



# Indefinite leave to remain

CANWK and SESPM

The Traditional Chinese version is provided for reference only. The English version shall prevail in case of any discrepancies between the English and Chinese versions. 中文譯本僅供參考，文義如與英文版有歧異，概以英文版為準。

# The law: for settlement under the HK BN(O) scheme

## BN(O) 居留相關法例

The rules on HK BNO status can be found in [Immigration Rules - Immigration Rules Appendix Hong Kong British National \(Overseas\) - Guidance - GOV.UK](#).

有關BNO身份的相關條例可於以上網站瀏覽。

This is not a comprehensive look at the all of the rules on HK BN(O) settlement. In this session we will deal with the most common queries we have received.

這次我們將集中探討最常見問題。

For all of the rules please look at requirements for settlement can be found between **HK 55.1 to HK 63.1**

更多相關規則詳見以上網站的居留條件部分HK55.1 - HK63.1

# Summary of the rules 規則概括

- **Validity requirements 有效條件:** This relates to a valid application, payment of fees, identity document etc. Remember you are not eligible to fee waivers for this. Found in HK 55.1 and HK 55.2  
與有效申請、報名費及身份證明文件相關。不合資格申請費用豁免。
- **Suitability requirements 合適條件:** relates to issues in general grounds of exclusion, breaches of immigration laws, immigration bail . Found in HK 56.1 and HK 56.2  
與一般排除理由、違反移民法例、移民保釋等事宜相關。
- **Eligibility requirements 合資格條件:** found in HK57.1 to 64.2 and this includes:

# Summary of the rules 規則概括

- **Eligibility requirements**, found in HK57.1 to 64.2 and this includes:
  - Relationship (dependent child and adult dependent relatives) 關係,
  - care (dependent child) 兒童照顧,
  - English language and Knowledge of Life in the UK 英文及入籍試知識,
  - qualifying period and 合資格居英年期
  - continuous residence 持續居留

**Q: When can I apply for settlement?  
Am I going to get permanent residency  
*automatically* after 5 years?**

我什麼時候可以申請永久居留？  
在五年之後我是否會自動獲得永久居留權？

# Applying for settlement 申請居留

- You will have to apply for settlement  
你需要主動申請居留
- You must pay the required application fee and charges. Please check the fees and charges before you apply because they change  
你必須繳付所需申請費用。申請前請先了解所需金額，因為金額不時改變。
- Please remember that you cannot apply for a fee waiver for ILR applications.  
請留意你不能為ILR申請費用減免。

**Q:How do I calculate my residence in the UK for 2.5 or 5 years ?**

我該如何計算我在英國居住的2.5年/5年時間？

# Applying for settlement 申請居留

**Continuous Residence:** The immigration rule HK62.1 states

*“ The applicant must have spent a continuous period of 5 years with permission in the UK on a route under which a person can settle, of which the most recent grant of permission must have been on the Hong Kong BN(O) route.”*

移民規則 HK62.1 規定：「申請人在英國必須連續居留五年，並在獲得定居許可的情況下逗留，最近一次的居留許可必須是在香港 BN(O) 簽證。」



# Applying for settlement 申請居留

**Continuous Residence:** Guidance (most recent version published on 08 October 2024) says where a person is applying for settlement as soon as they qualify, continuous residence can include\*  
*“The time between the grant of entry clearance and the date of arrival is a period during which they had permission on that route and should be treated as a period of lawful residence. In these instances, you must establish the date the applicant entered the UK. The time between the grant of entry clearance and the date they entered the UK counts towards the total of absences.”*

指引（更新於2024年10月8日）指出，如果在符合資格後立即申請永久居留，連續居住可以包括：

「從簽發入境許可到抵達日期之間的時間應視為合法居住期。因此，需要確定申請人入境英國的日期。

從簽發入境許可到他們入境英國的日期之間的時間計入總離境時間。」

## \* Continuous residence

**Q:How many days can I be absent from the UK to qualify under the 2.5/5 year route?**

如果要符合2.5/5年資格，我可以從英國離境多少天？

# Applying for settlement 申請居留

The guidance of 08 October 2024 says:

“is absent for more than 180 days in any 12-month period without permitted reason”

2024年10月8日的指引提到：

「除非出於許可原因（請參閱指引的許可原因部分以獲取更多資訊），申請人在任何12個月內不得離開英國超過180天」

**Q: Do I need to wait until my partner has completed 5 continuous years of residence before my child and I can apply for indefinite leave to remain?**

我是否需要等到我的伴侶滿足居留5年的條件後，才可以為我和我的子女申請永久居留？

# Applying for settlement 申請居留

- If you have a BNO visa, you can apply for settlement when you have completed 5 years continuous residence in the UK irrespective of your partner.  
如果您持有BNO簽證，只要您在英國滿足了連續居留5年的條件，您就可以申請永久居留。
- This is true even your relationship has ended.  
即使您的關係已經結束亦然。

# Applying for settlement 申請居留

- A child can apply when both parents are settled or applying for settlement (unless the UK based parent has **sole responsibility**). In practice this may mean a child has to wait for the second parent to be ready to apply for settlement.

