

# Permanent Residency After 7 Years Continuous Ordinary Residence in the HKSAR

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## 7 Year Resident Of Hong Kong & Intending To Live Here Permanently?

The Right of Abode (RoA) is a crucial immigration status for long-stay foreign nationals in Hong Kong who are not Chinese citizens. It provides them with permanent residency rights, allowing them to live and work in Hong Kong without any restrictions. This excludes Foreign Domestic Helpers and persons admitted under the Supplementary Labour Scheme, who are not eligible for the Right of Abode.

The test for approval is: You need to have been continuously and ordinarily resident in Hong Kong for a period of not less than seven years where absences from Hong Kong in that time - be they of long or short duration - are of a merely temporary nature as evidenced by what you leave behind in Hong Kong to return back to at the end of each temporary stay abroad. You need to have held back-to-back residence visas throughout the seven years claimed as ordinary residence in HK; must be no security objection to being granted the Right of Abode; must be no outstanding taxation liabilities in your hands in Hong Kong at the time that you're applying for Right of Abode. And you need to have been in Hong Kong for a settled purpose. Your settled purpose is a function of the visa type that you hold. And your settled purpose is investment / work in Hong Kong.

The anchor documents are:

- (1) Personal tax filings in Hong Kong
- (2) Any MPF contributions made throughout the 7 years (if working in Hong Kong)
- (3) Proof of any habitual place of residence in HK
- (4) Acceptable explanation for very lengthy absences.

Structuring Your Argument: To strengthen your application for the Right of Abode, you need to address the following challenges:

(5) Arguing Away Missing Residence: If you have had absences from Hong Kong for more than six months during your seven-year continuous residence period, you will need to provide proof that your intention was to depart only temporarily. This can be done by providing evidence of your ties to Hong Kong and reasons for your absence, such as work assignments or family obligations.

(6) Third Country Permanent Residence: If you hold permanent residence in a third country, not being the country of your current passport, you need to demonstrate that you have taken concrete steps (via intention and conduct) to make Hong Kong your only place of permanent residence. While the Immigration Department may take a liberal interpretation of the judge's words, it is prudent to downplay the fact of any third-country permanent residence when declaring Hong Kong as your current and only place of permanent residence.

How to Apply: To apply for the Right of Abode, you must submit form ROP145 to the Immigration Department at Immigration HQ via the Right of Abode section, along with the completed declaration on Form ROP146. Alternatively, you can initiate your application online via the dedicated online submission process. You must be physically present in Hong Kong on the date your application is submitted and you must be holding a residence visa at that time.

The 7 years of ordinary residence needs to have fully accrued in order for the Immigration Department to positively finalize your eligibility. Approval Formalities: Once your eligibility for a permanent identity card has been verified, your condition of stay in Hong Kong will be canceled. You will then be asked to attend the Registration of Persons Office to apply for a Hong Kong permanent identity card. Children under 11 years of age will receive an endorsement in their passport stating that their eligibility for a permanent identity card is verified; approved children over 11 must apply for a PHKID in their own right.

Refusal & Appeal. If your application for the Right of Abode is refused, you have the right to appeal the decision to the Registration of Persons Tribunal. This tribunal deals with appeals made under section 3D (1) of the Registration of Persons Ordinance by persons who are aggrieved by a decision of a registration officer not to issue a permanent identity card to them. Children born in Hong Kong to an adult subsequently acquiring PR secures PR automatically. Children not born in Hong Kong need to have held dependant visas and otherwise been ordinarily resident in Hong Kong for a full 7 years in order to qualify. It is vital to ensure you have a valid limit of stay under your current residence visa permissions when you apply for PR to avoid any complications in your application so please arrange any extensions you might need before applying.

<b>Useful Resource 1</b>	<a href="#">10 Must-Have Resources for a Successful PR Application</a>
<b>Useful Resource 2</b>	<a href="#">‘Ordinary Residence’ for the Purposes of RoA</a>
<b>Useful Resource 3</b>	<a href="#">How to Apply for the Right of Abode in Hong Kong</a>
<b>Useful Resource 4</b>	<a href="#">How to Appeal a Refused RoA Application</a>
<b>Hong Kong Visa Handbook Contents</b>	
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