

BRITISH NATIONALS (OVERSEAS) STATUS: THE NEXT STEPS

Hong Kong Watch has long argued that the easiest way of increasing the rights of British Nationals (Overseas) (BNO) holders would be to change the Immigration Rules in order to affect quick changes, before campaigning for further steps such as right of abode or other suggestions that require parliamentary engagement and new primary legislation.

The British government have taken this welcome first step with a vitally important intervention in recent weeks. The Prime Minister wrote an op-ed in *The Times* which said that he would lay out reforms leading to a 'route to citizenship':

"This would amount to one of the biggest changes in our visa system in British history. If it proves necessary, the British government will take this step and take it willingly."

This is an important and courageous step. But 'a route to citizenship' is a vague and imprecise commitment. It is important now that proper attention is paid to the details so that the proposed changes to the immigration rules provide the lifeline that BNOs, and Hong Kongers, need in the face of national security legislation which clearly breaches the Sino-British Joint Declaration.

This briefing, drafted with the help of immigration and human rights lawyer Perseus (a pseudonym), provides background details about the status of BNOs and a range of questions which policy-makers and journalists should be asking to ensure that the 'pathway to citizenship' outlined by the Foreign Secretary provides a genuine offer of refuge.

RECOMMENDATIONS

To the British Government

- Engage with civil society and Parliamentary stakeholders to ensure that the 'pathway to citizenship' offered in these proposals is simple and easy for Hong Kongers to access.
- Work with other governments to formulate an 'international lifeboat policy', ensuring all Hong Kongers have somewhere to go if they need it.
- Ensure that young Hong Kongers are not forgotten, either through proper protections for dependents or other means.
- Consider amending legislation to provide right of abode to all BNOs.

To British Parliamentarians

- Raise the questions outlined in this briefing to help ensure that the proposals help as many Hong Kongers as possible, including young people.

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QUESTIONS FOR THE GOVERNMENT

It is recognised that the proposals of the United Kingdom Government to review and change BNO status are only in their infancy, and therefore it is to be expected that there will be a lack of details at present.

The following questions remain unanswered. The list is by no means exhaustive. We are publishing this briefing to equip a full and transparent debate. Our view is that the British government should be doing all it can to ensure the 'pathway to citizenship' offered is simple and easy for Hong Kongers to access, including extending right of abode if necessary. The following section is broken down into different stages within the immigration system to assist the reader.

General questions arising

- The proposal to review BNO status inevitably excludes assisting some of those who were born after 1 July 1997. Does the United Kingdom Government have any proposals to assist Hong Kongers left out by simply reviewing BNO status?
- Will the British Government seek the help of other international partners to ensure all Hong Kongers have a way-out if they need one?
- Will the British Government consider amending legislation to give right of abode for BNOs, if necessary?

- Under the new scheme proposed by the Government, which indicates there is a pathway to citizenship, will there be a dedicated route to Indefinite Leave to Remain (ILR)? If so, how many years is it proposed that BNO status holders and their dependants will have to be continuously resident in the United Kingdom before being eligible to apply for ILR?
- Currently, for example, if a BNO status holder is here as a student under Tier 4, there is no direct route to ILR, and the BNO status holder student would require 10 years' continuous residence before one might be eligible for ILR. Will it be easier for students to remain here?
- The current 'path to citizenship' under section 4 of the British Nationality Act 1981 allows a BNO status holder to apply to be registered as a British citizen after five years' continuous residence, with at least 12 months of which having ILR.¹ Will the new proposals be more generous than this?
- How might any changes to BNO status affect and / or be applied to BNO status holders who are already present in the United Kingdom either lawfully or having overstayed?

Pre-departure

- The suggestion is that BNO status holders will still maintain visa-free entry to the United Kingdom. The initial visa-free entry period will be extended from six to 12 months. Will there be any set financial and accommodation requirements, in light of the extended period of leave to be granted to BNO status holders?
- In answer to Lisa Nandy, MP, in Parliament on 2 June 2020, the Foreign Secretary mentioned "dependants would be considered". What would be the definition of "dependants" for the purposes of the BNO review? Will it include adult dependants such as university students, or the elderly being looked after?
- If any "dependants" are **not** BNO status holders themselves, would they a) have to apply for a special kind of entry clearance visa; and b) be able to travel separately from the BNO status holder, for example travelling at a later date to join a BNO status holder who is already present in the United Kingdom?
- If a non-BNO status holder dependant can join a BNO status holder sponsor after the sponsor's arrival in the United Kingdom, would there be specific requirements in terms of finances and accommodation, or an application process for such a dependant?
- Will BNO status holders and their dependants be subject to the NHS health surcharge for their initial 12-month visa-free period of leave to enter?