當雙親都已定居或正在申請永久居留時，子女可以申請永久居留（除非您是唯一照顧人）。這意味著孩子必須等待兩位父母都準備好申請永久居留才可以申請。

- The child can apply for an extension where necessary.  
子女可以在需要時申請延期
- This will affect families who cannot establish sole responsibility.  
這將影響無法證明父母其中一方是唯一照顧人的家庭。

**Q: How and when should I apply for an extension of my HK BNO visa and how long will the extension last for?**

我應該如何及何時申請延長我的香港 BNO 簽證？簽證可以延長多久？

# Extensions 延期

- You should apply to extend your leave to remain before the expiry of your current visa. However, it is also important not to apply to renew too soon. **If your application is granted, the new visa will start from the date of the decision, not the date of expiry of your first visa.**

您需要在簽證到期之前申請延長居留期限。然而，切記不要過早申請。一旦您的申請獲准，新的簽證將從批核日期開始，而不是從您第一個簽證的到期日期開始。



# Extensions 延期

If you apply to extend within 28 days before the expiry of your visa the intervening period should contribute towards your periods of legal residence. The statement of changes announced on 14 March 2024 says

*"HK 9.1. The applicant will be granted permission for either:*

- 1. (a) a period of 5 years, where the applicant has applied for a period of 5 years; or*
- 2. (b) a period of 30 months (plus, where the applicant has extant permission on the Hong Kong BN(O) route, the remaining period of that permission, up to a maximum of 28 days) where the applicant has applied for a period of 30 months.*

**The above does not help if you applied to extend more than 28 days before your visa expired.**

如果您在簽證到期前的28天內申請延長，則中間期間應該納入您的合法居留期間。2024年3月14日公布的變更聲明說：

“HK 9.1. 申請人將被批准以下兩種居留之一：

- (a) 5年期限，如果申請人申請5年期限的簽證；或
- (b) 30個月期限（加上，如果申請人申請延長許可，剩餘的許可期間，最多28天），如果申請人申請30個月期限。

**上述情況不適用於在簽證到期前28天以上申請延長人士。**

**Q: How should I prepare for a transition to settlement/citizenship in the UK?**

您應該如何為在英國定居/入籍做準備呢？

# Path to settlement and citizenship

## 居留及入籍

- Life in the UK Test & English language test
  - Continuous residence
  - Continue to meet the financial requirements and do not apply for public funds unless specifically allowed to.
  - If you have a child in the UK, please make a BNO visa application in line with yours
  - If you are in a post arrival relationship and your partner is not from the UK, please consider including them in a future application and retain evidence of your relationship.
  - Monitor changes in immigration rules
  - After 5 years of continuous residence (refer to the guidance document) you can apply for settlement.
  - After one further year, you may be able to apply for citizenship, so long as you meet all the criteria.
- 通過Life in the UK 英國入籍試和英語語言考試。
  - 滿足居留時間
  - 在此期間繼續工作並行使其他權利。
  - 繼續符合財政要求，除非有特別允許，不要申請公共援助
  - 如果您在英國有孩子，請根據您的情況提交BNO簽證申請。
  - 如果您與非英國籍的伴侶在抵達後建立了關係，請考慮將他們納入未來的申請中，並保留您們關係的證據。
  - 持續留意移民規則的變化。
  - 在連續居住了5年後（參考指引文件），您可以申請永久居留。
  - 再過一年，您可能可以申請入籍，前提是符合所有標準。

# Pitfalls 注意事項

- Do not apply for welfare benefits if your visa says “No recourse to Public Funds”  
如果你的簽證註明「不得領取公共經濟援助 (NRPF)」，請不要申請領取公共福利
- If you do, your future immigration applications could be negatively affected.  
否則，你將來的入籍申請有機會被影響
- You could be prosecuted by the Department for Work and Pensions (DWP).  
你亦有機會被就業及退休金部門檢控
- Information on this can be found in [Benefit fraud - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/benefit-fraud)  
詳細資料可以參考 [Benefit fraud - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/benefit-fraud)
- Please seek advice on this before you proceed.  
如有疑問，請先尋求建議再行動
- Do not apply for a British passport until you are a British citizen. This can be by registration for a child or naturalisation for adults. You could be prosecuted if you apply for a British passport without being entitled to do so.  
不論成年人或小孩，請不要在成為英國公民前申請英國護照。如果您在合資格前申請英國護照，有可能會被檢控。



**Thank you!**  
**感謝!**

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Citizens Advice in North & West Kent



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