th June 2021 deadline for applications to the EU Settlement Scheme [and ...] where reasonable grounds exist for the application deadline being missed”. The Minister wrote to us that

“... the unique nature of the EUSS cohort, and the importance attached to the citizenship rights of children, means it is right to provide a safety net for any child who might otherwise suffer through no fault of their own”.⁷¹

Both the Settlement Scheme and the Hong Kong cohorts have unique features and, while retrospective, a similar principle might be held to apply for the small numbers of individuals in Hong Kong who find themselves in this situation.

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

Partners of BN(O) status holder sponsors and BN(O) Household Member sponsors

74. Witness E also drew to our attention “a Hong Kong phenomenon” whereby married and unmarried couples do not live together but continue to live with their families because they cannot afford accommodation together. As the rules for the BN(O) scheme require the dependent partner of a status holder or Household Member to “form part of the same household” and to “normally live” with the sponsor such couples might be unable to demonstrate they met the scheme requirements.

75. Witness E noted that some same-sex couples might also struggle to benefit since, while same-sex relationships are not considered criminal in Hong Kong, same-sex marriage is not recognised and social stigma and familial pressures may prevent couples from living in the same household. They wrote that this situation was most acute for same-sex couples where one partner is from mainland China as Hong Kong’s immigration provisions would not permit a mainland Chinese partner to live in Hong Kong as a dependent and would thus provide a further barrier to the couple forming a single household.⁷²

76. The Government’s impact assessment notes that the Equality Act 2010 permits direct discrimination on the basis of nationality in relation to the exercise of functions under the Immigration Acts and that the Government considers that the UK’s “historical and moral commitment to BN(O)s” justifies this policy. It notes that there is direct discrimination

70 [VIS0002](#) paragraphs 112–116

71 [Letter](#) from the Minister for Future Borders and Immigration, 4 May 2021

72 [VIS0002](#) paragraphs 129–134

on the grounds of age in order to provide a route for young adult children of BN(O) status holders, born after 1 July 1997, who form part of a BN(O) household, and “limited indirect discrimination on the other protected characteristics”. It does not set out what the Government understands about those other forms of discrimination.⁷³

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

4 Barriers to application

78. While the Government has taken steps to enable wide access for BN(O) citizens to the UK, we heard that some significant barriers remain which may deter Hong Kongers from seeking to come to the UK.

Cost

79. The Government has set the cost of the Hong Kong BN(O) visa lower than for other temporary visa categories, at £180 for a 30-month visa or £250 for a five year visa; the Government's estimated unit cost for processing each individual visa application for this route is £170,⁷⁴ so the cost to the applicant is only marginally higher than the administrative cost to the Government. Applicants must however also pay the immigration health surcharge at the full rate of £1,560 (£1,175 for children under 18) per person for 30 months or £3,120/£2,350 for a five year visa and must also be able to demonstrate that they are able to pay for housing and to support themselves and family members for six months.⁷⁵

80. Witness E calculated the cost to a family of 2 adults and 2 children under 18 of applying for the 30 month visa as follows:

Chargeable item	Cost per person	Total
Parent's application fee for a [2.]5-year BNO visa	£180	£360
IHS per parent for a [2.]5-year BNO visa (£624 per year)	£1,560	£3,120
Child's application fee for a [2.]5-year BNO visa	£250	£360
IHS per child for a [2.]5-year BNO visa (£470 per year)	£1,175	£2,350
	Grand total:	£6,190

81. For the five year visa, Witness E presented the costs to the same family as follows:⁷⁶

Chargeable item	Cost per person	Total
Parent's application fee for a 5-year BNO visa	£250	£500
IHS per parent for a 5-year BNO visa (£624 per year)	£3,120	£6,240
Child's application fee for a 5-year BNO visa	£250	£500
IHS per child for a 5-year BNO visa (£470 per year)	£2,350	£4,700
	Grand total:	£11,940

82. Witness E was concerned that these costs might prove a barrier to families seeking to leave Hong Kong since they must be paid up-front and, while a family might have

74 Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p15

75 Home Office, ['Hong Kong British National \(Overseas\) \(BN\(O\)\) visa'](#), 22 October 2020

76 [VIS0002](#) paragraph 30

sufficient regular income to meet the requirement to be self-supporting in the UK for at least six months, it might not have savings which would enable these additional fees to be paid as well.⁷⁷

83. In contrast, Witness B told us that in a survey “around 88%” of participants had said they would be able to afford both the visa fee and the immigration health surcharge. They told us that concern was more often expressed about the ability for individuals and families to be self-supporting for the first six months after arrival, while looking for accommodation and employment. Witness B noted that while “the vast majority” of those arriving should be able to support themselves there would be a minority, particularly among younger applicants, who would struggle to do so.

