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TAX MESSAGE

The British national (overseas) visa: a legal overview for Hong Kong residents

Moore Hong Kong is a member of the Moore Global network. This article was written by our network firm, Moore Kingston Smith, in the UK.

The British national (overseas) (BNO) visa is a unique immigration route [introduced by the UK government](#) in response to political changes in Hong Kong. This visa provides a route for BNO status holders and their families to live, work and study in the UK.

BNO background

The BNO status was created in 1987, before the UK's handover of Hong Kong to China in 1997. It allowed Hong Kong residents to retain ties with the UK without granting them full British citizenship. The implementation of China's National Security Law in 2020 led the UK to offer an amended immigration route for Hong Kong residents with BNO status.

BNO status can be held alongside another nationality or citizenship but can also be renounced or automatically lost in certain circumstances.

Eligibility

Applicants must be 18 years or older and hold BNO status to apply for a BNO visa. Applicants without BNO status, born on or after 1 July 1997, can still apply if they have a parent with valid BNO status. Applications can be made from inside or outside the UK. At the time of application, if applying from outside the UK, the applicant's permanent home must be in Hong Kong, and if applying while in the UK, their permanent home must be in the UK, Channel Islands, Isle of Man or Hong Kong.

A current or expired BNO passport should be provided with the application but is not mandatory, as the Home Office can verify the applicant's BNO status with the HM Passport Office. Applying without a BNO passport may delay processing times.

Permanent home

The type of documentary evidence accepted by the Home Office to establish 'ordinary residence' (i.e. a permanent home) is not fixed and varies depending on the applicant's circumstances. Examples of documents to evidence ordinary residence include employment confirmation letters, bank statements, utility bills, [visa/immigration documents](#), payslips and tax records.

The Home Office normally accepts credible reasons as to why an applicant cannot provide documentary evidence in their own name.

Absences

Periods of absence from the country where the applicant is claiming to be ordinarily resident should not disqualify the applicant from claiming their permanent home to be in that country. For example, absences due to attending university overseas or frequently travelling for business or visiting family should all be disregarded, so long as the applicant was ordinarily resident in Hong Kong (if applying outside the UK), or the UK, including the Channel Islands and Isle of Man (if applying in the UK), before the reason for travel.

Applicants with an indefinite or settled immigration status in another country are unlikely to meet the permanent home requirement, if applying for BNO leave to enter from outside the UK.

Financial requirement

Applicants are not required to prove that they hold a set amount of funds. However, they must evidence that they can adequately maintain and accommodate themselves in the UK for at least six months, without needing to claim public funds. Plausible offers of financial assistance and accommodation from third parties, such as family and friends, are accepted to meet the financial requirement.

An application made from the UK that does not satisfy the financial requirement is normally refused. However, the applicant could be granted 12 months' leave outside the scope of the [immigration rules](#). The same exception does not exist for BNO applications made outside the UK, meaning BNO leave to enter applications are refused for failing to meet the financial requirement.

Individuals applying from the UK do not have to satisfy the financial requirement if they have been living in the UK for at least 12 months, except where an applicant has been granted 12 months' leave outside the scope of the immigration rules, due to their previous BNO application being refused.

Family members

Qualifying family members of eligible BNO visa applicants can apply as their dependants, which include:

- spouse, civil partner or unmarried partner;
- child/grandchild under the age of 18;
- partner's child under the age of 18;
- and parent, grandparent, sibling or child over the age of 18, provided they are highly dependent on the applicant due to illness, disability or their age.

Application fees

Applicants have the option of applying for a two-year-and-six-month BNO visa or a five-year BNO visa, with the corresponding application fees currently being £180 and £250. Applicants must also pay the immigration healthcare surcharge, which is currently £1,035 per year of visa, i.e., £2,587.50 for a two-year-and-six-month BNO visa and £5,175 for a five-year BNO visa.

Applicants must also attend an appointment at a UK visa application centre to provide their biometric information, which may incur additional fees.

Pathway to British citizenship

After five years of continuously residing in the UK, individuals with a valid BNO visa can normally apply to settle in the UK, provided they meet the other eligibility requirements for [indefinite leave to remain](#) (ILR). Time spent in the UK on a different type of eligible ILR-qualifying residence visa will count towards the continuous five-year period for ILR, so long as the applicant holds an unexpired BNO visa at the time of applying for ILR.

After 12 months with ILR, it is possible to apply to naturalise as a British citizen, provided the naturalisation eligibility criteria are satisfied.

Conclusion

The BNO visa route balances accessibility with necessary requirements, such as proving ordinary residence and financial self-sufficiency. As the BNO immigration route continues to evolve, it will be crucial to monitor its effectiveness, uptake and the broader implications.

Contact us today to learn how we can assist with your immigration needs, ensuring a smooth and successful process every step of the way.

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