

# Audit Commission Report No. 66 April 2016

**HONG KONG VISA**  
CENTRE

## Practical Effects

### Will things really change?

- Yes. All the recommendations made by the Audit Commission have been accepted by the Government and so ImmD are duty bound to change.

### How soon will they change?

- Impact was immediate. Greater scrutiny and deeper investigation have already had an effect on the processing of many visa types.

## MY EXPERIENCES

1

The majority of visa applicants and their employers underestimate the documentary preparations needed to pursue a visa application

2

The majority of visa applicants and their employers underestimate the amount of time it takes for a visa to be approved. They wait until the last minute before commencing the application.

3

Most applicants and their employers approach their applications with a sense of entitlement for approval and underestimate the amount of work involved before an application can be finalized (positively or negatively)

4

Most applicants and their employers do not realise that HKID policy has always been to give due and full consideration to applications once all the documents they need to undertake their duties have been received.

**The "Easy Ride" is well and truly over.**

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## MAJOR changes – Number ONE – for Professionals and Non-local Graduates

**Applications MUST BE COMPLETE at the point of submission, enabling ImmD to work towards their performance requirement of finalizing 90% of cases within the four week pledge time**

The culture of skeleton, initial submissions will end. Only 10% of cases should therefore require further follow up correspondence by ImmD.

**Practical consequence for applicants?**

Start your deliberations leading to an eventual visa application 60 days earlier than you might have previously anticipated.

**MAJOR changes Number TWO - for Professionals and Non-local Graduates**

ImmD will issue guidelines to set out clearly the required procedures for considering availability of local employees and market level of remuneration in processing EMPLOYMENT and ASMTV visa applications

Local employee count and the potential for job creation is going to become a key facet in the determinations of ImmD to approve (and possibly extend) an application

**Practical consequence for applicants?**

Applicants and their employers need to steel themselves for significant scrutiny as to rates of pay and whether a local candidate should be preferred for the position in question

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The ImmD will tighten control over the verification of the authenticity of supporting documents submitted by Immigration Arrangements for Non-local Graduate (“IANG”) cases

Whilst the Audit Commission specifically pointed this out in the context of IANG applications, there is no good reason not to implement this widely across GEP and other case types too

**Practical consequence for Applicants?**

Documents supporting employment & education qualifications will become more rigorously assessed, with secondary means of authentication being required (longer documentation preparation times and additional expense of official translations and authentications)

## MAJOR Changes – Number FOUR - for Professionals and Non-local Graduates

**The ImmD will strictly require a 12 month prior employment before recognising an intracompany transferee applicant**

To be availed of positive consideration, an ICT applicant will need a minimum of 12 months documented prior employment with the entity seeking to ICT transfer them into Hong Kong

### **Practical Consequence for Applicants?**

This will potentially limit flexibility as regards the transfer of new hires into Hong Kong ex – third country operations and could require applicants in certain circumstances to defer their applications for at least 12 months to satisfy the one year requirement

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## MAJOR Changes – Number FIVE – for Business Investors (Entrepreneurs)

**Applications MUST be complete at the point of submission enabling ImmD the potential to meet their performance requirements of finalising 90% of cases within the four week pledge time**

The culture of skeleton, initial submissions will end. Only 10% of cases should therefore require follow up correspondence by ImmD

### **Practical Consequence for Applicants?**

Start planning 90 days earlier than you anticipated. Work on the establishment of a company bank account, which may take up to 6 weeks to be opened and funded. The ImmD may not accept an application until the bank account is open and funded

**MAJOR Changes – Number SIX - for Business Investors (Entrepreneurs)****Tightening up on the control of extensions of stay and consistency of Business Review**

Entrepreneurs are going to be held closely to account for the jobs they say they are going to create; if you don't create the jobs your extension of stay and/or its limits of stay may well be at risk

**Practical Consequence for Applicants**

Extensions of stay requests which do not evidence local job creation whatsoever may jeopardise the visa extension. Jobs not created in line with those previously planned and forecast will inevitable mean continuing Business Review