

For information

LegCo Panel on Security

**Immigration policy and procedures
in respect of applications for visit visas/entry permits**

Purpose

This paper provides information on the Government's immigration policy and procedures in respect of applications for visit visas/entry permits.

Details

2. Section 61(1) of the Immigration Ordinance provides that a travel document shall not be valid for the purposes of the Ordinance unless it bears a visa which was issued by or on behalf of the Director of Immigration and is in force on the date on which the person to whom the travel document relates arrives in Hong Kong.

3. Section 61(2) of the same Ordinance empowers the Director to exempt any person or any class or description of persons from section 61(1). Persons who have not been exempted require visas/entry permits to enter Hong Kong.

4. Under existing policy, applications for visa/entry permit (including those from Taiwan residents) are determined on individual merits and may be approved if the applicant satisfies normal immigration requirements which include but are not limited to the following:

- (a) there is no security objection to and no known adverse record on the applicant;
- (b) the applicant has re-entry facilities to his place of residence;
- (c) the applicant is in possession of sufficient funds for the proposed stay;
and
- (d) the genuineness of the applicant's visit is not in doubt.

5. In considering an application, the Director of Immigration will take into account all relevant factors and circumstances pertaining to the case before making a decision. In particular, the Director will consider whether allowing the entry of the person concerned is in the public interest. For example, whether the applicant's presence in HKSAR is undesirable or whether his presence would prejudice the Region's interests or its relations with other Governments.

6. The exercise of discretionary powers by Immigration authorities to refuse a visit visa/entry permit application where circumstances so warrant is not unique to Hong Kong. In processing an application, it is incumbent upon the Director to have regard to, among other things, the prevailing circumstances surrounding the application. The refusal of an application from an applicant on a particular occasion does not preclude favourable consideration of a future application by the same applicant. Conversely, the approval of an application from an applicant on a particular occasion does not mean that a future application from the same applicant on another occasion will be approved. Different circumstances merit different consideration.

Security Bureau
January 2005