

Policy on Application for Unconditional Stay

Purpose

This note sets out information relating to the revised policy on application for unconditional stay.

Residence requirement for unconditional stay

2. The following categories of non-Hong Kong permanent residents (non-HKPRs) may apply for unconditional stay:

(a) Non-locals admitted for employment or residence (except trainees, students, foreign domestic helpers and imported contract workers); and

(b) Spouses and unmarried dependent children of HKPRs or of persons on unconditional stay.

3. The applicants have to meet specified requirements, including that in relation to length of residence in Hong Kong. Prior to 1983, for applicants under both paragraph 2(a) and (b) above, they had to have resided in Hong Kong for not less than nine years. In 1983, this residence requirement for applicants under paragraph 2(b) was reduced to “not less than three years”¹. The purpose of the change was to facilitate spouses and unmarried dependent children of British Dependent Territories Citizens (BDTCs) to naturalize as BDTCs under the British National Act 1981 for which the status of unconditional stay was an essential requirement. Since this purpose has already been achieved, we consider it inappropriate to maintain the differential treatment for different categories of applicants for unconditional stay. Therefore, in July 2003, we reverted to the original position and the residence requirement for applicants under paragraph 2(b) above was changed from “not less than three years” back to “not less than seven years”. A press release was issued on 30 June 2003 to announce the revised policy.

¹ The residence requirement applicable to applicants under paragraph 2(a) was revised to “not less than seven years” in 1990.

Transitional arrangements

4. The new policy only applies to spouses and unmarried dependent children who enter Hong Kong on or after 1 July 2003 and those who entered Hong Kong before 1 July 2003 but had yet to be eligible for unconditional stay.

Security Bureau
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