

GUERNSEY STATUTORY INSTRUMENT

2021 No. 14

**The Immigration (Bailiwick of Guernsey) (Amendment)  
Rules, 2021**

<i>Made</i>	5 <sup>th</sup> February, 2021
<i>Coming into operation</i>	6 <sup>th</sup> February, 2021
<i>Laid before the States</i>	, 2021

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by section 3(2) of the Immigration Act 1971<sup>a</sup> as extended to the Bailiwick by the Immigration (Guernsey) Order 1993<sup>b</sup>, and all other powers enabling it in that behalf, hereby makes the following rules:-

**Amendment to Rules of 2008.**

1. The Immigration (Bailiwick of Guernsey) Rules 2008<sup>c</sup> ("the principal Rules") are amended as set out in paragraphs 2 and 3.

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<sup>a</sup> An Act of Parliament (Chapter 77 of 1971).

<sup>b</sup> UK S.I. 1993 No. 1796 registered on the records of the Island on 24th August, 1993 and published in Ordres en Conseil Vol. XXXIV, p. 491; as amended by UK S.I. 2011 No. 2444 registered on the records of the Island on 7th November 2011. See also Recueil d'Ordonnances, Tome XXIX p. 406 and Ordinance No. IX of 2016.

<sup>c</sup> G.S.I. No. 26 of 2008; as amended by G.S.I. No. 18 of 2011; No. 33 of 2013; No. 27 of 2015; and No. 17 of 2019.

2. Immediately after paragraph A255 of the principal Rules, insert the following sub-part and paragraph →:

"BRITISH NATIONALS (OVERSEAS): HONG KONG

**Appendix HK**

B255. Appendix HK has effect."

3. Immediately after Appendix EU to the principal Rules, insert the Appendix set out in the Schedule.

**Interpretation.**

4. For the avoidance of doubt, unless the context requires otherwise, an expression used in these Rules has the same meaning as in the Immigration Act 1971.

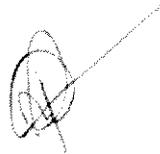
**Citation.**

5. These Regulations may be cited as the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2021.

**Commencement and application.**

6. These Rules come into force on the 6<sup>th</sup> February, 2021 and apply to all decisions made on or after that date.

Dated this 5<sup>th</sup> day of February, 2021



Deputy Robert Prow  
President of the Committee for Home Affairs  
For and on behalf of the Committee

SCHEDULE

Paragraph 3

NEW APPENDIX TO INSERT IN THE IMMIGRATION (BAILIWICK OF  
GUERNSEY) RULES, 2008

"APPENDIX HK  
BRITISH NATIONAL (OVERSEAS)

*The Hong Kong British National (Overseas) route (the "Hong Kong BN(O) route") becomes effective on the 2<sup>nd</sup> February, 2021. It covers two routes –*

- (i) the BN(O) Status Holder route, and*
- (ii) the BN(O) Household Member route.*

*The BN(O) Status Holder route is for a British National (Overseas) ("BN(O)") who is ordinarily resident in Hong Kong and wants to live and work in the Bailiwick of Guernsey.*

*A dependent partner and dependent children of a BN(O) can, if they are ordinarily resident in Hong Kong, apply under this route. In exceptional circumstances, other family members with a high degree of dependency may also apply.*

*The BN(O) Household Member route is for the adult child, born on or after 1 July 1997, of a BN(O). The BN(O) Household Member, and any dependent partner or dependent child applying under this route must be ordinarily resident in Hong Kong and form part of the same household as the BN(O).*

*Both the BN(O) Status Holder route and the BN(O) Household Member route are routes to settlement.*

**(i) BN(O) STATUS HOLDER ROUTE**

**Validity requirements for BN(O) Status Holder route.**

HK1 A person applying for entry clearance as a BN(O) Status Holder must apply online on [www.gov.uk](http://www.gov.uk) using the appropriate form specified in the United Kingdom Immigration Rules.

HK2 An application for entry clearance or leave to remain as a BN(O) Status Holder must meet all the following requirements -

- (a) any immigration fee must have been paid,
- (b) the applicant must have provided any required biometrics, and
- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

HK3 The applicant must be aged 18 years or over at the date of application.

HK4 An application which does not meet all the validity requirements for a BN(O) Status Holder is invalid and may be rejected without being considered.

**Suitability requirements for BN(O) Status Holder.**

HK5 The applicant must not fall for refusal under Part 9.

HK6 If applying for leave to remain, the applicant must not be in breach of immigration laws.

*Eligibility requirements for BN(O) Status Holder*

**Entry requirements for BN(O) Status Holders.**

HK7 A person seeking to come to the Bailiwick of Guernsey as a BN(O) Status Holder must apply for and obtain an entry clearance as a BN(O) Status Holder before they arrive in the Bailiwick of Guernsey.

HK8 A person applying for entry clearance as a BN(O) Status Holder must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis, and that this tuberculosis is not present in the applicant.

**BN(O) Status holder requirement.**

HK9 The applicant must be a BN(O) under the Hong Kong (British Nationality) Order, 1986<sup>d</sup>.

