



Hong Kong British Nationals (Overseas)

This briefing provides members with an update on the arrangements for eligible people living in Hong Kong who can apply for a Hong Kong British National (Overseas) visa to come and live and work in the UK.

Overview

From 31 January 2021, eligible people living in Hong Kong can apply for a Hong Kong British National (Overseas) visa to come and live and work in the UK for an initial period of 30 months. According to the Home Office there are 2.9 million¹ people registered with BN(O) status, with high end estimates of a million people moving to the UK in the first five years this visa would mean a number of potential impacts on local communities.

In June 2020, in response to new laws affecting citizens of Hong Kong, the UK government announced its intention to provide a route for Hong Kong citizens with British National (Overseas) status to come to the UK to live and work. The Home Office has subsequently created a new visa route to facilitate this.

Whilst it is unclear at this stage the number of people that are likely to move to the UK using this route, it is expected that London can expect to receive a significant proportion of Hong Kong BN (O) visa holders.

An economic impact assessment by the Home Office gives a high range estimate of 500,000 people with BNO status and their dependants arriving in the UK in the first year, with more than one million over five years given as the high end estimate. Central estimates are between 123,000 and 153,000 in the first year and between 258,000 and 322,000 in the first five years. There will be no quota on the numbers of visas granted to this cohort.

While final numbers of Hong Kong BN(O) that will travel to London remains unknown, it is important that councils are aware of the potential impact that this policy may have.

Background

Policy Overview

Prior to 'handover' in 1997, the UK government introduced a new type of British nationality status for Hong Kong residents known as British National (Overseas) (BN(O)). Residents of Hong Kong had to voluntarily register to be people with BN(O) status before handover was completed in July 1997.

¹ <https://homeofficemedia.blog.gov.uk/2020/05/29/media-factsheet-hong-kong-bnos/>

The Home Office impact assessment estimates² that there are approximately 400,000 current holders of BN(O) passports but as many as 2.9 million people with BN(O) status in Hong Kong. The Home Office estimates that 5.4 million Hong Kong residents will be eligible to move to the UK and follow a pathway to UK citizenship. This consists of 2.9 million BN(O)s, 2.3 million BN(O) dependants and the extension of the policy to 187,000 18 to 23-year olds not deemed BN(O) dependants but have at least one BN(O) parent. **It should be noted that while 5.4 million people may be eligible not all will want to follow this pathway.**

The status has since closed to applications, and so no-one else can obtain a BN(O) status if they are not already entitled to one

Following the introduction of the Hong Kong national security law by the Chinese government, the UK government raised concerns that this new legislation infringes on the rights of the people of Hong Kong under the Hong Kong Basic Law and is in breach of International Law – the Sino-British Joint Declaration.

In June 2020, the UK government signalled its intention to offer a direct route for people with BN(O) status in Hong Kong to live and settle in the UK, should they feel that they are no longer able to live in Hong Kong as a result of the national security law impacting their individual freedoms.

In July 2020, the Home Secretary published a policy statement outlining a new visa route for people with BN(O) status from Hong Kong to apply to come and live in the UK, with a route to settlement. Further guidance on this new visa was published in October 2020 outlining the conditions and requirements of this new visa route. To be eligible, applicants:

- Must have BN(O) status.
- Are entitled to bring with them any dependent family members, providing they meet the criteria for eligible dependents, such as spouses and dependent children under 18 years of age.
- Do not require a job offer, however applicants must be able to demonstrate that they have enough funds to support themselves independently in the UK for at least 6 months.
- Can make applications from outside the UK but also within the UK for people with BN(O) status already residing here.
- There is no English language requirement however, the applicant must demonstrate a commitment to learn English.
- The new route would allow holders of British national (overseas) (BNO) to apply for either two periods of 30 months or a single period of five years. After five years they can apply to settle in the UK, and for citizenship after a further 12 months.

Potential impact on local authorities and communities

It is expected that this new cohort of migrants is initially likely to move to areas with existing communities of Hong Kong descent where some may already have friends and familial links.

Analysis of census data shows that the following boroughs have the highest number of residents with Hong Kong identified as the country of birth:

Barnet	Lambeth
Camden	Lewisham
Ealing	Southwark
Greenwich	Tower Hamlets
Islington	Westminster

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It is impossible to say at this stage the number of people with BN (O) who will choose to come to the UK. However, there are a number of considerations that must be taken account of to ensure that local services are in place to help this new cohort of migrants to the capital.

The Home Office Impact Assessment identifies the potential impact on local authorities outlining that – *“any significant surge in arrivals of BN(O)s to the UK, particularly where they settled in relatively few areas, could lead to further, disproportionate costs for local authorities which may be required to put in place contingency arrangements to meet the demand for services such as education, health care, housing and translation. This burden on local authorities is not expected to be significant as BN(O)s will tend to be self-sufficient and will be seeking employment. However, if some are unable to find work and their financial provisions are exhausted, they will seek support from LAs”*.

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Some further areas for local authority consideration are outlined below:

- Impact on community cohesion and integration – Although the number of migrants expected to come is unknown, there is reason to anticipate a particular focus of movement into boroughs with communities of a shared heritage. In those boroughs, consideration will be needed of how to plan for the integration of these communities and work within localities to support community cohesion.
- Potential impact on education – Those with BN(O) status will be allowed to come to the country with their dependants. A potential impact is that depending on the numbers of migrants that move to a particular borough there may be increased demand for school places that will have to be met.
- Notably, there is a no recourse to public funds (NRPF) condition attached to the visa. Local authorities may find themselves having to respond to migrant homelessness through the discretionary provision of homelessness services, which remains unfunded due to the NRPF status, or where statutory duties under the Care Act 2014 or Children Act 1989 are identified.

The Home Office will consider whether there are any new burdens on Local authorities and potentially carry out a New Burdens Assessment (NBA) to assess the impact on LAs prior to the introduction of this policy in early 2021.

Commentary

The government is yet to commit any funding for supporting the integration of this cohort of migrants to ensure a smooth and successful integration process that results in benefits to the individuals and the receiving communities by maximising the potential of the group as well as preventing crises.

Lessons from other groups that have migrated in the past shows that new arrivals will have needs such as language, study, skills and knowledge to help them to adapt to a new community. The availability of ESOL programmes or schemes supporting groups into employment will be key to ensuring new arrivals have the tools to settle into their new communities.

The lack of funding and the pressure on existing resources of councils and those in the voluntary and community sector is a concern and support is required from government to help services respond.

Ultimately it is important to also recognise that there may also be a number of benefits to local communities as a result of this cohort. The arrival of new migrants with the right to work who may be able to fill skill gaps, develop local businesses or improve the performances of local schools are just some of many examples of where migration can have a positive impact on local communities.

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