84. Concern has been raised separately that, even after the cost was reduced by the UK Government, the expense of the Hong Kong BN(O) visa route is unaffordable for many young activists.⁷⁸

85. In their written evidence both Witness E and Witness B called for the introduction of a means-tested fee waiver for those with limited means—which Witness B noted might be particularly helpful to younger applicants—stating that targeting this support towards those who needed it most would be in line with the offer of “genuine protection and assistance” that underpinned the development of this route.⁷⁹

86. The Minister affirmed to us in writing that “It is only right those who benefit from our immigration system contribute to its cost” and that the immigration health surcharge “goes towards supporting our NHS”.⁸⁰

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

Tuition fees

88. Witness B flagged to us that many young people who hoped to travel to the UK were also expressing concern about the additional costs of university tuition. Hong Kongers looking to study at UK universities would be treated as international students, meaning that they would not be able to access UK student finance and would be charged international tuition fees. These fees on top of youth mobility or BN(O) visa and health surcharge fees were potentially daunting and might deter young people from travelling to the UK to study in safety because they would find a university education in the UK unaffordable. Witness B said that “Allowing [these young people] to study in the UK is

77 [VIS0002](#) paragraphs 28–34

78 [UK sanctuary offer for Hong Kong activists is great if you can afford it](#), Bloomberg 25 February 2021

79 [VIS0002](#) paragraph 34; [VIS001](#)

80 [Letter](#) from the Minister for Future Borders and Immigration, 15 February 2021

the best way to provide assistance and support, and allow them to contribute to the UK after they complete their studies”.⁸¹ As a Committee we have previously heard concerns about the combined impact of international student fees and visa costs on young migrants powerfully expressed by We Belong.⁸²

89. Witness E informed us that the relevant UK regulations do not prevent higher education institutions from charging overseas students domestic rates by discretion; they also noted that, elsewhere, the regulations recognise and define refugees and their family members as a class of people whose fees should be capped. We also note that between 1997 and 2000 some students who were resident in Hong Kong were eligible for home fee status and student support in the UK under student support regulations.⁸³

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

Asylum

91. Asylum is a potential route to the UK for Hong Kongers, including those born after 1997, who are not eligible for the BN(O) visa. We heard however that concerns might deter some Hong Kongers from taking this route.

92. We cover in paragraphs 48–50 the concerns from young people about the impact of asylum delays on their ability to continue their studies or find employment. We also heard of enduring concerns more widely about whether asylum claims from Hong Kong would be accepted. These concerns focused on the official information and guidance provided by the Home Office to frontline caseworkers, to support their consideration of asylum applications. Witness B wrote that the Home Office’s country policy and information note relating to the national security law in Hong Kong, which was published in November 2020,⁸⁴ only covered impacts of the national security law up to August 2020 and therefore did not reflect “a number of shocking cases” which had taken place since, including the interception and detention of 12 Hong Kongers who had tried to leave Hong Kong for Taiwan and the 53 arrests on 6 January in connection with the unofficial opposition primary. They wrote that the Government’s assessment was unrealistic since it failed to take account of developments beyond the earliest days of the security law; they also suggested that the Government was engaging in “wishful thinking” when it stated in the note that the security law was only being applied “in a narrow sense to ensure economic interest or only targeting a minority”.⁸⁵

93. We also heard that the November update failed to address issues which Hong Kongers believed had been misrepresented in the previous version of the note, dated February 2020. These concerns related to comments in the February note suggesting that the treatment experienced by people arrested and detained for involvement in anti-government protests “is not sufficiently serious by its nature and repetition as to amount to a generalised risk of persecution or serious harm”, although statistics from the security bureau of the Hong

81 [VIS001](#)

82 [Transcript of discussions with members of We Belong](#), 3 November 2020

83 [Education \(Fees and Awards\) Regulations 1997](#) SI (1997) No. 1972

84 [Country Policy Information Note: China Hong Kong National Security Law](#) November 2020 version 1.0 [accessed 7 June 2021]