**Ordinary residence in Hong Kong requirement for BN(O) Status Holder.**

HK10 An applicant applying for entry clearance must be ordinarily resident in Hong Kong at the date of application.

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<sup>d</sup> U.K. S.I. No. 948 of 1986.

HK11 An applicant applying for leave to remain must be in the Bailiwick of Guernsey, and must be ordinarily resident in the Bailiwick of Guernsey, the United Kingdom, Jersey, the Isle of Man or Hong Kong on the date of application.

**Financial requirement for BN(O) Status Holder.**

HK12 If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey for 12 months or more on the date of application, they will meet the financial requirement.

HK13 Where the applicant is applying for entry clearance, or is applying for leave to remain and has been in the Bailiwick of Guernsey for less than 12 months on the date of application, the decision-maker must be satisfied that the applicant can adequately maintain and accommodate themselves, along with any dependent partner and dependent children also applying under the Hong Kong BN(O) route, without recourse to public funds, for a period of at least 6 months.

HK14 For the purposes of HK13, accommodation will not be regarded as adequate if -

- (a) it is considered that it is or will be overcrowded by the decision-maker, or
- (b) it contravenes any statutory public health requirement.

**In-country tuberculosis requirement for BN(O) Status Holder.**

HK15 If the applicant is applying for leave to remain and -

- (a) their last grant of leave was for less than 6 months, or

- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than six months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

HK16 In HK15, a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the purposes of this Rule by the Lieutenant Governor, issued within the 6 months immediately prior to the date of application.

HK17 The in-country tuberculosis requirement is met where a person has provided a medical certificate described in HK15 as part of a successful application for entry clearance in the 12 months prior to the date of application.

**Decision for BN(O) Status Holder.**

HK18 If the decision-maker is satisfied that all the suitability and eligibility requirements for a BN(O) Status Holder are met, the application will be granted; otherwise the application will be refused.

**Period and conditions of grant for BN(O) Status Holder.**

HK19 The applicant will be granted leave for either -

- (a) a period of 5 years, where the applicant has applied for

- a period of 5 years, or
- (b) a period of 30 months, where the applicant has applied for a period of 30 months.

HK20 Leave will be granted subject to the following conditions -

- (a) the applicant will have no access to public funds, and
- (b) employment (including self-employment and voluntary work) will be permitted except for employment as a professional sportsperson (including as a sports coach).

*Dependents on the BN(O) Status Holder route*

**Validity requirements for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route.**

HK21 A person applying for entry clearance as a dependent partner or BN(O) Household Child on the BN(O) Status Holder route must apply online on [www.gov.uk](http://www.gov.uk) using the appropriate form specified in the United Kingdom Immigration Rules.

HK22 An application for entry clearance or leave to remain as a dependent partner or BN(O) Household Child on the BN(O) Status Holder route must meet all the following validity requirements -

- (a) any immigration fee must have been paid,
- (b) the applicant must have provided any required biometrics, and

- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

HK23 An application which does not meet the validity requirements for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route is invalid and may be rejected without being considered.

**Suitability requirements for a dependent partner or BN(O) Household Child on the Hong Kong BN(O) Status Holder route.**

HK24 The applicant must not fall for refusal under Part 9.

HK25 If applying for leave to remain, the applicant must not be in breach of immigration laws.

**Entry requirements for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route.**

HK26 A person seeking to come to the Bailiwick of Guernsey as a dependent partner or BN(O) Household Child on the BN(O) Status Holder route must apply for and obtain an entry clearance as a dependent partner or BN(O) Household Child before they arrive in the Bailiwick of Guernsey.

HK27 A person applying for entry clearance on the BN(O) Status Holder route must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**Relationship requirement for dependent partner on the BN(O) Status Holder route.**

HK28 If the applicant is applying for leave to remain and they have leave, as a dependent partner, on the BN(O) Status Holder route on the date of application, they will meet the relationship requirement.

HK29 Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave as a dependent partner on the BN(O) Status Holder route, they must meet the relationship requirements in HK30 to HK34.

HK30 The applicant must be the dependent partner of a person who is making an application for entry clearance or leave to remain on the BN(O) Status Holder route at the same time as the applicant.

HK31 The applicant and the BN(O) Status Holder must both be aged 18 or over at the date of application.

HK32 If the applicant and the BN(O) Status Holder are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years prior to the date of application,
- (b) any previous relationship of the applicant or the BN(O) Status Holder with another person must have permanently broken down, and
- (c) they must not be so closely related that they would not be allowed to marry in the Bailiwick of Guernsey.

HK33            The relationship between the applicant and the BN(O) Status Holder must be genuine and subsisting.

HK34            The applicant and the BN(O) Status Holder must form part of the same household on the date of the application and must intend to live together throughout the applicant's stay in the Bailiwick of Guernsey.

HK35            In HK34, a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

**Financial requirement for dependent partner on the BN(O) Status Holder route.**

HK36            If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey for 12 months or more on the date of application, they will meet the financial requirement.