¹ See section 4 of the 1981 Act (<http://www.legislation.gov.uk/ukpga/1981/61/section/4>),¹ and the Home Office guidance on registration of BNO status holders as British citizens (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791967/Registration_as_British_citizen_-_other_British_nationals3.0ext.pdf)¹ for more details.

Applying for work and / or study

- Will BNO status holders and their dependants be required to make any additional applications after their arrival before they will be allowed to apply to work and / or study?
- Will BNO status holders and their dependants be able to apply to work freely, or will they be subject to restrictions such as shortage of occupation professions, minimum salary requirements, or any other restrictions on the work for which they can apply?
- Will BNO status holders and their dependants be subject to international student fees, or home student fees for higher education?
- Will this review of BNO status allow BNO status holders and dependants recourse to public funds? Will any recourse to public funds be linked to whether the BNO status holder and dependants have made any National Insurance contributions?

Renewal

- What will be the application process for BNO status holders and their dependants if they wish to apply for an extension of their leave for a further 12 months? What will be the fees, and will they be subject to the NHS health surcharge?

For information, the current application fee for a leave to remain application is £1,033 per applicant, with an additional £1,033 for each dependant. The NHS health surcharge is currently at £400 per year of leave for which the application is made. If applying the same fees, a single BNO status holder would have to pay £1,433 to extend his leave to remain for 12 months.

- Will there be any kind of requirement of having work and / or study, or any other financial or accommodation requirements for a renewal application for BNO status holders and their dependants?
- Is there a maximum number of times which a BNO status holder and their dependants can apply for 12-monthly extension of their leave?

BACKGROUND

1. British Nationals (Overseas) (“BNO”) status was introduced before the transfer of sovereignty over the territory of Hong Kong from the United Kingdom to China on 1 July 1997. BNO status was designed to allow Hong Kongers to keep a link to the United Kingdom following transfer of sovereignty, and the status had its own travel document.
2. Following the announcement on 21 May 2020 of the decision of China’s National People’s Congress to implement national security laws directly in Hong Kong, without introducing a bill through Hong Kong’s Legislative Council, it became clear that China’s actions are a serious breach of the “one country, two systems” formula promised in the Sino-British Joint Declaration, an international treaty lodged with the United Nations. It should be noted that in recent years the Chinese Government has described the Sino-British Joint Declaration as an historic document with no practical significance, in itself a flagrant disregard for the international treaty.²
3. The British Foreign Secretary, Dominic Raab, has described the decision by China to impose national security laws on Hong Kong via the National People’s Congress as a policy which would “*undermine and violate the autonomy [of Hong Kong] that’s enshrined in the Basic Law and the Joint Declaration*”³, and in response to this decision by China, the United Kingdom Government has made announcements to review the relationship between BNO status holders and the United Kingdom.

A VERY BRIEF HISTORY OF HONG KONG BRITISH NATIONALITY STATUS

4. For the purposes of this document, it is helpful to look back as far as the British Nationality Act 1948, which created the status of Citizen of the United Kingdom and Colonies (“CUKC”). This status allowed CUKCs to migrate and live in the United Kingdom and her colonies. In 1962, Parliament passed the Commonwealth Immigrants Act 1962 which gave an immigration officer the power to turn away those CUKCs whose CUKC passports were not issued by the British Government, i.e. colonial governments, including that of Hong Kong. The 1962 Act deprived CUKC Hong Kongers the automatic right to live in the United Kingdom, in effect the ending the “right of abode”, although such a concept was not legally created until the passing of the Immigration Act 1971.
5. With the passing of the British Nationality Act 1981, which came into force from 1 January 1983, CUKC status was replaced with various classes of British nationality. CUKC status for Hong Kongers was replaced with status as a British Dependent Territories Citizen (“BDTC”). This status would stay with Hong Kongers until 1 July 1997, when they automatically became

² <https://www.reuters.com/article/us-hongkong-anniversary-china/china-says-sino-british-joint-declaration-on-hong-kong-no-longer-has-meaning-idUSKBN19L1J1>

³ <https://twitter.com/DominicRaab/status/1266028868466597889>.