85 [VIS001](#)

Kong government showed that, up to 23 January 2020, more than 7,000 pro-democracy protestors had been arrested, most of whom were aged under 30,⁸⁶ and police brutality and torture had separately been documented.⁸⁷

94. Witness E wrote that they had been told by some Hong Kongers that the February 2020 country information note had deterred them from claiming asylum “since the perception is the Home Office’s position is that a protester is not at risk of harm”.⁸⁸ As a consequence it was difficult to be confident that caseworkers’ approach to applications from Hong Kongers, informed by the official guidance, would be looking to approve rather than to reject or deny asylum applications.⁸⁹

95. Witnesses’ concerns about asylum decision-making are unlikely to have been assuaged by the Minister’s further written comments that asylum claims

are assessed on a case-by-case basis using our published casework and country information guidance. Protection is normally granted where a claimant has a well-founded fear of persecution.

The Minister noted that asylum claims from Hong Kong nationals in the third quarter of 2020 numbered 41, which is low: the number of grants of protection in the same period (6) was even lower.⁹⁰

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

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

Awareness of the scheme

98. We were told that the UK offer had not been welcomed by the Chinese authorities and that, in consequence, there had been little reporting of the policy in Hong Kong.⁹¹ In

86 [Q7](#) 6 January 2021

87 [VIS0002](#) paras 61–67

88 [VIS0002](#) paragraph 67

89 [Q7](#) 6 January 2021

90 [Letter](#) from the Minister for Future Borders and Immigration, 15 February 2021

91 [Q30](#) 6 January 2021

addition to the risk this presents of those who are eligible missing out because they do not hear about the route, as we have noted above we also heard concerns that some groups who might be aware of the route might nonetheless be deterred from applying because of doubts about their eligibility for the visa.

99. The Minister for Future Borders and Immigration wrote to us on 3 February that the Government had recognised and planned for “a range of scenarios” relating to communication of the new visa route, “including active suppression of information”. He assured us that “Communications are being delivered through a range of channels with a focus on ensuring applicants have a direct source of information”, and said that the Home Office’s approach was “fully aligned” with the FCDO and National Security communications team.⁹²

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

92 [Letter](#) from the Minister for Future Borders and Immigration, 15 February 2021

5 Settlement in the UK

101. In this final chapter we consider the numbers of arrivals expected in the UK, and Government preparations to support their integration.

Eligibility for the Hong Kong BN(O) visa and estimates of the numbers expected to arrive in the UK

102. Records indicate that 3.3 million people had registered for BN(O) status by the cut-off date for registration of 30 June 1997. As the status was not available after the handover the group is gradually reducing in size and is believed currently to number around 2.9 million. The Government's impact assessment estimated that these individuals may have about 2.3 million dependents, and there may also be 187,000 18–23 year olds⁹³ who are not themselves BN(O)s but who have at least one BN(O) parent. These figures together indicate that those eligible under the new visa route may number approximately 5.4 million Hong Kong residents.

103. While this is a significant number, the Government's impact assessment noted that not all BN(O)s will wish to leave Hong Kong and only a proportion of those who do are likely to come to the UK (some other countries, notably Canada and Australia, have also set out measures⁹⁴). The assessment suggested that the numbers arriving in the UK over five years might be between 258,000 and 322,400, with a significant proportion of the group—between 123,000 and 153,700—arriving in the first year. It said that there were “several complex push and pull factors which are likely to influence decisions” and noted a high degree of uncertainty in the planning assumptions. The impact assessment did not take account of any impact of covid-19 and, in February, the Minister wrote to us that estimates of likely arrivals were complicated by the difficulty for BN(O) status holders, under the national security law, in “talking openly about their attitudes and future plans”.^{95 96}

104. Government statistics show that in the period January - March 2021 (Q1 2021) there were 34,300 applications for the BN(O) route of which 20,000 were main applicants and 14,300 were dependants. BN(O) visas were granted to 7,200 applicants (4,800 main applicants and 2,400 dependants). The Government reported that “the majority of grants (86%) were to BN(O) and/or Hong Kong Special Administrative Region (HKSAR) passport holders.” Forty one per cent of the dependants—equivalent to around 984 of the 2,400 dependants—were not HKSAR passport holders.⁹⁷