HK37            If the applicant is applying for entry clearance, or is applying for leave to remain, and has been in the Bailiwick of Guernsey for less than 12 months, the decision-maker must be satisfied that the applicant or the BN(O) Status Holder are able to maintain and accommodate the applicant, along with any dependent children also applying under the Hong Kong BN(O) route, adequately in the Bailiwick of Guernsey without recourse to public funds for at least six months.

HK38            For the purposes of HK37, accommodation will not be regarded as adequate if -

- (a)            it is considered that it is or will be overcrowded by the decision-maker, or
- (b)            it contravenes a statutory public health requirement.

**Relationship requirement for BN(O) Household Child on the BN(O) Status Holder route.**

HK39           The applicant must be the dependent child of a parent who has, or is at the same time being granted, leave as -

- (a)           the dependent child of a parent who has, or is at the same time being granted, entry clearance or leave as -
  - (i)           a BN(O) Status Holder, or
  - (ii)          the dependent partner of a BN(O) Status Holder,
- (b)           the grandchild of a grandparent who has, or is at the same time being granted, entry clearance or leave as -
  - (i)           a BN(O) Status Holder, or
  - (ii)          the dependent partner of a BN(O) Status Holder.

HK40           If the applicant is applying for entry clearance or leave to remain, and they have not previously had leave as a BN(O) Household Child on the BN(O) Status Holder route, they must –

- (a)           make an application at the same time as a parent or grandparent who is applying for entry clearance or leave on the BN(O) Status Holder route, and
- (b)           form part of the same household as the BN(O) Status Holder on the date of the application.

HK41           In HK40(b), a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

HK42 Each of the applicant's parents must either be applying at the same time as the applicant, or have leave to be in the Bailiwick of Guernsey (other than as a visitor), unless -

- (a) the parent with leave as a BN(O) Status Holder or as a dependent partner of a BN(O) Status Holder is the sole surviving parent,
- (b) the parent with leave as a BN(O) Status Holder or as a dependent partner of a BN(O) Status Holder has sole responsibility for the dependent child's upbringing,
- (c) there are serious and compelling reasons to grant the dependent child entry clearance or leave to remain with the parent who has leave on the Hong Kong BN(O) Status Holder route, or
- (d) the applicant falls within HK40(b) and there are serious and compelling reasons to grant the applicant entry clearance or leave to remain with the parent or grandparent who has leave as a BN(O) Status Holder on the Hong Kong BN(O) route.

**Care requirement for a BN(O) Household Child on the BN(O) Status Holder route.**

HK43 The applicant must intend to live with a parent or grandparent who has leave on the Hong Kong BN(O) route during their stay in the Bailiwick of Guernsey, unless they can demonstrate a valid reason why they should not live with that person.

HK44            There must be suitable arrangements for the applicant's care and accommodation in the Bailiwick of Guernsey, which must comply with the relevant Bailiwick of Guernsey legislation and regulations.

**Age requirement for a BN(O) Household Child on the BN(O) Status Holder route.**

HK45            The applicant must be under the age of 18 at the date of application.

**Financial requirement for a BN(O) Household Child on the BN(O) Status Holder route.**

HK46            If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey with leave for 12 months or more on the date of application, they will meet the financial requirement.

HK47            Where the applicant is applying for entry clearance, or is applying for leave to remain and has been in the Bailiwick of Guernsey with leave for less than 12 months, the decision maker must be satisfied that the BN(O) Status Holder or their dependent partner is able to maintain and accommodate the BN(O) Household Child, as well as themselves, adequately in the Bailiwick of Guernsey without recourse to public funds for at least six months.

HK48            For the purposes of HK47 accommodation will not be regarded as adequate if -

- (a)            it is considered that it is or will be overcrowded by the decision-maker, or
- (b)            it contravenes a statutory public health requirement.

**Ordinary residence in Hong Kong requirement for dependent partner or BN(O) Household Child on the BN(O) Status Holder route.**

HK49        If the applicant is applying for entry clearance as a dependant partner or BN(O) Household Child, the applicant must be ordinarily resident in Hong Kong at the date of application.

HK50        An applicant applying for leave to remain must be in the Bailiwick of Guernsey and must be ordinarily resident in the Bailiwick of Guernsey, the United Kingdom, Jersey, the Isle of Man or Hong Kong on the date of application.

**In-country tuberculosis requirement for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route.**

HK51        If the applicant is applying for leave to remain and -

- (a)        their last grant of leave was for less than 6 months, or
- (b)        the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than six months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

HK52        In HK51 a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a

centre approved for the purposes of this Rule by the Lieutenant Governor, issued within the 6 months immediately prior to the date of application.

HK53            The in-country tuberculosis requirement is met where a person has provided a medical certificate described in HK51 as part of a successful application for entry clearance in the 12 months prior to the date of application.

**Decision on application for a dependent partner or BN(O) Household Child on the Hong Kong BN(O) route.**

HK54            If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route are met, the application will be granted; otherwise the application will be refused.

**Period and conditions of grant of application for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route.**

HK55            A dependent partner who does not have leave on the BN(O) Status Holder route on the date of application will be granted leave which ends on the same date as the leave of the BN(O) Status Holder.