Chinese nationals if they were of Chinese ethnicity. Non-Chinese BDCs would become a British Overseas Citizen.

6. BNO status was created by the Hong Kong Act 1985 and the Hong Kong (British Nationality) Order 1986, which came into force on 1 July 1987. BDCs were able to register as BNOs on or before 30 June 1997.

CURRENT RELATIONSHIP OF BNOS WITH THE UNITED KINGDOM

7. To analyse what the United Kingdom is proposing, and its impact on BNO status holders, it is helpful to briefly summarise the state of the current relationship of BNO holders to the United Kingdom.

No right of abode

8. BNO status holders have no right of abode in the United Kingdom. As such, they do not have an automatic right to live in the United Kingdom. Currently, BNO status holders are able to travel to the United Kingdom visa-free and remain for a period of six months. During this time, BNO status holders are not allowed to apply for work and / or study unless they have the valid visa under the relevant points-based system tier of the United Kingdom's Immigration Rules.
9. This, in effect, makes a BNO status holder equivalent to visitors to the United Kingdom of other nationalities.
10. Hong Kongers who do not have BNO status and travel as a Chinese national, using a passport issued by the Hong Kong Special Administrative Region of the People's Republic of China, are also currently able to enter the United Kingdom visa-free for a period of six months as a visitor, only being able to apply to work and / or study if they hold the valid visa under the relevant points-based system tier of the United Kingdom's Immigration Rules.

Applying for work and / or study

11. As briefly mentioned above, a BNO status holder who wishes to work or study in the United Kingdom under the current system will have to hold a valid visa under the relevant points-based tier of the United Kingdom's Immigration Rules. We will not outline all the requirements of each of the points-based tiers in the United Kingdom's Immigration Rules here, although it is worth noting that for work requirements there is a general requirement that applicants may be subject to minimum income requirements, as well as be limited to apply for work in certain specialist fields, or areas in which the Government has indicated that there is a shortage of workers.
12. Those wishing to work and / or study in the United Kingdom would generally need to apply for a visa under the relevant points-based tier of the Immigration Rules from outside the United Kingdom, and be able to apply to extend their visas within the United Kingdom.

13. All such applications would attract an application fee, as well as the requirement to pay the NHS health surcharge. The NHS health surcharge currently stands at £300 per year for a student or Tier 5 (Youth Mobility Scheme) visa, £400 per year for all other immigration applications, and £2,000 for a five-year visa.
14. For example, if an application is made for a two-year Tier 5 (Youth Mobility Scheme) visa, then the applicable health surcharge would be £600, to be paid on top of any Home Office application fees.
15. Below is a table illustrating some of the initial application fees and renewal fees of some of the more common types of visas offered by the United Kingdom immigration system for work and study. This list is not exhaustive and is only for the purposes of illustrating the kind of fees involved in the immigration process.

Visa type	Entry clearance visa price (Hong Kong Dollars)	Entry clearance visa price (Sterling Pounds)	Renewal price (Sterling Pounds)
Tier 1 (Investor) - main applicant and dependants	15,954	1,623	1,623
Tier 2 (General), (Minister of Religion) and (Sportsperson) and Tier 2 (Intra-Company Transfer) - Long Term Staff for a period of 3 years or less - main applicant and dependants	5,996	610	704
Tier 2 (Intra-Company Transfer) - Graduate Trainee - main applicant and dependants	4,738	482	482
Tier 2 (General) and Tier 2 (Intra-company Transfer) - Long Term Staff (over 3 years) - main applicant and dependants	11,993	1,220	1,408
Tier 2 (General) - shortage occupation for a period of 3 years or less - main applicant and dependants	4,561	464	464

Tier 2 (General) - shortage occupation for the period of more than 3 years - main applicant and dependants	9,122	928	928
Tier 5 visas	2,399	244	244
Innovator	10,037	1,021	1,277
Start-up	3,568	363	N/A
Short-term study - (up to 6 months)	954	97	N/A
Short-term study - (up to 11 months)	1,828	186	N/A
Tier 4 (General) student visa - Main applicant and dependants	3,421	348	475

16. To be eligible for indefinite leave to remain (“ILR”) in the United Kingdom, some streams may have their own eligibility criteria. Under the Tier 1 (Investor) route, for example, the length of time after which one can apply for ILR will depend on the amount of money invested. An investor of £10 million may be eligible to apply for ILR after two years, an investor of £5 million may be eligible to apply for ILR after three years, and an investor of £2 million may be eligible to apply for ILR after five years.
17. Some streams do not have a direct route to indefinite leave to remain. For example, under the Tier 4 stream for students, one must reside in the UK for 10 years’ continuously before being able to apply for indefinite leave to remain. This makes it very difficult for students to reside in the UK.

