

Employment Visas for Chinese Nationals Resident on the Mainland

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Chinese National Now Resident in China & Considering The Admission of Mainland Talents & Professionals Scheme?

Employment visas in Hong Kong are issued to Chinese national professionals and talents under the Admission of Mainland Talents & Professionals Scheme (“ASMP”) of the Immigration Department.

If an applicant successfully obtains an ASMP visa, they can bring their legal spouse and any children under the age of 18 as dependents. To be eligible for an ASMP visa, the applicant must meet several requirements. They should have a good educational background, typically a bachelor's degree and at least two years of post-graduation work experience in a managerial or supervisory role. In certain cases, the Immigration Department may accept good technical qualifications, fully documented and proven professional abilities, and extensive relevant work experience instead of a formal university education.

The applicant must also possess special skills, knowledge, or experience that are valued in Hong Kong and not readily available within the local workforce. They should be of good character, and the compensation

package for the job, including income, accommodation, medical, and other fringe benefits, must be broadly commensurate with market rates.

The employing enterprise must be deemed a suitable and credible ASMTP visa sponsor by the Immigration Department. This means the company should be well established, have a properly set up office, and already employ Hong Kong locals. Various documents are required for both the employer and employee in an ASMTP visa application. If the annual salary for the offered position is HK\$2 million or above or if the work nature is included in the Talent List published by the Hong Kong Immigration Department, the employer is not required to provide proof of difficulties in local recruitment before making the application.

Generally, it takes between four and six weeks for an ASMTP visa application to be finalized by the Immigration Department. The applicant must not be physically present in Hong Kong on the day the ASMTP application is formally submitted at the Immigration Department and if in Hong Kong subsequently as a visitor under no circumstances should the applicant begin their ASMTP duties until the visa application is approved. There are no exceptions to this rule.

Visas for dependents will be issued at the same time as the ASMTP visa, as long as the marriage or civil partnership is certified and the children are the biological or adopted offspring of at least one of the parents. Dependent visa holders are permitted to work, establish or join a business, or study without requiring further permissions from the Immigration Department. To ensure a successful application, the applicant must satisfy the Approvability Test. This involves demonstrating that they possess special skills, knowledge, or experience of value to Hong Kong and that their employer can justify engaging the services of an expatriate Chinese staff member.

Applications generally fall into three categories:

1. Chinese intra-company transferees, locally recruited Chinese expats, or Chinese talents specifically recruited from China for the role. Each category requires a different approach in presenting the case for an ASMTP visa approval. These cases are usually administrative in nature, with minimal need for substantive argument. However, it is crucial to clearly outline how the applicant meets the approvability test requirements, as this can speed up the approval process.
2. Locally recruited Chinese national talent or professional: For applicants who have resided in Hong Kong for more than a few years and are changing jobs within the same industry to a different employer, the process is mainly administrative. However, if they have only a modest period of prior residence under an ASMTP visa or have only just recently had an ASMTP visa approved the case must be thoroughly argued.
3. Non-local Chinese national talents and professionals specifically recruited from China: These cases require meticulous preparation and presentation. The applicant must demonstrate how their skills, knowledge, and experience will benefit Hong Kong, especially if the hiring company is newly established or not particularly sizable. The Hong Kong Immigration Department is cautious about direct recruitment from China under ASMTP seeking to bypass opportunities for locals to undertake this work, so the case must be suitably presented and correctly argued. The more senior the role, the easier it is to anticipate approval.

To ensure the best possible chance of approval, a strong case argument must be developed. Good arguments are derived from a careful application of the applicant's individual circumstances, considering the context of the job offer and the specific needs of the proposed employer's business. Additionally, the applicant's unique skills must be interwoven throughout the argument. When articulating the argument,

the applicant must address several key points, such as their educational background, the genuine job vacancy, the confirmed offer of employment, and the relevance of the job to their qualifications or working experience. It is also crucial to demonstrate that the job cannot be readily taken up by the local workforce and that the remuneration package is broadly commensurate with the prevailing market level for professionals in Hong Kong.

The application can be submitted to the Immigration Department HQ either online or in person at the Receipt & Dispatch Unit or via the Quality Migrants and Mainland Residents Section if the applicant is already a Hong Kong resident and seeking to change their current ASMTP visa employer and sponsorship. Once the application is submitted, the consideration process will play out via email, fax, or occasionally by post.

Processing time usually takes 4-6 weeks but can be longer in more complex cases. It is rare for a case, unless it is an intra-company transferee type, to be approved without some dialogue with the Immigration Department. They may raise questions and request further information, which should be submitted within 14 days. The Immigration Department is generally flexible, providing enough time for the applicant to respond. These requests for additional information can provide valuable insights into the Immigration Department's attitude toward the case. It is essential to ensure that the Approvability Test is thoroughly addressed in the materials submitted in response to these requests, as they should carry forward the applicant's substantive argument for approval. Once the application is approved, the Immigration Department will send a notice of the positive outcome and invite the applicant to complete the approval formalities, which will differ depending on how the application was submitted.

Documents required include:

- Application form ID990A (applicant/employee),
- ID990B (employer/sponsor),
- Marriage certificate,
- Birth certificate (children),
- Recent Passport photographs (all family members),
- Copy Exit-Entry (to the HKSAR) Permit (all family members),
- Copy up-to-date CV (applicant/employee),
- Photocopy of all graduation certificates/proof of academic qualifications (applicant/employee),
- Copies of prior employment references and testimonials (applicant/employee),
- Copy letter of endorsement from the applicant's present working unit on the mainland,
- Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term,
- Copy Business Registration Certificate,
- Copy of latest audited financial report and/or management accounts,
- Copy latest profits tax return to the Commissioner for Inland Revenue,
- Copy of the most recent Annual Return filed with the Registrar of Companies (FORM NAR1), along with Companies Registry FORM ND2A (Notification of Changes of Secretary and Directors) if applicable, and FORM NSC1 (Return of Allotments),
- Detailed letter introducing the company, its business and list of staff (including HKIDs),
- Company Brochure (and/or "Company Profile "), sales publications, press articles and any similar promotional type materials, which verify the business type of the company,

- General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.,
- Office tenancy agreement copy.

Please ensure the supporting family documents are in the correct state of preparation. High quality scan marriage and birth certificates need to be in English or Chinese or otherwise provided as official certified translations. If children are soon to turn 18 years of age, their eligibility to qualify for the visa will end when they reach majority age (although once issued, such visas can be readily extended after the child reaches 18). Moreover, any such children included in the application must be unmarried and self-evidently still dependant on the sponsoring parent. Step children qualify for visas but the consent of the second biological parent might well be required in writing as part of the visa approval process.

In conclusion, obtaining an ASMTP visa in Hong Kong requires meeting specific criteria and presenting a strong case argument that demonstrates the applicant's value and the need for their unique skills in Hong Kong. By carefully considering the applicant's individual circumstances, the job offer context, and the proposed employer's business needs, the applicant can maximize their chances of a successful application. Dependant visas for qualifying accompanying family members are issued as a matter of course. Please note upon approval all family members will need to have their Exit-Entry (HKSAR) Permits endorsed for residence by the Public Security Bureau in their home town in China.

Useful Resource 1	AMTPS Application
Useful Resource 2	List of Documents
Useful Resource 3	AMTPS With Family
Useful Resource 4	Documents From Applicant With Family
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	
Apply Online	
Visa Extension	
Quick Summary	
Podcast Discussion	