105. Witnesses broadly agreed that the Government's estimate of around 200,000–300,000 Hong Kongers travelling to the UK over five years was “fair” although they had a slightly different view about the pattern of applications for the visa. Witness D thought that the first year estimate of 120,000 arrivals was “broadly accurate” but was not convinced that numbers would tail off over time, as the Government's estimates suggested: a survey

93 Individuals who were 23 years old at the time of the Government's impact assessment may now be 24.

94 [Thousands of Hong Kong residents eligible to stay in Australia as safe haven visa extension kicks in](#), ABC News 23 August 2020; [Hong Kong Watch welcomes the launch of Canada's 'Young Talents' visa scheme for Hong Kong graduates and their dependents](#), HKW 4 February 2021

95 Home Office, [Impact Assessment: Hong Kong British National \(Overseas\) Visa](#), 22 October 2020, p5

96 [Letter](#) from the Minister for Future Borders and Immigration, 15 February 2021

97 [Immigration statistics year ending March 2021: how many people come to the UK each year including visitors: British National Overseas \(BN\(O\)\) route](#) [accessed 25 June 2021]

conducted by HongKongers in Britain, while it had a small sample size, suggested that a significantly higher proportion of those planning to come to the UK would apply in the first two years of the scheme than the Government's impact assessment calculated. The survey recorded 88% of potential applicants planning to travel by 2023, compared to the Home Office's 65% estimate. They also believed that unless the political situation in Hong Kong improved, demand would be sustained for the lifetime of the scheme and suggested that the Home Office was privately aware of this range in the estimates.⁹⁸

106. Witness D also suggested that there were “a lot” of people who were looking to move their assets in preparation for travel to the UK and who would apply once this was done. Witness E believed that the arrests of democracy activists on 6 January, and Hong Kongers' uncertainty about the determination to enforce the national security law, might accelerate people's plans

we do not know what is next, and that is the worry that is obviously likely to drive any desire to emigrate.⁹⁹

107. There have been further developments since we took evidence in January which may impact upon decisions taken by Hong Kongers about whether to stay or leave. These include the issuing of a circular to all primary and secondary schools in early February advising that article 10 of the national security law required the promotion of “national security education in schools and universities”: this action has been described as “aimed at quashing political dissent in the education system and restricting critical inquiry”.¹⁰⁰ The Guardian has reported that this provision places a requirement on schools “to prevent participation in political activities, increase monitoring of employees and teaching materials, remove books and flyers deemed to endanger national security and to report to authorities if necessary”.¹⁰¹

108. On 28 April 2021 it was reported that the Hong Kong legislature had passed a new immigration law which included a power allowing the city's immigration chief to bar people from boarding planes to and from the city either as passengers or crew. Activists expressed concern that this power could be used in the same way as “exit bans” introduced on the Chinese mainland to prevent pro-democracy activists leaving Hong Kong to go into exile.¹⁰² The Foreign Secretary has said that there will be little the UK can do if Beijing tried to prevent Hong Kong citizens leaving the country.¹⁰³

109. The immigration law is due to come into force on 1 August 2021:¹⁰⁴ both this and the intervention in schools may impact upon—and in some cases appears likely to accelerate—the timing of people's applications to come to the UK.

98 [Q15](#) 6 January 2021

99 [Q28](#) 6 January 2021

100 [Hong Kong Government brings National Security to education system](#), China Digital Times 4 February 2021

101 [Let's learn about national security: Hong Kong rewrites school rules](#), The Guardian 5 February 2021

102 [Hong Kong passes law that can stop people leaving](#), the Guardian, 28 April 2021; [Hong Kong's new immigration bill: explainer](#), Hong Kong Watch 28 April 2021

103 [The Times](#), ‘China warns Britain over offer to 3m Hongkongers’, 2 July 2020 [paywall]

104 [Hong Kong passes immigration bill raising alarm over exit bans](#) Reuters 28 April 2021

Preparations in the UK

110. During oral evidence in January witnesses told us that they wanted to see Ministerial assurances backed up by “concrete actions and evidence” that Government, and particularly local authorities, were prepared for the arrival of families who were already beginning to travel from Hong Kong.

