

FAMILY VISAS



## Visa to Join Your Hong Kong Resident Defacto Spouse

VisaGeeza Ai

### Unmarried Defacto Spouse Outside Of Hong Kong & Wanting To Live Full Time With Your Partner In Hong Kong?

In Hong Kong, when it comes to the issuance of dependent visas, the government only recognizes traditional legal (married/Civil-Partnered) dependents, such as heterosexual/same-sex spouses and unmarried children under the age of 18.

Consequently, cohabiting partners who do not fit into these categories need to find alternative solutions in order to reside in Hong Kong with their partners. If you are in this situation and do not qualify for other visa categories on your own, you might consider applying for a prolonged visitor visa. This type of visa, which we have coined a "slippers and pipe" visa, allows the holder to remain in Hong Kong for an extended period of time as a visitor. However, it does not provide permission to work, join or establish a business, or undertake a formal course of study.

Unmarried children of the defacto relationship under the age of 18 will still be treated as legal dependents and, therefore, will be able to secure dependent visas. In order to be eligible for a prolonged visitor visa, you must both be free to legally marry but for the moment choose not to. You must demonstrate that you had a pre-existing relationship with your partner before coming to Hong Kong, as well as the financial capacity of the sponsoring partner to support you while you reside in the territory. This type of application requires detailed documentation and an explanatory narrative as to the extent of the pre-existence of the relationship and the financial ability of the sponsoring partner to fund the prolonged visit to Hong Kong. It is essential to provide detailed financial information on both partners, setting out the mutual means of support. The Hong Kong Immigration Department (ImmD) is concerned that prolonged visitor visa holders might engage in activities not commensurate with permitted activity (i.e., a temptation to work or join in a business illegally), so the financial aspects of the application are critical. This includes proof of income, assets, and other financial resources that demonstrate the sponsoring partner's capacity to support the sponsored partner during their stay in Hong Kong.

In cases where the relationship has only commenced after arrival in Hong Kong, the application process can be more challenging, and approval may be more difficult to obtain. In such situations, it is essential to provide strong evidence of the genuineness of the relationship, such as shared living arrangements, joint financial commitments, or other documentation that supports the claim of a genuine partnership. Children of the relationship are obviously strong evidence of its genuine nature.

To apply for a prolonged visitor visa, you must submit your application together with all the supporting documentation to the Visitors section at Immigration Tower. Please note that the application will not be decided "on the spot" and can take between 2 to 4 months for the final outcome to be notified. During this time, the applicant may be contacted by the examining officer via fax, phone, email, or postal mail for further information or clarification.

If the applicant's current period of stay is set to expire while the ImmD is formally considering the application, an interim extension to the current period of stay will not be available to allow the applicant to remain in Hong Kong pending determination of the outcome. Consequently, ongoing visitor status will need to be managed separately. Once you are notified of the approval, you will be asked to visit the Visitors section of the Immigration Tower for prolonged visitor visa issuance, which is usually granted for six months in the first instance. Extensions will be granted routinely (upon application).

Prolonged visitor visas tend to be issued on a multiple-entry basis so that your prolonged visitor visa consents are not canceled when you leave Hong Kong temporarily during the 6-month validity - meaning that upon your return to the HKSAR, the examining officer will grant you a period of stay with an expiry date of six months after the date of the original approval. It is important to note that there is no right or process to appeal the refusal of a prolonged visitor visa application. In case of refusal, you may consider reapplying by providing additional supporting documents or addressing the concerns raised by the ImmD.

When applying for a prolonged visitor visa in Hong Kong, ensure that you and your sponsor complete and submit the necessary application, family background, and sponsorship forms. Include a declaration letter from the applicant stating they will not work, join a business, or study while holding this visa status, and a confirmation letter from the sponsor stating they will support the applicant financially. Provide a letter detailing the relationship between the applicant and sponsor, as well as a letter from the sponsor's employer or a copy of their employment contract showing their financial package. Submit a copy of the current residential tenancy agreement or proof of ownership for where the couple will live, along with

bank statements or other financial documents for both partners from the past three months. Attach original photos demonstrating the long-term relationship, the passports of both the sponsor and applicant, a copy of the sponsor's Hong Kong Identity Card, and letters or other communications from friends or acquaintances in Hong Kong and overseas confirming the relationship's authenticity. Lastly, include documents that show the couple's cohabitation overseas before arriving in Hong Kong, such as phone bills, bank statements, utility bills, or letters addressed to both parties at the same address. 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.

<b>Useful Resource 1</b>	<a href="#">Legal Dependants</a>
<b>Useful Resource 2</b>	<a href="#">Visa For Unmarried Life Partners</a>
<b>Useful Resource 3</b>	<a href="#">Same Sex Partner Equality</a>
<b>Useful Resource 4</b>	<a href="#">You Could Marry But Choose Not To</a>
<b>Hong Kong Visa Handbook Contents</b>	
	<a href="#">Visa Information</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>