

LONG STAY FOREIGN NATIONALS

Permanent Residency After 7 Years Continuous Ordinary Residence in the HKSAR

HONG KONG VISA
CENTREwww.hongkongvisahandbook.com**RIGHT OF ABODE****1**

Claim the RoA by applying to verify your eligibility for a HKPID Card

2

For our purposes, you are a non-Chinese citizen resident in HK for not less than seven years

3

Need to show 7 years continuous ordinary residence

4

No outstanding taxation liabilities nor security objections

The RoA is manifested in a Hong Kong Permanent Identity Card

RoA for Non-Chinese Citizens

The information which follows relates to the Right of Abode for long stay foreign nationals of Hong Kong who are not Chinese Citizens.

Eligibility

To be eligible for the Right of Abode you need to have had "*continuous residence in Hong Kong for a period of not less than seven years*" all the while holding a qualifying residence visa (this excludes Foreign Domestic Helpers and persons admitted under the Supplementary Labour Scheme) and have taken Hong Kong as your only place of permanent residence (as evidenced by your intention and conduct.)

Approvability Test

Subject to there being no security objection and no outstanding taxation liabilities, if you have been continuously resident in Hong Kong for a period not less than seven years and will declare that you have taken Hong Kong as your only place of permanent residence (evidenced via your intention and conduct) you should, *a priori*, be granted the Right of Abode.

Structuring Your Argument

The key challenge is to be able to argue away any periods of missing residence. Absences from Hong Kong of more than 6 months will require proof that, irrespective of the length of absence, at the time of your departure from the HKSAR, your intention was to depart only temporarily. Your application can also be complicated by the fact that you could be holding permanent residence in a third country, not being the country of the passport which you are current holding. Case law underpinning the current procedures governing how the Right of Abode is administered by the Director of Immigration state that the applicant should be able to demonstrate that he has taken concrete steps (via intention and conduct) to having taken Hong Kong as his only place of permanent residence. This notwithstanding, the HKID do appear to have taken a liberal interpretation of the words of the judge but it is prudent to downplay the fact of any third country permanent residence at the time you are declaring you have taken Hong Kong as [your current and] only place of permanent residence.

How to Apply

You must apply to verify your eligibility for a Permanent Hong Kong Identity Card via form ROP145 which is submitted to the HKID at Immigration Tower via the Right of Abode section along with the completed the declaration on Form ROP146. Alternatively you can initiate your application on line via the dedicated online submission process located at:

<http://www.gov.hk/en/apps/immpermanentidcardapply.htm>



Approval Formalities

After your eligibility for a permanent identity card has been verified, your condition of stay in Hong Kong will be cancelled and you will be asked to attend the Registration of Persons Office to apply for a Hong Kong permanent identity card. Kids under 11 years of age will receive an endorsement in their passport stating that their eligibility for a permanent identity card is verified; approved children over 11 must apply for a PHKID in their own right.

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Preparing Your Case

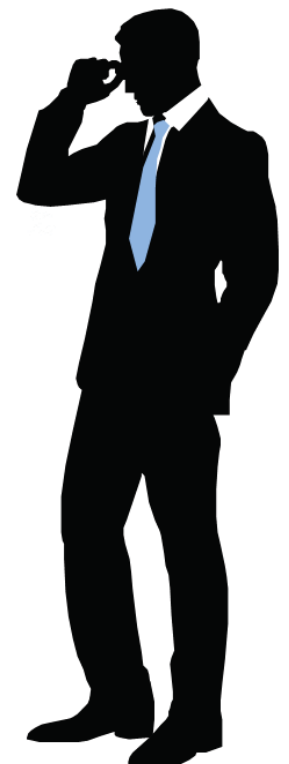
[\(Click to Watch\)](#)

Highlights

- Continuous ordinary residence of not less than 7 years is required
- Any absences in that time to have been of a temporary nature
- You will need to declare that you have taken Hong Kong as your only place of permanent residence
- Apply by seeking to verify your eligibility for a Permanent Identity Card



Discussion



Refusal & Appeal

If your application for the Right of Abode is refused, you may appeal to the Registration of Persons Tribunal under Section 3C of the Registration of Persons Ordinance which deals with appeals made under section 3D(1) of the Ordinance by a person who is aggrieved by a decision of a registration officer not to issue a permanent identity card to him.

Documents & Approach Required

1. A copy of your resume (but not for children and spouse).
2. A full copy all passports held during the previous seven year period.
3. Copies of salaries tax returns for the last seven years (for all adults who have worked).
4. Copy of residential tenancy agreements (for renters) or land registry record of your residence in Hong Kong (for property owners) for the 7 years prior to submitting the application.
5. A testimonial from your current employer stating the length of time you have been employed by them.
6. Any other references you might have from previous Hong Kong employers which state your time of employment with them.
7. Copies of utilities bills, bank and credit card statements and other papers which attest to a consistent period of residence in Hong Kong for the requisite seven years.
8. A copy of your Smart Hong Kong Identity Card.
9. Detailed supporting letter which sets out the chronology of your life in Hong Kong.
10. Statement of Travel Records (HKID Form ID697).

Spouse and dependant children over seven years of age born overseas who have been in continuous residence with you in Hong Kong for a minimum of seven years will 'piggyback' their applications on yours. Children born in Hong Kong during your ordnmaru residence will have their eligibility for a PHKID verified at the same time as their parents so long as applications are made at the same time. The presumption by the HKID is that your dependants will have been resident with you all throughout the 7 years but any further proof you can supply (such as school reports, fees invoices etc) will help tremendously. If your kids have spent time abroad in pursuit of a full time education their continuity of residence for visa purposes will not necessarily be broken but it helps greatly if they have maintained HKSAR dependant visa status throughout the time of their studies outside of Hong Kong. These privileges extend beyond the normal 18 years of age demarcation so long as the period of education was unbroken throughout and 'normal' residence in Hong Kong resumed immediately after the full time course of education overseas was completed.

Other Resources



Discussion



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Right of Abode

- Application forms ROP145/146
- A copy of your resume (but not for children and dependant spouse).
- A full copy all passports held during the previous seven year period.
- Copies of salaries tax returns for the last seven years (for all adults who have worked).
- Copy of residential tenancy agreements (for renters) or land registry record of your residence in Hong Kong (for property owners) for the 7 years prior to submitting the application.
- A testimonial from your current employer stating the length of time you have been employed by them.
- Any other references you might have from previous Hong Kong employers which state your time of employment with them.
- Copies of utilities bills, bank and credit card statements and other papers which attest to a consistent period of residence in Hong Kong for the requisite seven years.
- Hong Kong Identity Card copies for all applicants who hold them.
- Detailed supporting letter which sets out the chronology of your life in Hong Kong.
- Statement of Travel Records (HKID Form ID697) for all applicants.

Spouse and dependant children over seven years of age born overseas who have been in continuous residence with you in Hong Kong for a minimum of seven years will 'piggyback' their applications on yours. Children born in Hong Kong during your ordnmaru residence will have their eligibility for a PHKID verified at the same time as their parents so long as applications are made at the same time. The presumption by the HKID is that your dependants will have been resident with you all throughout the 7 years but any further proof you can supply (such as school reports, fees invoices etc) will help tremendously. If your kids have spent time abroad in pursuit of a full time education their continuity of residence for visa purposes will not necessarily be broken but it helps greatly if they have maintained HKSAR dependant visa status throughout the time of their studies outside of Hong Kong. These privileges extend beyond the normal 18 years of age demarcation so long as the period of education was unbroken throughout and 'normal' residence in Hong Kong resumed immediately after the full time course of education overseas was completed.



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Right of Abode

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