111. We heard that arrivals were unlikely to try to congregate in a single area but were told that there was “increasing interest from BNOs to move to metropolitan areas” for reasons including the opportunity to join existing Hong Kong communities in ethnically diverse areas, access to schooling and the desire to move to areas with job opportunities and affordable housing.¹⁰⁵ However we were also told by Witness F, in written evidence, that they were “struck by the general lack of knowledge about the BN(O) scheme” on the part of regional mayors and combined authorities who, citing pressure on budgets following the pandemic, advised they “speak directly to the Home Office over the need for a specific integration fund”.¹⁰⁶

112. Witness D similarly detected “confusion” in local authorities which did not understand BN(O) status and warned,

do not forget that BN(O) is a cross-section of Hong Kong society. It is not just the typical middle-class or financial background Hong Kongers. We will have people moving to this country who do not speak good English or people who are lower income or people who simply do not know anything about the UK and have never been to the UK. They will face a lot of issues in their daily life. ... I do not think the Government are prepared to receive people coming to the UK.¹⁰⁷

They speculated that “because Hong Kongers coming on the BNO visa scheme are considered and expected to be self-sufficient with no recourse to public funds, there is a feeling [in Government] that there is no need for ... integration assistance”.¹⁰⁸

113. Alongside a general lack of understanding witnesses also commented on difficulties relating to specific services and particularly accommodation and education. Witness F reported cases of BN(O) parents being offered incorrect information by local authorities in respect of their right to apply for school places.¹⁰⁹ Witness B was concerned that families may exhaust their private resources if the search for employment and accommodation takes longer than anticipated; they called for local authorities, particularly in urban areas, to be preparing for additional demands on housing, education, social services and mental health support.¹¹⁰

114. The Minister wrote to us on 15 February indicating that MHCLG had written to all English local authorities and the devolved administrations to draw to their attention the estimates of arrivals to their areas; he said that Home Office officials were working across Government and alongside civil society groups to support the integration of BN(O) status

105 [VIS003](#)

106 [VIS003](#)

107 [Q16](#) 6 January 2021

108 [VIS0002](#) paragraphs 84–85

109 [VIS003](#)

110 [QQ12–13](#) 6 January 2021

holders.¹¹¹ In the same month, however, an article published by Bloomberg criticised the “shambolic” failure of the Government to co-ordinate central and local help for the large numbers of individuals which the Government estimates may come to the UK under the BN(O) scheme.¹¹²

Resettlement assistance and civil society support

115. We heard concerns about a failure by central and local government to understand the potential for tension between individuals and communities settling in the UK under the BN(O) scheme and existing communities from Hong Kong or mainland China which may have a different relationship with the Chinese authorities. Witness C had encountered cases of individual Hong Kongers who were reluctant to share information in case this information ultimately found its way back to the Chinese Government. It was suggested that UK authorities which lacked “that subtle sense” of how the political situation in Hong Kong might impact on UK communities might incorrectly assume that particular groups would be both willing to support new arrivals to settle and able to secure their confidence.¹¹³

116. Equally, however, we heard that assistance organisations had been set up in the UK by some settled Hong Kongers, which would require support and funding in order to be able to assist new arrivals effectively to integrate.¹¹⁴

Suggestions for improving the support available to arrivals in the UK

117. Drawing an analogy with Government support for Ugandan Asians who arrived in the UK following their expulsion from Uganda in 1972, Witness D in January called for the Government to set up a resettlement board which would facilitate cross-departmental work with local authorities and also co-ordinate civil society support for arrivals from Hong Kong.¹¹⁵ Witness E thought that an integration fund which might be accessed by local authorities and civil society groups would be helpful.¹¹⁶ Witness B suggested that it might be helpful to have a scheme for job matching, to support arrivals who were not familiar with the UK jobs market.¹¹⁷ Witness F noted, more generally, that it would be important to raise public awareness of the scheme in the UK, in order to ensure widespread understanding and support for BN(O) arrivals and to assist their integration.¹¹⁸

Support from the Government

118. On 8 April, the Government announced the Hong Kong British Nationals (Overseas) Integration Programme, a £43m package of support to help those on the Hong Kong BN(O) route to settle in the UK. The funding was broken down as follows:

- £30.7m of this funding would be provided to local authorities in England to enable targeted support for new arrivals including English language support and support with housing costs;

111 [Letter](#) from the Minister for Future Borders and Immigration, 15 February 2021

112 [UK sanctuary offer for Hong Kong activists is great if you can afford it](#), Bloomberg 25 February 2021