HK56            If the dependent partner has leave on the Hong Kong BN(O) route on the date of application, they will be granted leave for either -

- (a)            30 months, if the dependent partner applied for 30 months, or
- (b)            5 years, if the dependent partner applied for 5 years.

HK57 A BN(O) Household Child who does not have leave on the BN(O) Status Holder route on the date of application, will be granted leave which ends on the same date as the leave of the BN(O) Status Holder who made their application at the same time as the applicant and who is being granted leave.

HK58 If the BN(O) Household Child has leave on the BN(O) Status Holder route on the date of application, they will -

- (a) where the BN(O) Household Child is applying as the dependent of one parent or grandparent with leave as a BN(O) Status Holder or the dependent partner of a BN(O) Status Holder, be granted leave that ends on the same date as that parent or grandparent, or
- (b) where the BN(O) Household Child is applying as the dependent of both parents or grandparents with leave as a BN(O) Status Holder or the dependent partner of a BN(O) Status Holder, be granted leave that ends on the same date as those parents or grandparents or, if different, the same date as the parent or grandparent whose leave ends first.

HK59 The leave will be granted subject to all of the following conditions -

- (a) the applicant will have no access to public funds, and
- (b) employment (including self-employment and voluntary work) will be permitted except for employment as a professional sportsperson (including as a sports coach).

**(ii) BN(O) HOUSEHOLD MEMBER ROUTE**

**Validity requirements for the BN(O) Household Member route.**

HK60 A person applying for entry clearance on the BN(O) Household Member route must apply online on [www.gov.uk](http://www.gov.uk) using the appropriate form specified in the United Kingdom Immigration Rules.

HK61 An application for entry clearance or leave to remain on the BN(O) Household Member route must meet all of the following requirements -

- (a) any immigration fee must have been paid,
- (b) the applicant must have provided any required biometrics, and
- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

HK62 The applicant must have been born on or after 1 July 1997.

HK63 The applicant must be aged 18 or over on the date of application.

HK64 The applicant must not have, or have last had, leave as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route.

HK65 An application which does not meet the validity requirements for the BN(O) Household Member route is invalid and may be rejected without being considered.

**Suitability requirements for the BN(O) Household Member route.**

HK66            The applicant must not fall for refusal under Part 9.

HK67            If applying for leave to remain the applicant must not be in breach of immigration laws.

*Eligibility requirements for the BN(O) Household Member route*

**Entry requirement for a BN(O) Household Member.**

HK68            A person seeking to come to the Bailiwick of Guernsey on the BN(O) Household Member route must apply for and obtain an entry clearance on the BN(O) Household Member route before they arrive in the Bailiwick of Guernsey.

HK69            A person applying for entry clearance as a BN(O) Household Member must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**Relationship requirement for a BN(O) Household Member.**

HK70            If the applicant is applying for leave to remain and they have leave on the Hong Kong British National (Overseas) route on the date of application, they will meet the relationship requirement.

HK71            If the applicant is applying for entry clearance or leave to remain and they do not have leave on the Hong Kong British National (Overseas) route on

the date of application, the applicant -

- (a) must be the dependent child of a person who is being granted leave on the BN(O) Status Holder route at the same time that the applicant is being granted leave, and
- (b) must form part of the same household as the BN(O) Status Holder.

HK72 In HK71, a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

**Financial requirement for a BN(O) Household Member.**

HK73 If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey for 12 months or more on the date of application, they will meet the financial requirement.

HK74 If the applicant is applying for entry clearance, or is applying for leave to remain and they have been in the Bailiwick of Guernsey for less than 12 months, the decision-maker must be satisfied that the applicant or a person who is being granted leave on the BN(O) Status Holder route at the same time as the applicant, is able to and will maintain and accommodate the applicant, along with any dependent partner and dependent children also applying under the Hong Kong BN(O) route, adequately in the Bailiwick of Guernsey without recourse to public funds for at least six months.

HK75 For the purposes of HK77 accommodation will not be regarded as adequate if -

- (a) it is considered that it is or will be overcrowded by the decision-maker, or
- (b) it contravenes a statutory public health requirement.

**Ordinary residence in Hong Kong requirement for a BN(O) Household Member.**

HK76 An applicant applying for entry clearance must be ordinarily resident in Hong Kong at the date of application.

HK77 An applicant applying for leave to remain must be in the Bailiwick of Guernsey and must be ordinarily resident in the Bailiwick of Guernsey, the United Kingdom, Jersey, the Isle of Man or Hong Kong.

**In-country tuberculosis certificate requirement for a BN(O) Household Member.**

HK78 If the applicant is applying for leave to remain and –

- (a) their last grant of leave was for less than 6 months, or
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than six months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

HK79 In HK78, a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a

centre approved for the purposes of these Rules by the Lieutenant Governor, issued within the 6 months immediately prior to the date of application.

HK80           The in-country tuberculosis requirement is met where a person has provided a medical certificate described in HK78 as part of a successful application for entry clearance in the 12 months prior to the date of application.

