

Immigration policy on entry of dependants revised

The Government announced today (September 18) that the immigration policy on applications for entry of non-local dependants (Policy) has been revised so that with effect from September 19, 2018, a person who has entered into a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union outside Hong Kong with an eligible sponsor in accordance with the local law in force of the place of celebration and with such status being legally and officially recognised by the local authorities of the place of celebration will become eligible to apply for a dependant visa/ entry permit for entry into Hong Kong. Apart from the above, all other original eligibility criteria of the Policy remain unchanged.

A spokesman for the Government said that the Government decided to revise the Policy upon the completion of a review of the Policy conducted in view of the judgment handed down by the Court of Final Appeal (CFA) on July 4, 2018 in QT v Director of Immigration (FACV No. 1 of 2018) (QT case), having careful regard to the objective of the Policy and the principles laid down in the judgment.

Under the revised Policy, the Director of Immigration (Director) will favourably consider an application from a person who is the other party to one of the above relationships for entry for residence as a dependant in Hong Kong if the person meets the normal immigration requirements and the following original specific eligibility criteria of the Policy:

- (i) there is reasonable proof of a genuine relationship between the applicant and the sponsor;
- (ii) there is no known record to the detriment of the applicant; and
- (iii) the sponsor is able to support the dependant's living at a standard well above the subsistence level and provide him/her with suitable accommodation in Hong Kong.

The Immigration Department (ImmD) will process outstanding applications and any new application received according to the revised Policy. As for persons who have earlier been granted permission to remain in Hong Kong by the Director under the interim arrangement put in place by the ImmD pending the completion of the review of the Policy, the permission will remain valid. Before the expiry of the permitted limit of stay, they may apply to the ImmD for extension of stay to remain in Hong Kong as dependants. The ImmD will process the applications according to the revised Policy.

The spokesman stressed that the revision concerns the immigration policy on applications for entry of non-local dependants only and it does not affect the meaning of "spouse" under this Policy. It does not affect any other policies of the Government or any other rights under the existing law in Hong

Kong.

"As the CFA recognised in its judgment in the QT case, a valid marriage under Hong Kong law is heterosexual and monogamous and is not a status open to couples of the same sex. The revision has nothing to do with legal recognition of same-sex civil partnership, same-sex civil union, 'same-sex marriage', opposite-sex civil partnership or opposite-sex civil union in Hong Kong. Nor should there be any expectation of such plan by the Government. The revision does not compromise the Government's position in any legal proceedings," he said.

The Policy allows those who are able to provide care and financial support to their dependants to sponsor their non-local dependants to come to reside in Hong Kong. The Policy also ensures that Hong Kong will continue to attract and retain people with the right talent and skills to come to and remain in Hong Kong by giving them the choice of bringing in their non-local dependants to live with them in Hong Kong.