

# Indefinite leave to remain (ILR): Legal advice Session

永久居留許可（ILR）：法律專題講座

All information has been translated into Chinese. If there is any inconsistency or ambiguity between the English version and the Chinese version, the English version shall prevail.

所有資料已被翻譯成中文。若英文版與中文版有任何不一致或歧義，概以英文版為準。

## Validity requirements for Settlement on the Hong Kong BN(O) route

- HK 55.1. A person applying for settlement on the Hong Kong BN(O) route must apply online on the gov.uk website on the specified form as follows:
- 以香港 BN(O) 簽證途徑申請定居的人必須使用以下指定表格在 gov.uk 網站上申請永久居留：

**Applicant** 申請人

**Specified form** 指定表格

---

– All applicants 所有申請人

• Set (O) form

---

## Validity requirements for Settlement on the Hong Kong BN(O) route

HK 55.2. An application for settlement on the Hong Kong BN(O) route must meet all the following requirements:

1. (a) any fee must have been paid; and
2. (b) the applicant must have provided any required biometrics; and
3. (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality;
4. (d) the applicant must have, or have last had, permission on the Hong Kong BN(O) route; and
5. (e) the applicant must be in the UK.

HK55.2。香港 BN(O) 簽證的永居申請必須符合以下所有要求：

1. (a) 必須已支付所有費用；和
2. (b) 申請人必須提供任何所需的生物特徵；和
3. (c) 申請人必須提供能證明其身份和國籍的護照或其他旅行證件；
4. (d) 申請人必須獲准或曾獲准使用香港 BN(O)簽證；和
5. (e) 申請人必須在英國。

## Validity requirements for Settlement on the Hong Kong BN(O) route

**HK 55.3. An application which does not meet the validity requirements for settlement on the BN(O) route is invalid and may be rejected and not considered.**

HK55.3。不符合 BN(O) 永居途徑的有效條件，則申請無效，可能會被拒絕，不予考慮。

## Suitability requirements for Settlement on the Hong Kong BN(O) route

**HK 56.1. The applicant must not fall for refusal under Part 9: grounds for refusal.**

**HK 56.2. The applicant must not be:**

1. (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded;  
or
2. (b) on immigration bail.

HK56.1。申請人不得因（移民規則）第9部分：拒絕理由而被拒絕。

HK56.2。申請人不得：

1. (a) 違反移民法，除非第39E段適用，逾期居留期限將被忽略；或者
2. (b) 在入境(羈留)保釋期內提交由請。

## Relationship requirement as a dependent child on the Hong Kong BN(O) route

- HK 57.1. Where the applicant is under 18 on the date of application the additional requirements in HK 57.2. to HK 57.4. must be met.
- HK 57.2. The applicant must have last been granted permission as a dependent child on the Hong Kong BN(O) route.

### 1.HK 57.3 The applicant's parent must:

1. (a) at the same time, be being granted settlement on the Hong Kong BN(O) route; or
2. (b) be settled or a British citizen.

HK57.1。如果申請人在申請日未滿 18 歲，則必須滿足HK 57.2至 HK57.4的附加要求。

HK57.2。申請人最終必須以受撫養子女獲批香港 BN(O) 簽證。

HK 57.3 申請人的父或母必須：

1. (a) 與受撫養子女同時，獲准以香港 BN(O) 簽證在英國定居；或者
2. (b) 已定居或已是英國公民。

## Relationship requirement as a dependent child on the Hong Kong BN(O) route

**HK 57.4. The applicant's other parent (who is not the parent in HK 57.3.) must be being granted settlement at the same time, or be settled or a British citizen, unless:**

1. (a) the parent in HK 57.3. is the applicant's sole surviving parent; or
2. (b) the parent in HK 57.3. has sole responsibility for the applicant's upbringing; or
3. (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

HK 57.4。申請人的另一位父或母（不是 HK 57.3 中已提到的父或母）必須同時獲准永居，或已永居、或已成為英國公民，除非：

1. (a) HK 57.3 中的父或母是申請人唯一在世的父母；或者
2. (b) HK 57.3 中的父或母是申請人的唯一撫養人；或者
3. (c) 決策者確信有強而有力，且令人信服的理由給予申請人永居。

## Care requirement for Settlement as a dependent child on the Hong Kong BN(O) route

**HK 58.1.** If the applicant is under the age of 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

HK 58.1。如果申請人在申請日未滿 18 歲，則孩子在英國的日常照料和住宿必須有適當的安排，而這些安排必須符合英國的相關法律和法規。



## Relationship requirement for Settlement as an adult dependent relative on the Hong Kong BN(O) route

**HK 59.1. Where the applicant has or last had permission as an adult dependant relative on the Hong Kong BN(O) route, they must be the parent, grandparent, brother, sister, son or daughter of a person who:**

1. (a) last had permission as a BN(O) Status Holder or the partner of a BN(O) Status Holder and who is at the same time being granted settlement on the Hong Kong BN(O) route; or
2. (b) is settled and whose last grant of permission prior to settlement was as a BN(O) Status Holder or the partner of a BN(O) Status Holder; or
3. (c) is a British citizen.