**Decision on application for a BN(O) Household Member.**

HK81           If the decision maker is satisfied that all the suitability and eligibility requirements on the BN(O) Household Member route are met the application will be granted; otherwise the application will be refused.

**Conditions and period of grant for a BN(O) Household Member.**

HK82           If the applicant does not have leave on the Hong Kong British National (Overseas) route on the date of application, the applicant will be granted leave which ends on the same date as the leave of the BN(O) Status Holder who is part of the same household as the applicant.

HK83           If the applicant has leave on the Hong Kong British National (Overseas) route on the date of application, they will be granted leave for either -

- (a)           30 months, if the applicant applied for 30 months, or
- (b)           5 years, if the applicant applied for 5 years.

HK84           The grant will be subject to all the following conditions -

- (a)           the applicant will have no access to public funds,

- (b) employment (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach).

*Dependents of BN(O) Household Members*

**Validity requirements for a dependent partner or dependent child of a BN(O) Household Member on the Hong Kong BN(O) route.**

HK85 A person applying for entry clearance as a dependent partner or child on the BN(O) Household Member route must apply online on [www.gov.uk](http://www.gov.uk) using the appropriate form specified in the United Kingdom Immigration Rules.

HK86 An application for entry clearance or leave to remain as a dependent partner or dependent child on the BN(O) Household Member route must meet all the following validity requirements -

- (a) any immigration fee must have been paid,
- (b) the applicant must have provided any required biometrics, and
- (c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

HK87 An applicant who is a dependent child must be the child of a person who is making an application for entry clearance or leave to remain on the BN(O) Household Member route at the same time as the applicant.

HK88 An application which does not meet the validity requirements for a dependent partner or dependent child on the BN(O) Household Member route is invalid and may be rejected without being considered.

**Suitability requirements for a dependent partner or dependent child on the BN(O) Household Member route.**

HK89 The applicant must not fall for refusal under Part 9.

HK90 If applying for leave to remain the applicant must not be in breach of immigration laws.

*Eligibility requirements for a dependent partner or dependent child on the BN(O) Household Member route*

**Entry requirements for a dependent partner or dependent child on the BN(O) Household Member route.**

HK91 A person seeking to come to the Bailiwick of Guernsey as a dependent partner or dependent child on the BN(O) Household Member route must apply for and obtain an entry clearance as a dependent partner or dependent child before they arrive in the Bailiwick of Guernsey.

HK92 A person applying for entry clearance as the dependent partner or dependent child of a BN(O) Household Member must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**Relationship requirement for dependent partner of a BN(O) Household Member.**

HK93            If the applicant is applying for leave to remain and they have leave as a dependent partner on the BN(O) Household Member route on the date of application, they will meet the relationship requirement.

HK94            Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave on the BN(O) Household Member route, they must meet the relationship requirement as set out in HK95 to HK101.

HK95            The applicant must be the dependent partner of a person who is making an application for entry clearance or leave to remain on the BN(O) Household Member route at the same time as the applicant.

HK96            The applicant and the BN(O) Household Member must both be aged 18 or over at the date of application.

HK97            If the applicant and the BN(O) Household Member are not married or in a civil partnership, all the following requirements must be met:

- (a)            they must have been living together in a relationship similar to marriage or civil partnership for at least the two years prior to the date of application,
- (b)            any previous relationship of the applicant or the BN(O) Household Member with another person must have permanently broken down, and
- (c)            they must not be so closely related that they would not be allowed to marry in the Bailiwick of Guernsey.

HK98        The relationship between the applicant and the BN(O) Household Member must be genuine and subsisting.

HK99        The applicant and the BN(O) Household Member must form part of the same household on the date of application.

HK100       In HK99, a person will form part of the same household as the BN(O) Household Member if they normally live with the BN(O) Household Member.

HK101       The applicant and the BN(O) Household Member must intend to live together throughout the applicant's stay in the Bailiwick of Guernsey.

**Financial requirement for dependent partner of a BN(O) Household Member.**

HK102       If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey for 12 months or more on the date of application, they will meet the financial requirement.

HK103       Where the applicant is applying for entry clearance, or is applying for leave to remain and has been in the Bailiwick of Guernsey for less than 12 months at the date of application, the decision-maker must be satisfied that the applicant, the BN(O) Household Member or a person being granted leave on the BN(O) Status Holder route at the same time as the applicant is being granted leave is able to maintain and accommodate the applicant, as well as themselves and any dependent children also applying under the Hong Kong BN(O) route, adequately in the Bailiwick of Guernsey without recourse to public funds for at least six months.

HK104       For the purposes of HK103, accommodation will not be regarded as adequate if -

- (a) it is considered that it is or will be overcrowded by the decision-maker, or
- (b) it contravenes a statutory public health requirement.

**Relationship requirement for dependent child of a BN(O) Household Member.**

HK105 The applicant must be the dependent child of a parent who has, or is at the same time being granted, leave as:

- (a) a BN(O) Household Member, or
- (b) the dependent partner of a BN(O) Household Member.