Family Members of those settled in the United Kingdom

18. As BNO status does not confer a right to live in the United Kingdom — BNO status holders need to make an application under Appendix FM of the Immigration Rules if they wish to enter and live in the United Kingdom as a family member of someone “present and settled” in the United Kingdom. A person “present and settled” in the United Kingdom is a person who either has ILR or is a British citizen.
19. An application for an initial entry clearance visa under Appendix FM of the Immigration Rules to join a spouse, for example, would cost 14,971 Hong Kong Dollars. If an application is made

in the United Kingdom under this route, for example someone studying or working in the United Kingdom then marries someone who is present and settled in the United Kingdom, the fee would be 1,033 Pounds Sterling

20. The NHS health surcharge is applicable to those applying as family members of those present and settled in the United Kingdom.
21. Applicants to join their partners / spouses also need to meet the English language requirement.
22. Under Appendix FM, the applicant will usually be granted two-and-a-half years' leave to remain, with the ability to apply for ILR after five years. Victims of domestic violence will usually be granted ILR upon acceptance by the Home Office that the applicant has been a victim of domestic violence, regardless of how long the applicant has been in the United Kingdom as a partner / spouse member under Appendix FM.

No recourse to public funds

23. BNO status holders without ILR are currently subject to no recourse to public funds restrictions, meaning that they will not be entitled to benefits in the United Kingdom

Applications for ILR

24. The current fee for an application for ILR is £2,389. There is no NHS health surcharge attached to an application for ILR. Applicants for ILR may also be subject to a requirement to prove their knowledge of English

Registration of BNO status holders as British citizens

25. Section 4 of the British Nationality Act 1981⁴ allows for BNO status holders to register as British citizens after five years' continuous legal residence provided that the final 12 months before the application is made the applicant was not subject to immigration controls, in other words has ILR. Section 4 provides for the following statutory requirements.

4. Acquisition by registration: British overseas territories citizens etc

- (1) *This section applies to any person who is a British overseas territories citizen, British National (Overseas), a British Overseas citizen, a British subject under this Act or a British protected person.*
- (2) *A person to whom this section applies shall be entitled, on an application for his registration as a British citizen, to be registered as such a citizen if the following requirements are satisfied in the case of that person, namely—*

⁴ <http://www.legislation.gov.uk/ukpga/1981/61/section/4>.

- (a) *subject to subsection (3), that he was in the United Kingdom at the beginning of the period of five years ending with the date of the application and that the number of days on which he was absent from the United Kingdom in that period does not exceed 450; and*
- (b) *that the number of days on which he was absent from the United Kingdom in the period of twelve months so ending does not exceed 90; and*
- (c) *that he was not at any time in the period of twelve months so ending subject under the immigration laws to any restriction on the period for which he might remain in the United Kingdom; and*
- (d) *that he was not at any time in the period of five years so ending in the United Kingdom in breach of the immigration laws.*

THE NEW UNITED KINGDOM GOVERNMENT PROPOSAL

26. Following the Chinese Government’s announced intention to implement national security legislation directly for Hong Kong, in breach of the Sino-British Joint Declaration, the Basic Law and the “one country, two systems” principle, the United Kingdom Government declared an intention to review the relationship of BNO status to the United Kingdom. Below is a summary of key statements which have been made by the United Kingdom Government on the matter of BNO status.

Dominic Raab’s Twitter video, 28 May 2020⁵

27. The Foreign Secretary indicated that should the Chinese Government proceed with the plans to implement national security laws directly for Hong Kong, the United Kingdom, as one of the signatories of the Joint Declaration,

“will be required to change the status of BNO passport holders and set in train arrangements which allow them to come to the UK for longer than the current six-month period and to apply for extendable periods of 12 months to work and study, which itself will provide a pathway to citizenship.”

Home Office media factsheet, 29 May 2020⁶

28. The Home Office published a media factsheet on 29 May 2020 on the Home Office’s blog. The factsheet provided the two bullet points below as to what has changed since the Foreign Secretary’s video published on 28 May 2020:⁷

⁵ See note 2.

