

LCQ7: Arrangements for non-local students and graduates applying for staying in Hong Kong

Following is a question by the Hon Hui Chi-fung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (February 20):

Question:

Under the Immigration Arrangements for Non-local Graduates (IANG), non-local students who enter Hong Kong for the purpose of education with a student visa/entry permit may, upon completion of their study and obtaining an undergraduate degree or a higher qualification in Hong Kong, apply for staying in/returning to Hong Kong for work for a period of 12 months. Persons permitted to stay in Hong Kong under IANG may apply for an extension of stay if they have secured local employment upon expiry of their limit of stay. In this connection, will the Government inform this Council:

(1) of the number of applications submitted in the past three years for renewal of student visas by persons who had been staying in Hong Kong on student visa for a continuous period of seven years and, among such applications, the number and percentage of those approved, with a breakdown by whether or not the applicants were Mainland residents;

(2) of the number of applications submitted last year under IANG and, among such applications, the number and percentage of those approved, with a breakdown by whether or not the applicants were Mainland residents;

(3) of the number of applications submitted in the past three years for verification of the permanent resident status by persons who had been allowed to stay/return and work in Hong Kong under IANG and, among such applications, the number and percentage of those approved, with a breakdown by whether or not the applicants were Mainland residents; and

(4) whether the Immigration Department, when vetting and approving the aforesaid applications for extension of stay in the past three years, took measures to check the authenticity of the employment contracts as well as the background and financial information on the companies that had employed them, which were submitted by the applicants; if so, of the details?

Reply:

President,

The reply to Hon Hui's question is as follows:

(1) According to prevailing policies, applications for extension of stay for a visa/entry permit to enter or remain in Hong Kong for study will be considered only when the applicants continue to meet the respective eligibility criteria. All applications for extension of stay, if approved, will normally be granted on a yearly basis or in accordance with the duration of their studies, as appropriate.

The statistics on the number of applications for extension of stay for remaining in Hong Kong for study received and approved in respect of Mainland and non-Mainland students which were processed by the Immigration Department (ImmD) in the past three years are tabulated as follows:

Year	Mainland students		Non-Mainland students	
	Number of applications received	Number of applications approved	Number of applications received	Number of applications approved
2016	3 882	3 757	287 (September to December) (Note 1)	293 (September to December) (Note 2)
2017	3 600	3 564	1 242	1 135
2018	3 883	3 751	1 283	1 260

Note 1: ImmD did not maintain the breakdown statistics before September 2016.

Note 2: The cases approved in a year may not be the applications received in the same year. Therefore, ImmD does not compute the percentage by comparing the applications approved with the applications received.

ImmD does not maintain statistics on applications for entry for study received and approved for extension of stay by persons who have stayed in Hong Kong for seven years continuously for study or other relevant breakdown statistics.

(2) The statistics on the number of applications received and approved under the "Immigration Arrangements for Non-local Graduates" (IANG) in 2018 are tabulated as follows:

	Number of applications received	Number of applications approved
Mainland residents	9 297	9 206
Non-Mainland residents	957	944
Total	10 254	10 150

Note: The cases approved in a year may not be the applications received in the same year. Therefore, ImmD does not compute the percentage by comparing the applications approved with the applications received.

(3) The statistics on persons approved for admission to Hong Kong under IANG who acquired the right of abode in the past three years are tabulated as follows:

Year	Number of applications approved
2016	1 979
2017	2 172
2018	2 455

Note: The breakdown is maintained in accordance with applicants' status in Hong Kong at the time of application for the right of abode. The cases approved in a year may not be the applications received in the same year. Therefore, ImmD does not compute the percentage by comparing the applications approved with the applications received. The existing system does not maintain figures categorised by the applicant's place of origin and thus is unable to provide breakdown statistics on whether the applicant is a Mainland resident or not. ImmD does not maintain other statistics mentioned in the question.

(4) ImmD has always assessed applications for visas or entry permits and for extension of stay according to the law and established policies. ImmD has always been concerned about criminals obtaining visas or entry permits to Hong Kong by illegal means and has conducted follow-up investigations into suspicious cases and has taken enforcement actions accordingly.

ImmD conducts spot checks from time to time, including verifying the mode of operation, financial status and information of employees, etc. of the employing company on the spot, so as to verify the information declared by the applicant or his employing company in the application for visa or entry permit and for extension of stay.

It is an offence for any persons or companies, including the applicants, intermediaries or employing companies, to furnish false information or make false representation to ImmD in their applications for visas or entry permits. Upon conviction by the court, offenders are liable to a maximum fine of \$150,000 and imprisonment for 14 years. In addition, it is also an offence to make, possess or use false instruments. Upon conviction by the court, offenders are liable to a maximum penalty of 14 years' imprisonment. Apart from rejecting such applications, ImmD will also initiate criminal investigations into the cases concerned. Should any person be found to have obtained his visa or entry permit to Hong Kong by illegal means, the visa or entry permit so obtained will become null and void according to the law, and the person concerned will be subject to removal to his place of origin. Even if the person has ordinarily resided in Hong Kong for a continuous period of seven years or more and obtained the right of abode in Hong Kong, his right of abode in Hong Kong will be declared invalid according to the law, and he will be subject to removal to his place of origin.