113 [Q42](#)

114 [VIS0002](#) paragraphs 84–85

115 [Q17](#) 6 January 2021

116 [Q41](#) 6 January 2021

117 [Q22](#) 6 January 2021

118 [VIS003](#)

- Under the Barnett formula £5.8m would go to the devolved administrations for the same responsibilities;
- £5m would enable the establishment of 12 virtual welcome hubs across the English regions and in Northern Ireland, Scotland and Wales, delivered through existing Strategic Migration Partnerships, to co-ordinate support and provide assistance with applying for school places, registering with GPs and setting up businesses;
- £986,000 would establish a national Voluntary, Community and Social Enterprise (VCSE) grant scheme to fund national projects supporting BN(O) status holders in areas supporting community cohesion such as employment and mental health. Part of this funding would be used to develop Hong Kong educational resources for schools, to support teaching about the historic connections between the UK and Hong Kong, and about the UK's commitment to Hong Kong and its people.

The Government also announced establishment of an inter-Ministerial group to “drive integration work across government” on issues such as access to public services, opportunities and safety for newly arrived status holders.¹¹⁹

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

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

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

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

Conclusion

123. The Government's decision to offer a Hong Kong BN(O) visa scheme is an extremely important and welcome expression of the UK's historic relationship with, and continued commitment to support, the citizens of Hong Kong. As we have experienced with previous community arrivals into the UK, we expect individuals and families arriving from Hong Kong will enrich the life of our communities and contribute towards our economy. It is essential that the Government also continues to monitor the situation in Hong Kong. It must review its estimates of demand for the scheme regularly so that support for status holders in the UK may be effectively planned and resourced, centrally and locally. It must ensure that strong measures are in place to promote integration and community cohesion.

124. There remain worrying gaps in this offer of support, notably for young people born since 1 July 1997 who we have heard are particularly vulnerable to political targeting by Beijing.

125. Amending the scheme, and making the associated changes we have recommended in this report will enable the Government to improve the scheme further and help to ensure that it provides the genuine protection and assistance the Government set out to provide.

Conclusions and recommendations

The introduction of the new visa route

1. In the 1985 Sino-British joint declaration the UK made a historic commitment to protect the freedom of the people of Hong Kong. Given the grave concerns of Governments, NGOs and human rights experts about the impact of the new security law on Hong Kongers' freedoms we welcome the Government's decision to honour this promise through the creation of the British National (Overseas) visa route. This is a substantial and important recognition both of the gravity of the situation in Hong Kong and the commitments made by the UK Government to the people of Hong Kong. (Paragraph 39)

People who are at risk of missing out

2. We have heard that young people are among the most targeted citizens in Hong Kong owing to their increased participation in pro-democracy protests. They are also among the most vulnerable, particularly if they are estranged from their families because of their political opinions and/or have limited financial means which restrict their freedom to seek refuge. However, many of those involved in protests were born after the handover in July 1997 and are therefore not entitled to BN(O) status. We are concerned that this gap in the scheme will leave vulnerable young Hong Kongers at risk and unable to leave. *The Government should therefore extend the BN(O) scheme to enable a young person with a BN(O) parent to apply separately from that parent, provided there is evidence of that parent's status.* (Paragraph 57)
3. *We also agree with witnesses that the current provisions of the Youth Mobility Scheme—places on which are allotted through a lottery—are inadequate to support the size and needs of this cohort. The Government must provide assurances about the continuing feasibility and effectiveness of the bilateral agreement with the Hong Kong government which underpins the Youth Mobility Scheme and should take steps to remove or raise the cap on places on the scheme given the current circumstances.* (Paragraph 58)
4. *In order to provide consistency with other pathways to the UK we ask the Government as a matter of urgency to consider, and to report to Parliament, how a five-year pathway to settlement might be made available to this group.* (Paragraph 59)
5. *Given the threats of imprisonment under the new security law faced by some Hong Kong young people, the asylum system should be another appropriate route for them to be able to follow. It is troubling that we have heard they are deterred from doing so. The current delays in the asylum system which leave young people—not just from Hong Kong—unable to study or work potentially for years before their cases are resolved are a serious problem. The Home Office must urgently address the long delays in the asylum casework system that are preventing it from operating as an effective route to safety and security for those in need of sanctuary.* (Paragraph 60)
6. We welcome the statement of intent by the Home Office that discretion will be given in cases where applicants for the BN(O) visa have convictions related to free speech

or peaceful protest. We are however concerned that correspondence we received from the Minister failed to provide assurances about the need to investigate the possibility of politically-motivated convictions. (Paragraph 67)

