

LONG STAY FOREIGN NATIONALS



Residence in Hong Kong With No Conditions Attached

(not entirely true)

VisaGeeza .Ai

7 Year Resident Of Hong Kong But Not Planning To Live Here Permanently?

Unconditional stay status is a significant consideration for long-term foreign national residents in Hong Kong who, for various reasons, have not taken Hong Kong as their sole place of permanent residence and cannot declare it as such for the purpose of acquiring permanent residency. This status serves as an administrative convenience, granting foreign nationals certain benefits, but it is not equivalent to permanent residence or the right of abode. The rationale behind unconditional stay status lies in the idea that after an extended period of trouble-free residence, an individual should be allowed to escape the grip of the Hong Kong Immigration Department regarding the reason for remaining in Hong Kong and the duration of their stay in the territory.

However, it is important to understand that this status is merely an administrative convenience and not the same as permanent residence, also known as the right of abode. In order to qualify for unconditional stay status, an individual must have seven years of continuous ordinary residence in Hong Kong and hold a qualifying visa throughout this period. This requirement excludes individuals such as foreign domestic

helpers and those admitted under the supplementary labor scheme, as they are not eligible for this status. Ensuring continuous residence during these seven years is crucial; any absence from Hong Kong exceeding six months must be justified based on the individual's intention when departing the territory. The primary benefit of obtaining unconditional stay status is the increased flexibility it provides in terms of permitted activities and the duration of stay in Hong Kong.

Effectively, this status takes an individual out of the clutches of the Immigration Department, allowing them to live and work in the territory without worrying about visa restrictions. However, it is essential to note that there is one condition that must be met: the individual must be physically present in Hong Kong at least once in any given 12-month period. Failure to meet this condition will result in the loss of unconditional stay status, and the individual will need to reapply to the Immigration Department for a visa to remain in Hong Kong and carry out their previous activities. This process can be time-consuming and may require the applicant to provide additional documentation to demonstrate their eligibility for unconditional stay status. To successfully apply for unconditional stay status, you must apply in person at Immigration HQ Other Visas & Permits Section.

It is crucial to review and follow the visa information document (link below). This resource outlines each of the essential elements of a successful Hong Kong visa application and provides in-context links to all necessary resources for preparing the application. By adhering to these guidelines and demonstrating a strong case for unconditional stay status, long-term foreign national residents can enjoy the benefits of this unique immigration status while maintaining their connections to Hong Kong. The process of applying for unconditional stay status may seem daunting, but it is essential for long-term foreign national residents to understand their rights and responsibilities under Hong Kong's immigration policies. By familiarizing themselves with the requirements for unconditional stay status and taking the necessary steps to maintain continuous residence in the territory, individuals can ensure that they remain eligible for this valuable immigration status.

Unconditional stay status is therefore a crucial aspect of Hong Kong's immigration policy for long-term foreign national residents who have not made Hong Kong their only place of permanent residence. By meeting the requirements for continuous ordinary residence and holding a qualifying visa, these individuals can enjoy the benefits of this status, including increased flexibility in permitted activities and duration of stay. However, maintaining physical presence in Hong Kong at least once in any 12-month period is crucial to retaining this status, and failure to do so will result in the need to reapply for a new visa. Ultimately, understanding the nuances of unconditional stay status and adhering to the requirements set forth by the Hong Kong Immigration Department can help long-term foreign national residents navigate the complexities of the territory's immigration policies and ensure a smooth transition through the various stages of their residency in Hong Kong.

To apply for this status you submit an application form ID91 for each applicant to the Extension Section of Immigration HQ, along with a copy of your resume (excluding children and dependent spouse), full copies of all passports held during the previous seven-year period, copies of salary tax returns for the last seven years (for all working adults), residential tenancy agreements (for renters) or land registry records (for property owners) for the seven years prior to submitting the application, a testimonial from your current employer stating the length of time you have been employed by them, any other references from previous Hong Kong employers, copies of utility bills, bank and credit card statements, and other documents attesting to a consistent period of residence in Hong Kong for the requisite seven years, Hong Kong Identity

Card copies for all applicants who have them, a detailed supporting letter outlining the chronology of your life in Hong Kong, a Statement of Travel Records (HKID Form ID 697) for each applicant.

Spouses and dependent children over seven years of age with continuous residence in Hong Kong for a minimum of seven years can piggyback their applications on yours. Provide additional proof such as school reports and fees invoices to support their long terms residency in Hong Kong. If children have spent time abroad for full-time education, their continuity of residence may not be broken if they have maintained HKSAR dependent visa status throughout their studies and resumed normal residence in Hong Kong immediately after completing their full-time course of education overseas.

It is vital to ensure you have a valid limit of stay under your current residence visa permissions when you apply for Unconditional Stay so please arrange any extensions you might need before applying. Maintain the Status Quo The Ultimate Guide to Unconditional Stay in Hong Kong

Useful Resource 1	Maintaining the Status Quo
Useful Resource 2	‘Ordinary Residence’ for the Purposes of RoA
Useful Resource 3	The Ultimate Guide to Unconditional Stay in Hong Kong
Useful Resource 4	How to Apply for Unconditional Stay
Hong Kong Visa Handbook Contents	
Visa Information	
Application Plan	
Preparing Your Case	
Pre-submission Checklist	
Checklist Discussion	
Application Templates	
Online Forms	
Completing The Forms	
How To Apply	
Consultation	
Quick Summary	
Podcast Discussion	