⁶ <https://homeofficemedia.blog.gov.uk/2020/05/29/media-factsheet-hong-kong-bnos/>.

⁷ See note 2.

- *“Today the UK Government announced that if China follows through with its new national security law, the UK government will explore options to allow BN(O)s to apply for leave to stay in the UK, if eligible, for an extendable period of 12 months. Hong Kong BN(O)s currently have the right to enter the UK for six months.*
- *“The UK government has made this move as the new security law will undermine the existing legal commitments to protect the rights of Hong Kong people.”*

Parliamentary statement of the Foreign Secretary, 2 June 2020⁸

29. The Foreign Secretary, in a statement made to Parliament on 2 June 2020, reiterated the plans of the United Kingdom Government to review the relationship between BNO holders and the United Kingdom following the decision of the Chinese Government to implement national security laws directly for Hong Kong. The Foreign Secretary, in his statement to the House of Commons, said,

“If China follows through with its proposed legislation, we will put in place new arrangements to allow BNOs to come to the UK without the current six-month limit, enabling them to live and apply to study and work for extendable periods of 12 months, thereby also providing a pathway to citizenship.”

The Prime Minister’s op-ed in the South China Morning Post and The Times, 3 June 2020⁹

30. The Prime Minister, Boris Johnson, wrote an op-ed for the South China Morning Post, also published in The Times, on 3 June 2020. In the op-ed, the Prime Minister wrote the following in relation to the United Kingdom Government’s plans to review the relationship between BNO status holders and the United Kingdom.

“If China imposes its national security law, the British government will change our immigration rules and allow any holder of these passports from Hong Kong to come to the UK for a renewable period of 12 months and be given further immigration rights, including the right to work, which could place them on a route to citizenship.

“This would amount to one of the biggest changes in our visa system in British history. If it proves necessary, the British government will take this step and take it willingly.”

⁸ <https://hansard.parliament.uk/commons/2020-06-02/debates/C2C22A17-A1BA-4681-8775-346CD69B9BDF/HongKongNationalSecurityLegislationUKResponse>.

⁹ <https://www.scmp.com/comment/opinion/article/3087252/hongkongers-fearing-their-way-life-britain-will-provide-alternative>.

WHAT DOES THIS PRACTICALLY MEAN FOR BNO HOLDERS?

31. Although there is currently a dearth of details coming from the United Kingdom Government in relation to its policy on BNOs and how far any policy changes will be implemented, some of the changes which are known can be summarised as per below.

No right of abode

32. There is still no right of abode offered to BNO status holders. The visa-free six month entry period which BNO status holders currently enjoy will be extended to 12 months, which is extendable for further periods of 12 months.

Applying for work and / or study

33. The proposals of the United Kingdom Government so far seem to suggest that BNO status holders will be able to access the United Kingdom for an initial 12-month period visa free, which is extendable for further 12-month periods. It has been said that there will also be an ability to apply to work and / or study, although it is not clear whether any of the current occupation limits or minimum salary restrictions will still apply.

Family members of those settled in the United Kingdom

34. The announcements of the United Kingdom Government on changes to BNO status does not refer to any changes to Appendix FM, and therefore it is assumed presently that there will be no change to how this section of the Immigration Rules will apply to BNO status holders.

No recourse to public funds

35. The announcements of the United Kingdom Government have not addressed this area of restrictions which currently apply to BNO status holders.

Application for ILR, and pathway to citizenship

36. The announcements of the United Kingdom Government have indicated that the proposed changes to BNO status will lead to a pathway to citizenship. Bearing in mind that there is currently already a pathway to citizenship, there is no clarity as to what this means.

IMPLICATIONS FOR YOUNG PEOPLE

37. As BNO status applies only to those born before 1 July 1997, registration for which was on a voluntary basis, it is unclear what protections will be given to younger people born on or after 1 July 1997, or those who were minors on or before 30 June 1997 and whose parents did not register them for BNO status before 1 July 1997. Many of the most vulnerable frontline political activists in Hong Kong today, who will be in potentially grave danger under the new security law, are not BNOs and therefore do not have any protection.

38. There are a range of policy options which might be able to help such young people. The easiest would be to ensure that dependants are able to travel, live and study in the UK with their parents. Expanding the definition of 'dependants' up to the age of 21 would also be beneficial.
39. There are other ongoing campaigns, including Alistair Carmichael's campaign, the international lifeboat scheme and the CUKC campaign (see p.14), which also seek to address the concern that the current BNO review proposed by the United Kingdom Government may inevitably leave out some of the most vulnerable Hong Kongers, but who will nonetheless be subject to the same measures as considered to be a breach of the Joint Declaration.

