

Immigration Guide

Hong Kong



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Entry Visa

Citizens from countries that have negotiated visa-free entry to Hong Kong are permitted to stay for a period of time ranging from seven days to six months. Nationals from countries that do not have this visa-waiver concession must apply for an appropriate visa prior to entry. Full details in relation to Hong Kong visa requirements can be found at the official Hong Kong Immigration Department website: www.immd.gov.hk

Subject to certain eligibility criteria, foreign visitors who travel to Hong Kong frequently (i.e. not less than three times within a 12-month period) have the option of applying for a Hong Kong International Airport Frequent Visitor Card or HKSAR Travel Pass to enjoy expedited immigration clearance.

Business Visitor

Foreigners entering Hong Kong for the purpose of meetings with potential clients, attending seminars or trade shows, and exploring business opportunities are able to do so without the need to obtain an Employment Visa.

Nationals enjoying the visa-waiver concession can enter Hong Kong to conduct the above business activities without the need to apply for a separate visa or permit. Citizens of countries from non visa-waiver countries must apply for a visa for the purpose of business prior to entering Hong Kong.

Applications can be made either through the nearest Chinese diplomatic and consular missions in the individual's place of residence or directly to the Hong Kong Immigration Department.

Employment Visa

An Employment Visa must be obtained where work is to be performed in Hong Kong.

This principle applies regardless of the duration of stay. Technically therefore, even if an individual is in Hong Kong to work for one day, an Employment Visa should be obtained.

The Hong Kong Immigration Department normally addresses three main issues in determining whether an Employment Visa is justified:

- Whether the business being undertaken is beneficial to the economy, industry and trade of Hong Kong,
- Whether the employment of the applicant is essential to the business, and
- Whether the position can easily be filled by a local individual.

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Duration

An initial one year validity period (subject to details of the employment contract and the applicant's passport validity) is generally granted for approved Employment Visa applications.

Employment Visa holders can renew their visa approximately four weeks before its expiry. This is referred to as an "extension of stay". The extension period granted normally follows a 2 - 2 - 3 year pattern, or will be in accordance with the duration of the Employment Visa holder's employment contract, whichever is shorter.

Foreigners who wish to take up employment in Hong Kong as professionals may be eligible to do so via one of three schemes:

1 General Employment Policy (GEP)

The GEP is the most common route of application for an Employment Visa. It is applicable for foreigners who have obtained a degree or higher qualification (outside Hong Kong) and possess specialist skills, knowledge or experience of value to and not readily available in Hong Kong. The GEP does not apply to Chinese residents of the Mainland.

2 Immigration arrangements for foreigners who graduate from academic institutes in Hong Kong (also referred to as "Non - Local Graduates")

This is applicable to foreigners who have obtained a degree or higher qualification in a full-time and locally accredited programme in Hong Kong.

3 Admission Scheme for Mainland Talent and Professionals

This is applicable to Chinese residents of the Mainland who graduated with a degree or higher qualification from academic institutes outside Hong Kong and possess specialist skills, knowledge or experience of value to and not readily available in Hong Kong.

Family Members

An Employment Visa holder's spouse and unmarried children under the age of 18 are eligible to apply for a Dependant Visa to reside in Hong Kong.

The Employment Visa holder will be the sponsor of the Dependant Visa, which will be valid for the shorter of either the validity of the principal Employment Visa or the validity of the holder's passport.

A Dependant Visa enables the holder to take up employment without the need to apply for a separate Employment Visa.

The Hong Kong Immigration Department does not officially recognise unmarried or same-sex partners. The option to apply for a Prolonged Visitor visa for unmarried partners may be available for certain nationals. However, such applications are handled on a discretionary basis and are subject to strict assessment.

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Application Process

Completed application forms and required supporting documents must be submitted either through the nearest Chinese diplomatic and consular missions in the applicant's place of domicile or directly to the Hong Kong Immigration Department.

A successful applicant will be issued a visa or entry permit which is valid for three months. This should be collected from the Immigration Department by the employing company for onward transmission to the individual applicant. The visa or entry permit should be affixed onto a blank visa page of the individual's travel document for presentation to the immigration officer upon arrival in Hong Kong.

Supporting Documents

The Employment Visa application requires submission of a significant number of supporting documents, both by the applicant and the employing or sponsoring entity. The documents required will vary according to the circumstances of the application. These will include, but are not limited to, copies of academic certificates, curriculum vitae, employment contract/assignment letter and copies of marriage/birth certificates for any Dependant Visa applications. If a supporting document is not in Chinese or English, it must be accompanied by a certified Chinese or English translation.

Timeline

The visa processing time at the Hong Kong Immigration Department is approximately four to six weeks from the date of submission, provided all documents are in order.

Cessation Obligation

The company should file a notice of cessation for sponsorship of an Employment Visa with the Hong Kong Immigration Department once the holder terminates employment or services with the company.

Residence Permit

Any foreigner aged 11 and above, who has been granted a visa or permit to stay in Hong Kong for six months or more is required to apply for a Hong Kong Identity Card. This will apply, for example, to Employment and Dependant Visa holders, but will not apply to foreigners holding visitor status. This card must be obtained in person at the Hong Kong Immigration Department.

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The Employment Visa application requirements vary for People's Republic of China (PRC) and Taiwanese nationals.

The stated immigration criteria and processes will not apply to nationals of Afghanistan, Albania, Cambodia, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam. Special and/or additional immigration arrangements are required for applicants from these territories. The Hong Kong Immigration Department will provide details of such requirements on a case-by-case basis.

Alternative Immigration Options

Other possible options available to foreigners, subject to relevant eligibility criteria include:

Investment Visa

An investment visa is a sub-category of an Employment Visa for an individual who is setting up his or her own business which is considered beneficial to Hong Kong commerce and industry.

Capital Investment Entrant Scheme

Foreign investors who have the financial means to invest in Hong Kong may apply to stay in Hong Kong under this scheme. The investment threshold for an application is HK\$6.5million, to be invested in either or both of the permissible investment asset classes of real estate and/or financial assets.

Training Visa

A Training Visa is available for an individual entering Hong Kong on bona fide training for a period of not more than 12 months.

Non-compliance

The employing company is subject to a fine and imprisonment if found guilty of immigration non-compliance. In addition, the individual may be removed and banned from Hong Kong.

Contact

This Guide is intended to provide a general overview of the immigration requirements and options for foreigners seeking to reside and work in Hong Kong. For advice relating to a specific immigration matter please contact:

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