

***DRAFT***

**NOTICE**

**G.N. (E) of 1999**

IMMIGRATION ORDINANCE (Chapter 115)

**APPLICATION FOR CERTIFICATE OF ENTITLEMENT**

It is hereby notified that, in exercise of the powers conferred by section 2AB(2)(a) and section 2AC(2)(a) of the Immigration Ordinance (Chapter 115), the Director of Immigration has made the following provisions:—

*Authority to whom an application for a Certificate of Entitlement or certified duplicate is to be made*

- A. An application for a Certificate of Entitlement or certified duplicate by a person who claims to have the right of abode in Hong Kong under paragraph 2(c) of Schedule 1 to the Immigration Ordinance shall be made to the Director of Immigration in the following manner:—
- (i) if he is at the time of application residing in the Mainland of China, through the offices or departments of the Exit-Entry Administration of the Public Security Bureau in the district where he is residing;
  - (ii) if he is at the time of application residing outside China, through the Chinese Embassy or Consulate in the country or territory where he resides or by post to the Director of Immigration direct;
  - (iii) if he is at the time of application residing in the region of Taiwan or Macau, by post to the Director of Immigration direct.
- B. Where a person is at the time of application residing in the Mainland of China, an application for settlement in Hong Kong made to the offices or departments of the Exit-Entry Administration of the Public Security Bureau under the laws in force in the Mainland of China, whether before or after the gazetting of this notice, may be regarded as an application for a Certificate of Entitlement or certified duplicate.

C. For the purposes of making an application for a Certificate of Entitlement or certified duplicate:—

- (i) a person who stays in Hong Kong without the authority of the Director of Immigration after landing in Hong Kong without permission under section 11(1) of the Immigration Ordinance and who was ordinarily resident in the Mainland of China immediately before such landing shall be regarded as residing in the Mainland of China during such stay in Hong Kong; and
- (ii) a person who has been given permission under section 11(1) of the Immigration Ordinance to land in Hong Kong and is subject to the conditions of stay specified in regulation 2(1) or (2) of the Immigration Regulations during his stay after such landing and who was ordinarily resident in the Mainland of China immediately before such landing shall be regarded as residing in the Mainland of China during such stay in Hong Kong.

*General requirements in respect of an application for a Certificate of Entitlement or a certified duplicate*

D. An application shall be made in writing and shall state the name, sex, address, the date and place of birth and the place of residence of the person (the applicant) claiming to have the right of abode in Hong Kong under paragraph 2(c) of Schedule 1 to the Immigration Ordinance.

E. An application shall contain information that:—

- (i) the applicant is of Chinese nationality;
- (ii) the applicant was born outside Hong Kong before or after the establishment of the Hong Kong Special Administrative Region to a parent who, at the time of birth of the applicant, was a Chinese citizen falling within paragraph 2(a) or (b) of Schedule 1 to the Immigration Ordinance; and
- (iii) the names, Hong Kong identity card number (if any), dates of birth, places of birth, date and place of marriage (if any) of the applicant's parents.

F. The information and particulars furnished in an application must be true and correct.

G. This notice supersedes the previous notice published under section 2AB(2)(a) and section 2AC(2)(a) of the Immigration Ordinance on 11 July 1997 in the Gazette as Government Notice (Extraordinary) 21 of 1997.

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