HK 59.1。如果申請人已經或最終以成年受撫養親屬身份獲批香港BN(O)簽證並以此途徑申請永居，他們必須是以下人士的父母、祖父母、兄弟、姐妹、兒子或女兒：

- (a) 最終獲准作為 BN(O) 身份持有人或 BN(O) 身份持有人的配偶，同時獲准通過香港 BN(O) 簽證路線永居；或者
- (b) 已永居，並且在永居前，最終獲得許可作為 BN(O) 身份持有人或 BN(O) 身份持有人的配偶；或者
- (c) 是英國公民。

## English Language requirement for Settlement on the Hong Kong BN(O) route

**HK 60.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.**

**HK 60.2. The applicant must show they meet the English Language requirement as specified in Appendix English Language.**

HK60.1。除非獲得豁免，否則申請人必須在歐洲共同語言參考框架的英語語言能力框架中，口語和聽力至少達到 B1 級。

HK60.2。申請人必須證明他們符合附錄英語語言中規定的英語語言要求。

## Knowledge of life in the UK requirement for Settlement on the Hong Kong BN(O) route

**HK 61.1. If the applicant is aged 18 or over, and under 65 on the date of application, they must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.**

HK61.1。如果申請人年齡在 18 歲或以上，並且在申請日未滿 65 歲，則他們必須滿足附錄 KOL UK 中規定的英國生活知識要求。

## Qualifying Period for Settlement on the BN(O) route

**HK 62.1. The applicant must have spent a continuous period of 5 years with permission in the UK on a route under which a person can settle, of which the most recent grant of permission must have been on the Hong Kong BN(O) route.**

HK62.1。申請人必須在英國連續居住5年，並獲得可以永居許可，其中最近期的許可必須是通過香港BN(O)簽證途徑獲得。

## Continuous Residence Requirement for Settlement on the Hong Kong BN(O) route

**HK 63.1. The applicant must meet the continuous residence requirement as specified in Appendix Continuous Residence during the period in HK 62.1.**

HK63.1。申請人必須在 HK 62.1 期間符合附錄中有關連續居留規定的連續居留要求。

## Decision on an application for Settlement on the Hong Kong BN(O) route

**HK 64.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement are met the applicant will be granted settlement.**

HK64.1。如果決策者認為申請人適合申請永居和滿足所有永居資格要求，申請人將獲准永居。

## Decision on an application for Settlement on the Hong Kong BN(O) route

HK 64.1A. If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay under Appendix Hong Kong BN(O) (based on the route under which they have or last had permission), the application will be varied by the Secretary of State to an application for permission to stay on that route. Where this happens:

1. (a) no additional application fee for permission to stay will be required and the settlement application fee will not be refunded; and
2. (b) the Secretary of State will write to the applicant informing them of this variation and if required will request the applicant pay any Immigration Health Charge.

HK64.1A。如果沒有滿足永居要求，但決策者認為申請人很可能滿足附錄香港BN(O)簽證途徑下的所有適用性和資格要求（基於他們曾經或最終獲得許可的途徑），該申請將由國務大臣更改為許可留在香港BN(O)簽證途徑上的申請。

如發生此情況：

- (a) 不需要額外的居留許可申請費，且定居申請費不予退還；和
- (b) 國務大臣將寫信通知申請人這一變更，如果需要，將要求申請人支付任何IHS費用。

## Decision on an application for Settlement on the Hong Kong BN(O) route

**HK 64.1B** If the applicant does not pay the requested Immigration Health Charge, the application for permission to stay will be rejected as invalid.

HK64.1B 如申請人未繳付所要求的IHS費用，居留許可申請將被視為無效而被拒絕。



## Decision on an application for Settlement on the Hong Kong BN(O) route

**HK 64.1C. Where an applicant is granted permission to stay it will be granted for 30 months and subject to the following conditions:**

1. (a) no access to public funds; and
2. (b) work (including self-employment and voluntary work) permitted except for employment as a professional sports person (including as a sports coach); and
3. (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
4. (d) if Part 10 applies the applicant will be required to register with the police.

HK 64.1C。如果申請人獲得居留許可，將獲得30個月的居留許可，並符合以下條件：(a) 無法獲得公共福利；和

- 1.(b) 允許工作（包括自僱和義務工作），但職業運動員（包括體育教練）除外；和
- 2.(c) 允許學習，但須符合附錄 ATAS 中的 ATAS 條件；和
- 3.(d) 如果第 10 部分適用，申請人將被要求向警方登記。

## Decision on an application for Settlement on the Hong Kong BN(O) route

- HK 64.1D. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement or permission to stay, the application for settlement will be refused.
- HK 64.2. If the application is refused, a request can be made for an Administrative Review under Appendix AR: Administrative Review.

HK 64.1D。如果決策者不滿意申請人滿足定居或居留許可的所有適用性和資格要求，則定居申請將被拒絕。

HK 64.2。如果申請被拒絕，可以根據附錄 AR：行政審查提出行政審查請求。