HK106 Each of the applicant's parents must either be applying at the same time as the applicant, or have leave to be in the Bailiwick of Guernsey (other than as a visitor), unless -

- (a) the parent with leave as a BN(O) Household Member or the dependent partner of a BN(O) Household Member is the sole surviving parent,
- (b) the parent with leave as a BN(O) Household Member or the dependent partner of a BN(O) Household Member has sole responsibility for the child's upbringing, or
- (c) there are serious and compelling reasons to grant the child entry clearance or leave to remain with the parent who has leave on the BN(O) Household Member route.

HK107 If the applicant is applying for entry clearance or leave to remain and they have not previously had leave as a dependent child on the BN(O) Household Member route they must form part of the same household as the BN(O) Household Member on the date of application.

**Care requirement for a dependent child of a BN(O) Household Member.**

HK108 The applicant must live with a parent who has leave on the BN(O) Household Member route during their stay in the Bailiwick of Guernsey, unless they can demonstrate a valid reason why they should not live with that parent.

HK109 There must be suitable arrangements for the applicant's care and accommodation in the Bailiwick of Guernsey, which must comply with the relevant Bailiwick of Guernsey legislation and regulations.

**Age requirement for a dependent child of a BN(O) Household Member.**

HK110 The applicant must be under the age of 18 at the date of application.

**Financial requirement for dependent child of a BN(O) Household Member.**

HK111 If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey for 12 months or more on the date of application, they will meet the financial requirement.

HK112 If the applicant is applying for entry clearance, or is applying for leave to remain and has been in the Bailiwick of Guernsey with leave for less than 12 months, at the date of application the decision-maker must be satisfied that the BN(O)

Household Member, their dependent partner or a person who is being granted leave on the BN(O) Status Holder route at the same time as the applicant is being granted leave, is able to and will maintain and accommodate the applicant, as well as themselves, adequately in the Bailiwick of Guernsey without recourse to public funds for at least six months.

HK113 For the purposes of HK112, accommodation will not be regarded as adequate if -

- (a) it is considered that it is or will be overcrowded by the decision-maker, or
- (b) it contravenes a statutory public health requirement.

**Ordinary residence in Hong Kong requirement for dependent partner or dependent child of a BN(O) Household Member.**

HK114 If the applicant is applying for entry clearance as a dependant partner or dependent child, the applicant must be ordinarily resident in Hong Kong at the date of application.

HK115 An applicant applying for leave to remain must be in the Bailiwick of Guernsey and must be ordinarily resident in the Bailiwick of Guernsey, the United Kingdom, Jersey, the Isle of Man or Hong Kong on the date of application.

**In-country tuberculosis requirement for dependent partner or dependent child of a BN(O) Household Member.**

HK116 If the applicant is applying for leave to remain and -

- (a) their last grant of leave was for less than 6 months, or
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than six months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

HK117 In HK116, a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the purposes of this Rule by the Lieutenant Governor, issued within the 6 months immediately prior to the date of application.

HK118 The in-country tuberculosis requirement is met where a person has provided a medical certificate described in HK116 as part of a successful application for entry clearance in the 12 months prior to the date of application.

**Decision on application for a dependent partner or dependent child of a BN(O) Household Member on the Hong Kong BN(O) route.**

HK119 If the decision-maker is satisfied that all the suitability and eligibility requirements for the dependent partner or dependent child on the BN(O) Household Member route are met, the application will be granted; otherwise the application will be refused.

**Period and conditions of grant for a dependent partner or dependent child of a BN(O) Household Member.**

HK120 A dependent partner who does not have leave on the BN(O) Household Member route on the date of application, will be granted leave which ends on the same date as the BN(O) Household Member's leave.

HK121 If the dependent partner has leave on the Hong Kong BN(O) route on the date of application, a dependent partner will be granted leave for either

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- (a) 5 years, if the dependent partner applied for 5 years,  
or
- (b) 30 months, if the dependent partner applied for 30 months.

HK122 A dependent child who does not have leave on the BN(O) Household Member route on the date of application will be granted leave which ends on the same date as the BN(O) Household Member's leave.

HK123 A dependent child who has leave on the BN(O) Household Member route on the date of application will –

- (a) where the child is applying as the dependent of one parent with leave on the BN(O) Household Member route, be granted leave that ends on the same date as that parent, and
- (b) where the child is applying as the dependent of both parents with leave on the BN(O) Household Member

route, be granted leave that ends on the same date as those parents or, if different, the same date as the parent whose leave ends first.

HK124 The grant will be subject to all the following conditions -

- (a) the applicant will have no access to public funds, and
- (b) employment (including self-employment and voluntary work) will be permitted except for employment as a professional sportsperson (including as a sports coach).

*Adult dependent relative of a BN(O) Status Holder*

**Validity requirements for a BN(O) Adult Dependant Relative on the BN(O) Status Holder route.**

HK125 A person applying for entry clearance as a BN(O) Adult Dependant Relative on the BN(O) Status Holder route must apply online on [www.gov.uk](http://www.gov.uk) using the appropriate form specified in the United Kingdom Immigration Rules.

