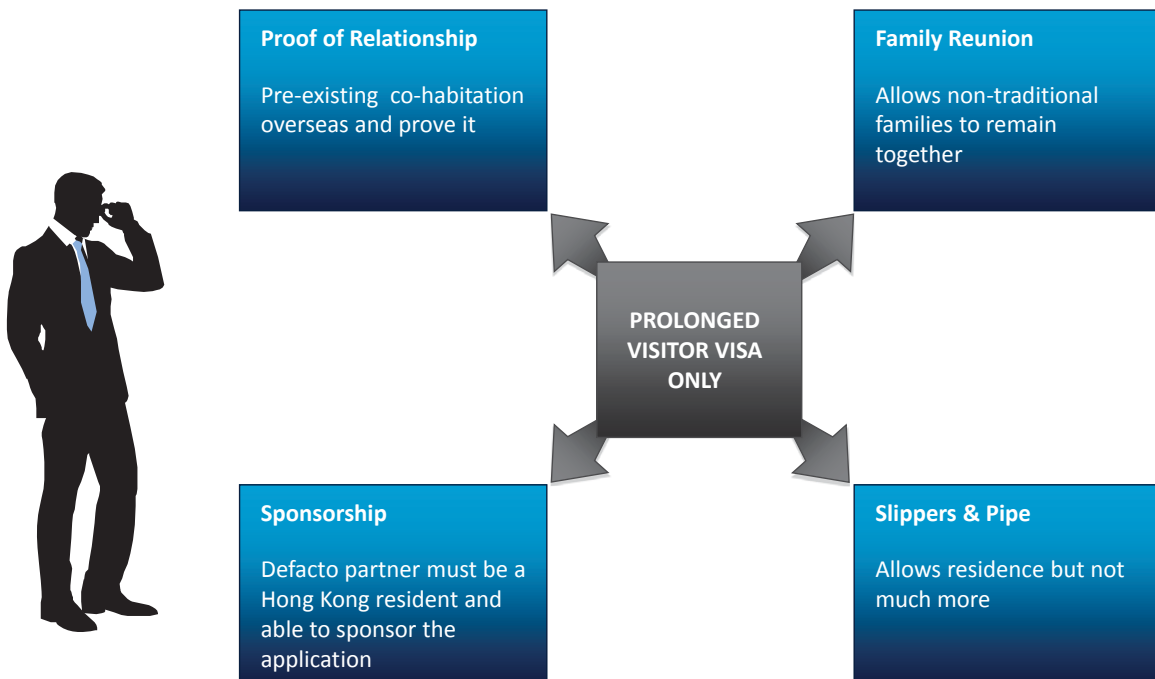


Visa to Join Your Hong Kong Resident Defacto Spouse



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DEFACTO SPOUSE ARRANGEMENTS



Eligibility

Unfortunately, Hong Kong only recognises traditional 'legal dependants' (heterosexual spouse and unmarried children under the age of 18) in the issuance of dependant visas. Consequently, 'defacto spouse' partner family members need to be creative in their circumstances. For example, will you qualify for permissions under one of the other visa categories in your own right? If not, and your partner as principal visa holder is able to demonstrate capacity to support you whilst you remain in Hong Kong, the only real option is to apply for a prolonged visitor visa. This status is what we have coined a 'slippers and pipe' visa in so much as it allows the holder to remain in Hong Kong for an extended period of time to avail 'residency' but does not provide permissions to work, join in or establish a business nor undertake a formal course of study. Unmarried children of the defacto relationship under the age of 18 will be treated as legal dependants, and therefore able to secure dependant visas.

Approvability Test

This type of application is all about demonstrating a pre-existing relationship prior to coming to Hong Kong and the capacity of the sponsoring partner to put food on the table and a roof over the head of the sponsored partner.


Structuring Your Argument

This type of application requires detailed documentation and explanatory narrative as to the extent of the pre-existence of the relationship and the financial ability of the sponsoring partner to fund the prolonged visit to Hong Kong. Detailed financial information on both partners should be prepared setting out the mutual means of support. The HKID are concerned that the prolonged visitor visa holding partner might engage in activities not commensurate with permitted activity (i.e. a temptation to work or join in a business illegally) so the financial aspects of the application are critical.

Complicating Factors

In cases where the relationship has only commenced after arrival in Hong Kong, the case can be an uphill struggle to approval.