7. *Home Office caseworkers should be trained and regularly updated on the developing situation in Hong Kong. The Government must provide assurances that the criminality policy and associated guidance for caseworkers explicitly recognise that convictions and the designation of certain convictions in Hong Kong, including for offences which are also recognised as offences under UK law, may have been politically motivated and should be subject to investigation. We encourage the Government to establish an expert casework team to process Hong Kong BN(O) applications. (Paragraph 68)*
8. *We support the proposition that intelligence-led checks should be made of applications for the Hong Kong BN(O) visa to identify and screen out agents who intend to monitor and inform on the BN(O) community in the UK on behalf of the Chinese Government. This strengthens the case for having an expert casework team that understands the full complexity of issues affecting Hong Kong. (Paragraph 70)*
9. *Young people who were eligible but too young to register themselves before handover on 1 July 1997 are being denied access to the Hong Kong BN(O) visa route because, for whatever reason, their parents failed to complete the process. The Government should assess how many young people are likely to have been affected and provide for an extension to the visa route for eligible young people to apply. (Paragraph 73)*
10. *We were concerned to hear that provisions in the Hong Kong BN(O) visa route rules may penalise couples on lower incomes and same-sex couples who because of societal pressures in Hong Kong are unable to live in the same household. The Home Office should review its equality impact assessment to ensure that this issue and others which may arise from societal expectations and circumstances in Hong Kong have been appropriately considered. (Paragraph 77)*

Barriers to application

11. *We accept the principle that individuals who benefit from immigration should contribute towards the costs of essential UK services and we also welcome the fact that, when designing this visa route, the Government set out to increase its accessibility by setting a low fee for the applicant. However we are concerned that the upfront nature and scale of the immigration health surcharge will not be affordable for some BN(O) visa holders and particularly for young people. The Home Secretary has described the route as a proportionate response to a specific situation: we therefore recommend that, as a proportionate further step, the Government introduce either a means-tested fee waiver for Hong Kongers to whom the cost is a significant barrier to protection or flexibilities around delayed or reduced payment where appropriate. (Paragraph 87)*
12. *We recommend that, on grounds of the unique historical relationship between the UK and Hong Kong, the Government should consider providing for Hong Kong students to be charged domestic fees for higher education in the UK. (Paragraph 90)*

13. Witnesses told us that the Home Office's failure to keep its country policy information notes on Hong Kong up to date potentially left asylum-seekers who have a well-founded fear of persecution at risk of having their claims denied by caseworkers. This concern was sufficient to deter eligible claims. (Paragraph 96)
14. *The UK has a proud record of providing asylum to individuals who need it, from many parts of the world. A failure to provide effective and timely consideration to asylum seekers from Hong Kong would damage this record, as well as undermining the unique commitment made by the UK to the citizens of Hong Kong. We have already in this report recommended that the Government establish a dedicated casework team to examine Hong Kong BN(O) visa applications; the Government should similarly establish a dedicated casework team to examine asylum applications from Hong Kong. In addition, the Government should report back to us with an updated country policy note for Hong Kong within eight weeks. The Home Office must also provide assurances concerning the frequency with which its country policy information notes are reviewed and in particular must confirm what measures are in place both to ensure that CPINs relating to Hong Kong are updated in response to developments, and to ensure that such changes are communicated quickly and effectively to frontline caseworkers.* (Paragraph 97)
15. *The Government must provide further assurances of the practical steps it is taking to welcome BN(O) citizens and to ensure they are aware of the scheme. The Government should review its communication plan to ensure that the new visa route is being publicised through all appropriate channels and, where changes are made to enhance and extend the scheme, must ensure that these changes are communicated quickly and effectively.* (Paragraph 100)