HK126 An application for entry clearance or leave to remain as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route must meet all the following validity requirements -

- (a) any immigration fee must have been paid,
- (b) the applicant must have provided any required biometrics, and

- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

HK127 The applicant must be aged 18 or over on the date of application.

HK128 The applicant must be the parent, grandparent, brother, sister, son or daughter of a person who is making an application for entry clearance or leave to remain as a BN(O) Status Holder or the dependent partner of a BN(O) Status Holder at the same time as the applicant.

HK129 An application which does not meet the validity requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder route is invalid and may be rejected without being considered.

**Suitability requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder route.**

HK130 The applicant must not fall for refusal under Part 9.

HK131 If applying for leave to remain the applicant must not be in breach of immigration laws.

*Eligibility requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder route*

**Entry requirements for a BN(O) Adult Dependent Relative.**

HK132 A person seeking to come to the Bailiwick of Guernsey as a

BN(O) Adult Dependent Relative on the BN(O) Status Holder route must apply for and obtain an entry clearance as a BN(O) Adult Dependant Relative before they arrive in the Bailiwick of Guernsey.

HK133 A person applying for entry clearance as the dependent partner or child of a BN(O) Household Member must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**Relationship requirement for a BN(O) Adult Dependent Relative.**

HK134 If the applicant is applying for leave to remain and they have leave as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route on the date of application, they will meet the relationship requirement.

HK135 Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave on the Hong Kong BN(O) route they must be the parent, grandparent, brother, sister, son or daughter of a person who is making an application for entry clearance or leave to remain as a BN(O) Status Holder or as the partner of a BN(O) Status Holder at the same time as the applicant.

HK136 Where the applicant is the parent or grandparent of a BN(O) Status Holder or of the dependent partner of a BN(O) Status Holder, the applicant must not be in a subsisting relationship with a dependent partner unless –

- (a) that dependent partner is also the parent or grandparent of the BN(O) Status Holder or of the dependent partner of a BN(O) Status Holder, and
- (b) that dependent partner is applying for entry

clearance or leave to remain at the same time as the applicant.

**Dependency requirement for a BN(O) Adult Dependent Relative.**

HK137 If the applicant is applying for leave to remain and they have leave as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route on the date of application, they will meet the dependency requirement.

HK138 Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave on the Hong Kong BN(O) route the applicant must -

- (a) as a result of age, illness or disability require long-term personal care to perform everyday tasks,
- (b) form part of the same household as the BN(O) Status Holder who has or is at the same time being granted leave, and
- (c) be unable even with the practical and financial help of the BN(O) Status Holder or the dependent partner of the BN(O) Status Holder to obtain the required level of help in Hong Kong, if the BN(O) Status Holder or the dependent partner of the BN(O) Status Holder move to the Bailiwick of Guernsey, either because -

- (i) it is not available, and there is no person in Hong Kong who can reasonably provide it, or

- (ii) they do not have sufficient means to pay for it.

HK139 In HK138(b), a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

**Financial requirement for a BN(O) Adult Dependent Relative.**

HK140 If the applicant is applying for leave to remain and has been in the Bailiwick of Guernsey for 12 months or more on the date of application, they will meet the financial requirement.

HK141 Where the BN(O) Adult Dependent Relative is applying for entry clearance, or is applying for leave to remain and has been in the Bailiwick of Guernsey for less than 12 months on the date of application, the decision-maker must be satisfied that the BN(O) Status Holder or their dependent partner is able to and will maintain and accommodate the BN(O) Adult Dependent Relative, as well as themselves and any dependent children, adequately in the Bailiwick of Guernsey without recourse to public funds for at least six months.

HK142 For the purposes of HK141, accommodation will not be regarded as adequate if -

- (a) it is considered that it is or will be overcrowded by the decision-maker, or
- (b) it contravenes a statutory public health requirement.

**Ordinary residence in Hong Kong requirement for a BN(O) Adult Dependent Relative.**

HK143        If the applicant is applying for entry clearance as a BN(O) Adult Dependent Relative, the applicant must be ordinarily resident in Hong Kong at the date of application.

HK144        An applicant applying for leave to remain must be in the Bailiwick of Guernsey and must be ordinarily resident in the Bailiwick of Guernsey, the United Kingdom, Jersey, the Isle of Man or Hong Kong on the date of application.

**In-country Tuberculosis certificate requirement for a BN(O) Adult Dependent Relative.**

HK145        If the applicant is applying for leave to remain and -

- (a)            their last grant of leave was for less than 6 months, or
- (b)            the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than six months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

HK146        In HK145, a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a

centre approved for the purposes of this Rule by the Lieutenant Governor, issued within the 6 months immediately prior to the date of application.

HK147 The in-country tuberculosis requirement is met where a person has provided a medical certificate described in HK145 as part of a successful application for entry clearance in the 12 months prior to the date of application.

**Decision on application as a BN(O) Adult Dependent Relative.**

HK148 If the decision-maker is satisfied that all the suitability and eligibility requirements for BN(O) Adult Dependent Relative are met the application will be granted; otherwise the application will be refused.