PARLIAMENTARY SCRUTINY OF THE UNITED KINGDOM GOVERNMENT'S BNO
REVIEW

40. It is likely that some, if not all, of the changes carried out in this BNO review proposed by the United Kingdom Government will be done by making amendment to the United Kingdom's Immigration Rules. The power for the Secretary of State to make such changes to the Immigration Rules reside at section 3(2) of the Immigration Act 1971, which provides for the following.

3(2) The Secretary of State shall from time to time (and as soon as may be) lay before Parliament statements of the rules, or of any changes in the rules, laid down by him as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the United Kingdom of persons required by this Act to have leave to enter, including any rules as to the period for which leave is to be given and the conditions to be attached in different circumstances; and section 1(4) above shall not be taken to require uniform provision to be made by the rules as regards admission of persons for a purpose or in a capacity specified in section 1(4) (and in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).

If a statement laid before either House of Parliament under this subsection is disapproved by a resolution of that House passed within the period of forty days beginning with the date of laying (and exclusive of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days), then the Secretary of State shall as soon as may be make such changes or further changes in the rules as appear to him to be required in the circumstances, so that the statement of those changes be laid before Parliament at latest by the end of the period of forty days beginning with the date of the resolution (but exclusive as aforesaid).

41. Although changes to the Immigration Rules do not need Parliament's explicit approval, either House of Parliament may nonetheless object to the proposed changes in the Immigration Rules as proposed by the Secretary of State by a resolution of that House within 40 days of the Secretary of State laying the statement of changes to the Immigration Rules before Parliament. The Secretary of State can then make further changes as required.

OTHER ONGOING CAMPAIGNS

42. Although the proposed changes are beneficial and go some way to assist BNO status holders, there are campaigns which seek to go further.

Right of abode for BNOs, and wider help for non-BNO Hong Kongers: The Hong Kong Bill

43. Alistair Carmichael, MP, has put forward a motion for a Hong Kong Bill, which is now pending its second reading. Although the text of the bill has not yet been confirmed, it is likely that provisions in that Bill will include provisions relating to BNO right of abode, as well as provisions to assist those who may not have ties to BNO status, but will nonetheless be subject to the breach of the Joint Declaration by the Chinese Government. Similar calls have been made by multiple newspapers and think tanks. They are worthy of serious consideration.

International cooperation

44. Another campaign calls for international cooperation to take in Hong Kongers should the situation in Hong Kong deteriorate further, and Hong Kongers need a lifeline. The United Kingdom Government should seriously consider working with other international partners on this type of international lifeboat policy. The U.S. Secretary of State, Mike Pompeo, and the Australian Government have stated that they are considering taking steps along these lines.¹⁰ There is growing Parliamentary and Congressional pressure in the United States, Canada, Australia, and elsewhere.

CUKCs loss of right of abode

45. This campaign argues that Hong Kongers born before the passage of the Commonwealth Immigrants Act 1962, holding 'Citizens of United Kingdom and Colonies' (CUKC) status, had their Right of Abode unfairly, unilaterally revoked. It seeks to ask the United Kingdom Government to consider extending the "right of abode" down two generations by reference to those who were CUKCs and held "right of abode" before 1962. Advocates of this campaign argue that this addresses the potential weakness with the BNO policy that it does not accommodate young people.

¹⁰ <https://www.reuters.com/article/us-hongkong-protests-usa-pompeo/pompeo-says-u-s-considering-welcoming-hong-kong-people-entrepreneurs-idUSKBN23837A>

CONCLUSION

The British Prime Minister has made it clear that if the National Security Law is implemented then 'Britain will have no choice but to uphold our profound ties of history and friendship with the people of Hong Kong', recognising that the proposed change for BNO passport holders would be 'one of the biggest changes in our visa system in British history'.

If the Government's words are to be turned into credible policy proposals and the Prime Minister's rhetoric into tangible actions, then the technical questions in this briefing must be carefully considered and answered.

Our hope is that this briefing will contribute to discussion between the Government, parliamentarians, and civil-society groups who represent Hong Kongers and BNOs on the best way the UK, alongside other partners, can ensure every Hong Konger in need of asylum has a lifeline.