

## Visa to Join Your Heterosexual/Same-Sex Spouse or Your Parents in Hong Kong

VisaGeeza.Ai

### **Married Partner and/or Children Outside Hong Kong Now & Wanting To Live Here Full-Time With A Hong Kong Resident Spouse/Parent?**

If you're a legally married couple (heterosexual or same sex) or have otherwise celebrated a Civil Partnership in any jurisdiction which avails this type of family relationship registration and have dependent children who are unmarried and under the age of 18 you can get the golden ticket of a legal dependant visa for the sponsored spouse which gives excellent visa permissions in the HKSAR. The criteria for approval of a dependant visa for Hong Kong depend on the relationship of the applicant with the visa sponsor, who must be a Hong Kong permanent resident or a foreigner who has been granted the right to work, live or study in Hong Kong.

The documentary requirements for a dependant visa include:

- Relationship: The applicant must be the legal spouse or unmarried dependent child (under the age of 18) of the visa sponsor.

- **Genuine:** The relationship must be between genuine, committed life partners and not exist for the convenience nor mere purpose of visa permissions.
- **Financial Support:** The visa sponsor must demonstrate the ability to provide financial support for the dependent(s) during their stay in Hong Kong.
- **Accommodation:** The visa sponsor must provide proof of / possession of the means for adequate accommodation for the dependent(s) in Hong Kong.
- **Good Character:** Both the visa sponsor and the dependents must have a clean criminal record and be of good character.
- **Valid Travel Documents:** The dependent(s) must possess valid travel documents.

Non-permanent residents do not have the legal standing to be able to sponsor elderly dependant parents for dependant visas, although if the sponsor holds the right of abode, the right to land or unconditional stay these people do. In such instance the parent but aged 60 or above and proof of dependency must be adduced during the application process. This usually means evidence of money transfers in the three months immediately prior to submission of the application for the dependant visa.

Essentially, therefore, the criteria for approval in this type of application is the sponsor needs to demonstrate they can put a roof over their head of their dependents and they can put food on the table of their dependents, namely, the sponsor is able to support the dependant's living at a standard well above the subsistence level and provide him/her with suitable accommodation in the HKSAR. Family reunion is a secondary, yet, relevant part of the application consideration process but dependency is the primary requirement for approval.

Successful applicants are permitted to engage in any lawful activity in Hong Kong and are eligible for a Hong Kong Identity Card. However, dependents of student visa holders are not lawfully employable and need separate work permissions if they intend to take up employment in Hong Kong. These cases tend to be merely administrative in nature. Once you have been able to establish the legal family connections through birth, marriage and/or civil partnership certificates and can show proof of income, at least a modest bank balance, copies of your tenancy agreement/property ownership certificates and proof that you are a genuine family, the applications are approved with little fuss. Problems can emerge where the official certifications are not in either English or Chinese and thus official translations issued by the consulate of the issuing country will be required.

You can apply for dependent visas either as part of the sponsor's principal application (if you are applying for an employment visa, Admission of Mainland Talents, non-local graduates, training, study, business investment visa) or Top Talent Pass Scheme visa or as a stand alone application. If the former, you include the details of your dependents on the principal application form, if the latter on form ID997.

Applications can be submitted via the Receipt & Dispatch counter of the Immigration Department, online via the Immigration Department online submission portal, by post or in person, for those who are visitors to Hong Kong as part of a change of status application, and for those who are currently resident as part of change of category application.

The process of approval entails the issue of a QR code Approval Letter devolving dependant visa status which will require activation after approval. Generally, dependant visas are activated by entering Hong

Kong presenting this QR code Approval Letter to the Immigration Officer along with your passport via the Residents counter. On the other hand, if you are converting from, say employment visa to dependant visa, there will be no need to exit Hong Kong and re-entering to activate the new dependant status as ImmD will activate automatically onshore at the point of QR code Approval Letter issue (after payment of the official ImmD fee). However, it is best to check the specific activation protocol in play if you are a current resident converting into dependant status. The rules can change from time to time.

The period of stay granted will mirror exactly that which your sponsor holds (non-permanent resident sponsors) and one year in the first instance for PR sponsors which are the subsequently extended for 3 years each time, assuming the bona fides of the sponsorship remain in-tact. If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration.

If you are a visitor seeking to change your status, ImmD will not afford you an extension to your current period of stay during the Reconsideration process.