**Period and conditions of grant for a BN(O) Adult Dependent Relative.**

HK149 If the applicant does not have leave on the BN(O) Status Holder route on the date of application, they will be granted leave which ends on the same date as the leave of the BN(O) Status Holder who is part of the same household as the applicant.

HK150 If the BN(O) Adult Dependent Relative has leave on the BN(O) Status Holder route on the date of application, they will be granted leave which ends on the same date as the leave of a BN(O) Status Holder or, where relevant, the dependent partner of a BN(O) Status Holder who has, or is at the same time being granted, leave.

HK151 The grant will be subject to all the following conditions -

- (a) the applicant will have no access to public funds, and

- (b) employment (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach).

### *Settlement*

#### **Validity requirements for Settlement on the Hong Kong BN(O) route.**

HK152      A person applying for settlement on the Hong Kong BN(O) route must be in the Bailiwick of Guernsey.

HK153      An application for settlement on the Hong Kong BN(O) route must meet all the following requirements -

- (a) any immigration fee must have been paid,
- (b) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality, and
- (c) the applicant must have, or have last had, leave on the Hong Kong BN(O) route.

HK154      An application which does not meet the validity requirements for settlement on the BN(O) route is invalid and may be rejected without being considered.

**Suitability requirements for settlement on the Hong Kong BN(O) route.**

HK155        The applicant must not fall for refusal under Part 9.

HK156        The applicant must not be in breach of immigration laws.

*Eligibility Requirements for settlement on the Hong Kong BN(O) route*

**Additional requirements for a dependent child.**

HK157        Where the applicant is under 18 on the date of application, the additional requirements in HK158 to HK161 must be met.

HK158        The applicant must have last been granted leave as a dependent child on the Hong Kong BN(O) route.

HK159        The applicant's parent must -

- (a)        at the same time, be being granted settlement on the Hong Kong BN(O) route,
- (b)        be settled, or
- (c)        be a British citizen.

HK160        The applicant's other parent (who is not the parent in HK159) must be being granted settlement at the same time, or be settled or a British citizen, unless -

- (a)        the parent in HK159 is the applicant's sole surviving parent,

- (b) the parent in HK159 has sole responsibility for the applicant's upbringing, or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

HK161 There must be suitable arrangements for the applicant's care and accommodation in the Bailiwick of Guernsey, which must comply with the relevant Bailiwick of Guernsey legislation and regulations.

**Additional requirements for an adult dependant relative.**

HK162 Where the applicant has or last had leave as an adult dependant relative on the Hong Kong BN(O) route, they must be the parent, grandparent, brother, sister, son or daughter of a person who -

- (a) last had leave as a BN(O) Status Holder or the dependent partner of a BN(O) Status Holder and who is at the same time being granted settlement on the Hong Kong BN(O) route,
- (b) is settled and whose last grant of leave prior to settlement was as a BN(O) Status Holder or the partner of a BN(O) Status Holder, or
- (c) is a British citizen.

**English language requirement for settlement on the Hong Kong BN(O) route.**

HK163 If the applicant is aged 18 or over, and under 65, they must show English language ability on the Common European Framework of Reference for

Languages in all four components (reading, writing speaking and listening) of at least level B1.

HK164 The applicant must show they meet the English Language requirement as specified in Appendix B.

**Knowledge of life in the Bailiwick of Guernsey requirement for settlement on the Hong Kong BN(O) route.**

HK165 If the applicant is aged 18 or over, and under 65, they must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and the Bailiwick of Guernsey, in accordance with Appendix B.

**Qualifying period for settlement on the BN(O) route.**

HK166 The applicant must have spent a continuous period of 5 years with leave on a route under which a person can settle, of which the most recent grant of leave must have been on the Hong Kong BN(O) route.

HK167 A continuous period of 5 years has the meaning given in paragraph 128A.

**Decision on an application for settlement on the Hong Kong BN(O) route.**

HK168 If the decision maker is satisfied all the suitability and eligibility requirements are met the applicant will be granted settlement; otherwise the application will be refused.

*Interpretation*

HK169 In this Appendix:

- (a) references to the payment of any immigration fee are references to the payment of any fee payable under an Order or regulations made under any of sections 67A to 69 of the Immigration Act, 2014<sup>e</sup> as extended to the Bailiwick of Guernsey,
- (b) "**BN(O) Adult Dependent Relative**" means a person granted leave as a BN(O) Adult Dependent Relative under this Appendix,
- (c) "**BN(O) Household Child**" means a person falling within HK39 and who is granted leave as a BN(O) Household Child under this Appendix,
- (d) "**BN(O) Household Member**" means a person granted leave as a BN(O) Household Member under this Appendix,
- (e) "**BN(O) Status Holder**" means a person granted leave as a BN(O) Status Holder under this Appendix, and

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<sup>e</sup> An Act of Parliament (Chapter 22 of 2014).

- (f) "United Kingdom Immigration Rules" means the current Immigration Rules set out at <https://www.gov.uk/guidance/immigration-rules>".
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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Rules insert and give effect to a new Appendix HK: British Nationals (Overseas).

These Rules will come into force on the 6<sup>th</sup> February, 2021.