How to Apply

The application together with all of the supporting documentation is submitted to the Visitors section at Immigration Tower. The application will not be decided 'on the spot' and it can take between 6-8 months for the final outcome to be notified. In the interim the applicant will be contacted by the examining officer by fax, phone or occasionally by email, if not by letter through the post. If the applicant's current period of stay is set to expire whilst the HKID formally consider the application, an interim extension to the current period of stay will not be available to allow the applicant to remain in Hong Kong pending determination of the outcome. 

Approval Formalities

Once notified of the approval, the applicant will be asked to go along to the Visitors section of the Immigration Tower for prolonged visitor visa issuance which is usually six months in the first instance. Extensions will be granted routinely (upon application) thereafter. If you are planning to exit Hong Kong within that time frame you are advised to seek a re-entry permit so that your prolonged visitor visa consents are not cancelled when you leave Hong Kong and upon your return to the HKSAR the examining officer will grant you a period of stay with an expiry date of six months after the date of the original approval.

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Preparing Your Case

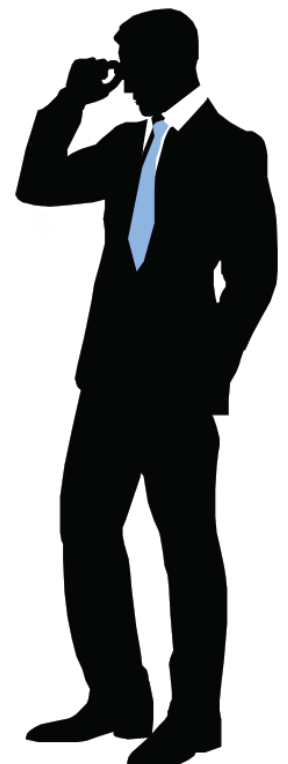
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Highlights

- Dependant visa not available
- Only prolonged visitor visa
- Proof of relationship and cohabitation prior to arrival in Hong Kong essential
- Six month period of stay in the first instance



Discussion



Documents Required

1. Application, Family Background and Sponsorship forms fully completed and executed by both the applicant and sponsor.
2. A declaration letter signed by the applicant declaring that he/she will not take up employment, join in a business or study whilst holding prolonged visitor visa status.
3. A confirmation letter to be signed by the sponsor confirming that he/she will be responsible for meeting the applicant's financial needs in Hong Kong.
4. A letter detailing the sponsor's relationship with the applicant and to be signed by both parties.
5. A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment Contract showing the sponsor's financial package.
6. Copy of current residential tenancy agreement in Hong Kong where the couple will live (or proof of ownership).
7. Copy of the both the sponsor's and applicants' bank statements for the past three months and/or other supporting documents as proof of financial stability of both partners.
8. Original photos evidencing the sponsor and the applicant's long-term relationship (ideally with dates printed on the photos and split over the period of the long-term relationship).
9. Original passports of both the sponsor and the applicant.
10. Copy of the sponsor's Hong Kong Identity Card.
11. Letters or other supporting communications written by persons/friends (in Hong Kong & overseas) proving that the long-term relationship is/was known widely in Hong Kong & overseas; and
12. Documents indicating the sponsor and the applicant were co-habiting overseas prior to their arrival in Hong Kong, (eg phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately.)

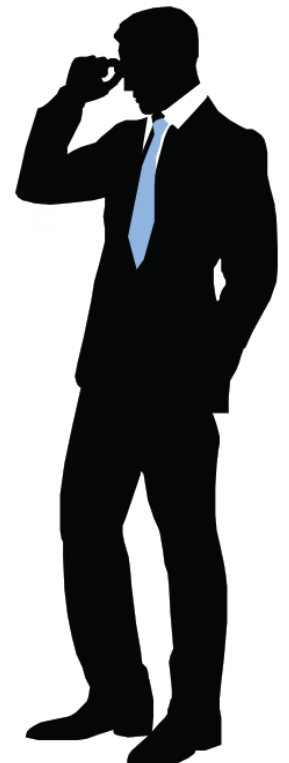


Discussion

Refusal & Appeal

There is no right nor process to appeal the refusal of a prolonged visitor visa application.

A Space for Your Notes





Defacto Spouse

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Defacto Spouse

Notes



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