Settlement in the UK

16. *Integration support for newly arriving Hong Kongers is essential. The Government must ensure there is a robust plan for integration and employment support for BN(O) visa holders arriving to live in the UK. In January we heard significant concerns from witnesses about a lack of awareness and understanding by local authorities of the existence and role of the Hong Kong BN(O) visa route, and its potential consequences in terms of settlement patterns. Following this evidence, we welcome the Government's recent efforts to set out further action on local support and integration.* (Paragraph 119)
17. *The Government should also improve the communication and signposting of the support available, for example by making information about the integration programme available in a range of languages and accessible formats.* (Paragraph 120)
18. *We particularly welcome the establishment of the inter-Ministerial group to co-ordinate support for status holders but note that as yet there is little transparency about the work of this inter-Ministerial group. The Government must provide further information about the frequency of the group's meetings, its objectives and priorities. The inter-Ministerial group must draw up a clear integration plan to cover issues ranging from employment to English language, to encourage integration and promote community cohesion; it must ensure that Hong Kongers are given the resources and support they need to study, work and participate in civil and community life here*

in the UK. The group should play a key role in securing and communicating revised estimates of arrivals for local authorities over the lifetime of the visa scheme, to ensure those authorities can continue to plan effectively for likely demand. As the scheme progresses further financial support should be provided to authorities where changes in the settlement pattern make this necessary. (Paragraph 121)

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

Conclusion

20. The Government's decision to offer a Hong Kong BN(O) visa scheme is an extremely important and welcome expression of the UK's historic relationship with, and continued commitment to support, the citizens of Hong Kong. As we have experienced with previous community arrivals into the UK, we expect individuals and families arriving from Hong Kong will enrich the life of our communities and contribute towards our economy. It is essential that the Government also continues to monitor the situation in Hong Kong. It must review its estimates of demand for the scheme regularly so that support for status holders in the UK may be effectively planned and resourced, centrally and locally. It must ensure that strong measures are in place to promote integration and community cohesion. (Paragraph 123)
21. There remain worrying gaps in this offer of support, notably for young people born since 1 July 1997 who we have heard are particularly vulnerable to political targeting by Beijing. (Paragraph 124)
22. Amending the scheme, and making the associated changes we have recommended in this report will enable the Government to improve the scheme further and help to ensure that it provides the genuine protection and assistance the Government set out to provide. (Paragraph 125)

Formal minutes

Wednesday, 30 June 2021

Rt Hon Yvette Cooper, in the Chair

Rt Hon Diane Abbott Dame Diana Johnson

Ruth Edwards Tim Loughton

Simon Fell Stuart C. McDonald

Andrew Gwynne

Draft Report (*The UK's offer of visa and settlement routes for residents of Hong Kong*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 125 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 7 July.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 6 January 2021

Witness A; Witness B, Hongkongers in Britain; **Witness C**, Hongkongers in Britain; and **Witness D** [Q1–26](#)

Witness C, Hongkongers in Britain; **Witness E**, Solicitor; and **Witness F** [Q27–45](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

VIS numbers are generated by the evidence processing system and so may not be complete.

- 1 Witness B ([VIS0001](#))
- 2 Witness E ([VIS0002](#))
- 3 Witness F ([VIS0003](#))
- 4 Witness E ([VIS0004](#))
- 5 Witness E ([VIS0005](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2021–22

Number	Title	Reference
1st	Violence and abuse towards retail workers	HC 141

Session 2019–21

Number	Title	Reference
1st	Home Office preparedness for Covid-19 (Coronavirus): Policing	HC 232
2nd	Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home	HC 321
3rd	Home Office preparedness for Covid-19 (coronavirus): immigration and visas	HC 362
4th	Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation	HC 562
5th	Home Office preparedness for COVID-19 (coronavirus): management of the borders	HC 563
6th	Appointment of the Independent Chief Inspector of Borders and Immigration	HC 1024
1st Special Report	Serious Youth Violence: Government Response to the Committee's Sixteenth Report of Session 2017–2019	HC 57
2nd Special Report	Home Office preparedness for Covid-19 (coronavirus): domestic abuse and risks of harm: Government Response to the Committee's Second Report	HC 661
3rd Special Report	Home Office preparedness for Covid-19: coronavirus: policing: Government Response to the Committee's First Report	HC 660
4th Special Report	Home Office preparedness for COVID-19 (coronavirus): immigration and visas: Government Response to the Committee's Third Report	HC 909
5th Special Report	Home Office preparedness for COVID-19 (coronavirus): institutional accommodation: Government Response to the Committee's Fourth Report	HC 973
6th Special Report	Home Office preparedness for COVID-19 (coronavirus): management of the borders: Government Response to the Committee's Fifth Report	HC 974