



Department for Levelling Up, Housing & Communities

Lord Greenhalgh
Minister of State

**Department for Levelling Up,
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To whom it may concern,

Hong Kong British National (Overseas) Visa

Many Hong Kongers have chosen to emigrate to the UK through the British National (Overseas) (BN(O)) immigration route launched in January 2021. This route is an unprecedented offer following China's passing of the National Security Law, and reflects the UK's historic and moral commitment to those people of Hong Kong who chose to retain their ties to the UK by taking up BN(O) status at the point of Hong Kong's handover to China in 1997.

The majority of those on the BN(O) route have quickly settled and integrated within the UK. However, it has been brought to my attention that a minority have reported issues in areas such as housing, employment and opening a bank account. This is often a result of common misunderstandings about their immigration status, and may in part be due to individuals being temporarily unable to produce the necessary documentation, such as proof of identity and/or evidence of permanent home address in the UK. It is my aim that this letter helps your business or organisation to better understand the status of those on the BN(O) route, and their rights and entitlements in the UK.

This letter covers England, and the circumstances may be different in Scotland, Wales, and Northern Ireland. For information about services there please refer to their relevant webpages at gov.scot, gov.wales, and northernireland.gov.uk.

Background and status

Those on the BN(O) route and their eligible family members are granted permission to enter or to stay in the UK for a period of either two years and six months (with the option to extend their stay); or five years. After five years in the UK, they may apply for settlement, and they may apply for British citizenship after a further twelve months.

Anyone with a BN(O) visa has the right to live, study and work in the UK.

Eligible family members ('dependants') will also have a BN(O) visa, and can include partners, children (including children aged over 18), grandchildren, and other dependent adult relatives.

Proof of identity and immigration status

Legitimate methods of identification for those on the BN(O) route are likely to include, but are not limited to:

- A Biometric Residence Permit (BRP) that shows the individual's name, date and place of birth, fingerprints and a photo of their face. The permit also includes their immigration status and conditions of stay (including in most cases, 'no access to public funds', except for those who successfully apply for a change of conditions to enable them to access public funds).
- An eVisa (online immigration status): Many of those on the BN(O) route will not receive a BRP as they applied using the Home Office's smartphone app. They will instead receive an eVisa, which is their online immigration status, similar to EU nationals who have status on the EU Settlement Scheme. Those who have eVisas can share their status using the GOV.UK 'View and Prove' service.
- The 'View and Prove' service allows individuals to view their up-to-date UK immigration status information – or eVisa - online and share relevant information about their status securely with third parties, such as employers or public and private service providers. Those with a BRP but not an eVisa can use the 'right to work' and right to rent' services on GOV.UK.
- If individuals wish to share their status information with third parties, they can do so by generating a share code, which they can give to the third party and which will give that party time-limited access to the relevant data. The individual will also need to give the third party their date of birth to enable access to the data.
- The status shown to a third party via the 'View and Prove' service will show: the individual's name, immigration status and any conditions of stay and the dates their visa is valid.

Proof of residence

In some cases, those on the BN(O) route may initially be unable to provide typical UK-based references or conventional proof of address documents, such as a valid UK driving license, recent utility or council tax bill, tenancy agreement, or credit card statement, because they have only lived in the UK for a short time and may be living in temporary accommodation. In this situation, I would be grateful if you could consider accepting alternative documentation such as an overseas mortgage or credit/debit card statements, or proof of utility accounts showing proof of payment. You may also want to take into consideration evidence of foreign savings accounts and/or the offer of employment in the UK.

Employment

Some individuals on the BN(O) route have reported issues accessing employment, such as employers not accepting them until they have a National Insurance number (NINo), or issues with converting professional qualifications.

National Insurance numbers

I would like to provide reassurance that those on the BN(O) route and their family members are entitled to work in the UK before receiving their National Insurance numbers (NINo). Her Majesty's Revenue and Customs issued a series of updates to employers via their Employer Bulletin to remind them that they are able to employ individuals who do not have a NINo. See Page 3 here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926890/8155_Employer_Bulletin_86_v6_Accessible.pdf

Currently, individuals with a valid BRP can choose to present this to an employer as proof of their right to work in the UK until 6 April, or they can choose to access the Home Office online services to prove their right to work digitally here: <https://www.gov.uk/prove-right-to-work>

From 6 April 2022, a physical BRP will no longer be acceptable evidence of right to work. Individuals will be required to use their BRP to access the Home Office online services to prove their right to work online. They can continue to use their BRP to prove their immigration status for other reasons, such as to open a bank account.

Professional Qualifications

Finding suitable employment in the UK is key to the successful integration of BN(O)s from Hong Kong, and the recognition of an individual's professional qualifications is central to ensuring adequately trained professionals who meet UK standards are able to practise a regulated profession in the UK. On 17 June 2021, the former Secretary of State for Housing, Communities, and Local Government, and the Secretary of State for Business, Energy and Industrial Strategy, wrote to the chief executives of all UK regulators and professional bodies to increase awareness of the BN(O) visa. The letter set out the importance of the recognition of professional qualifications where Hong Kong professionals meet UK standards, and some steps they may wish to consider taking on Hong Kong qualifications.

For BN(O)s seeking the recognition of their professional qualifications, the UK Centre for Professional Qualifications (<http://cpq.ecctis.com>) can provide advice and guidance to help them get their professional qualifications recognised in the UK.

Housing

Those on the BN(O) route have the right to rent in the UK. In England, they can prove their right to rent by either presenting their BRP, until 6 April, or sharing their status digitally via the Home Office online service on GOV.UK at: <https://www.gov.uk/prove-right-to-rent>.

From 6 April 2022, the system of right to rent is changing and a physical BRP will no longer be acceptable evidence of right to rent in England. Individuals will be required to use their BRP to access the Home Office online services to prove their right to rent in England.

In England, the Home Office 'A Landlord's guide to right to rent checks' can be found on GOV.UK at:

<https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks>

We encourage landlords and letting agents to exercise discretion for those who have the right to rent in the UK and, for example, to accept alternative forms of reference, in view of the exceptional circumstances in which those on the BN(O) route find themselves. In May 2021, the then-Secretary of State for Housing, Communities, and Local Government wrote to all landlord and letting agent representatives providing further clarification regarding the legal status of those on the BN(O) route. This letter can be <https://www.gov.uk/guidance/welcome-a-guide-for-hong-kong-british-national-overseas-visa-holders-in-the-uk>.

I would like to thank you, on behalf of the Government, for your cooperation and support I am sure you have already shown to the new BN(O) community arriving in the UK.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lord Greenhalgh', written in a cursive style.

LORD GREENHALGH