

Employment Visas for Chinese Nationals Resident in Hong Kong

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Chinese National Now Resident in Hong Kong & Seeking to Change Employers Under the Admission of Mainland Talents & Professionals Scheme?

To be eligible for an ASMTP change of employer, the applicant must meet several requirements. They should have a good educational background relevant to the new role in question. The applicant must also possess special skills, knowledge, or experience specific to the new role which are not otherwise readily available within the local workforce.

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 change of employer 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 change of employer application to be finalized by the Immigration Department. Under no circumstances should the applicant begin their duties with the new employer until the application to ImmD is approved. There are no exceptions to this rule. 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. ImmD 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, if an extension to the limit of stay is required.

Documents required include:

- Application forms ID91 & ID990A (applicant/employee),
- ID990B (employer/sponsor),
- 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 Engagement or Contract of Employment detailing information about the post, emolument and term.

Unless the employer has an visa approved by ImmD in the previous 24 months, the following documents will need to be submitted:

- Copy Business Registration Certificate (in all instances),
- 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.

Dependant visas are not impacted during an ASMTP change of employer application. If your current limit of stay is set to expire after you have submitted your application to change employer and extend your limits of stay you may find yourself in the Twilight Zone prior to final approval of your application. The Twilight Zone refers to the period when an individual's residence visa in Hong Kong has expired and they are waiting for their application for an extension to or change of visa employer for an ASMTP visa to be processed by the Immigration Department. During this time, the individual does not have a valid period of stay endorsed in any official ImmD document, but they are allowed to remain in Hong Kong with the tacit consent of the Department. The Twilight Zone ends when the Immigration Department grants the new status and extension to the individual's current limit of stay, but being in this situation does not break the continuity of ordinary residence for the purposes of a right of abode application subsequently.

Useful Resource 1	Video and Infographic
Useful Resource 2	Application Plan
Useful Resource 3	Change of AMTPS Checklist
Useful Resource 4	Assessment Tool
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	