Documents required for the application include:

- (1) Application forms fully completed and executed by both the applicant and sponsor.
- (2) 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.
- (3) A letter from the sponsor's employer/company in Hong Kong and/or a copy of the Employment.
- (4) Contract showing the sponsor's financial package.
- (5) Copy of current residential tenancy agreement in Hong Kong where the family will live (or proof of ownership).
- (6) 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 the family.
- (7) Family photos evidencing the sponsor and the applicant(s)' relationship.
- (8) Copies of birth (where applicable for dependant children), marriage and/or civil partnership certificates.
- (9) Copy of passports details page of both the sponsor and the applicant(s).
- (10) Copy of the sponsor's Hong Kong Identity Card, if any.
- (11) Documents indicating the sponsor and the applicant(s) were living together overseas prior to their arrival in Hong Kong (e.g. phone bills, bank statements/other utility bills, letters addressed to the same address to both of the sponsor and the applicant separately), if applicable. Hong Kong Immigration Department form ID997 is used. The application form itself is fairly straightforward, with only four sections requiring specific commentary. And these are period of stay details of the sponsoring family member.

The section on the sponsors family background, and the declarations for all concerned when completing the section in relation to your proposed date of entry, it's advisable to state a date up to at least one month away, but preferably two to three months hence, propose proposed duration of stay if you don't have a fixed time in mind or indeed planned simply state indefinite at your discretion. In the section on page two

detailing responses particulars, the exact details of his or her current immigration status, along with the requisite Hong Kong ID reference, if available, will help some of the application along swiftly and efficiently. In the segments of the form ID 997, the Immigration Department are seeking to build up the family record of a Hong Kong resident by requesting information on the sponsors, father, mother, spouse and children. In all cases, information on the nominated family members alive or dead no matter where they are residing is required. And in providing this information to the Hong Kong ID, the sponsor must detail each of his or her family members sex, date of birth, marital status, where they currently live, and the Hong Kong ID Card number, if any. If the application form has been completed in relation to a child who is under 16 years of age, the parent or legal guardian must sign and declare on their behalf ticking off the relevant boxes in A, B, and C. and elsewhere throughout the form, principally at the bottom of pages one and two, the applicant and our parent or legal guardian of a child under 16 needs to sign and attest to the completeness, correctness and truth of the information included with a sponsor signing the sponsor statement and Declaration on page four of the form where he or she undertakes to bear responsibility for the cost of repatriation of the sponsor dependent in the event that their residence in Hong Kong goes awry for any reason.

Please note that the fact of you being in Hong Kong as a visitor does not in any way enhance or detract from the consideration exercise in the grant of dependant visas. Moreover, your spouse is not permitted to work nor children attend school until and unless their visa applications have been approved and their dependant status activated. It normally takes ImmD 6 weeks to finalize family dependant visa applications and the mere fact of you being in Hong Kong while they are processing your application doesn't avail an automatic right to an extension of your present limit of stay as a visitor. You will thus need to arrange a means to extend your visitor permissions if they are going to expire before your approval comes through. Do not be tempted to overstay under any circumstances. You can apply at the Immigration Department directly for an extension but they generally do not encourage this as it involves a lot of time and resources for them to manually process an extension of stay. Generally, they prefer that you exit and re-enter Hong Kong if you need to stay compliant. You can do this via same-day IN/OUT to Macau or Shenzhen easily enough (assuming you have a visa for China). Be sure to take proof of your substantive visa application reference number with you if you undertake the 'Shenzhen Shuttle' in this fashion. The ImmD Officer at the point of arrival back in Hong Kong might want to see this if you tell him the reason for your 'double back' is to secure a defacto extension to your visitor permissions until your main application(s) have been approved.

**\*\* Resources Follow \*\***

<b>Useful Resource 1</b>	<a href="#">Legal Dependants</a>
<b>Useful Resource 2</b>	<a href="#">Dependant Visa Proof of Means</a>
<b>Useful Resource 3</b>	<a href="#">Children Born in Hong Kong to Foreign Domestic Helpers</a>
<b>Useful Resource 4</b>	<a href="#">Dependant Visa Once You Have Baby's Passport</a>
<b>Hong Kong Visa Handbook Contents</b>	
<a href="#">Visa Information</a>	
<a href="#">Application Plan</a>	
<a href="#">Preparing Your Case</a>	
<a href="#">Pre-submission Checklist</a>	
<a href="#">Checklist Discussion</a>	
<a href="#">Application Templates</a>	
<a href="#">Online Forms</a>	
<a href="#">Completing The Forms</a>	
<a href="#">How To Apply</a>	
<a href="#">Quick Summary</a>	
<a href="#">Podcast Discussion</a>	