

Measures to assist foreign domestic helpers and employers to cope with COVID-19 pandemic extended

In view of the latest developments of the COVID-19 pandemic, the Government today (September 30) announced that the previous measures to assist foreign domestic helpers (FDHs) and their employers to cope with the special circumstances arising from the COVID-19 pandemic will be extended with immediate effect.

Extension of validity period of existing contracts

The flexibility arrangement announced on February 4 (www.info.gov.hk/gia/general/202002/04/P2020020400547.htm), March 19 (www.info.gov.hk/gia/general/202003/19/P2020031900394.htm) and June 30 (www.info.gov.hk/gia/general/202006/30/P2020062900892.htm) to enable employers to extend the validity period of the existing contracts with their outgoing FDHs will be further extended. The flexibility arrangement aims to assist those employers whose contracts with their existing FDHs are due to expire soon, but are in a situation in which the newly hired FDHs cannot fly in to commence the new contracts. The Commissioner for Labour has now given further in-principle consent for all FDH contracts that will expire on or before December 31, 2020, to vary the period stated in Clause 2 of the Standard Employment Contract by extending the period of employment up to January 31, 2021, on the basis that such variation is mutually agreed upon by both the employer and the FDH.

If the contract with the current FDH has already been extended under the flexibility arrangement announced on February 4, March 19 and/or June 30, the employer may submit an application to the Immigration Department (ImmD) to further extend the period of employment and the limit of stay of the FDH up to January 31, 2021, if both the employer and the FDH mutually agree to the variation.

Extension of limit of stay as visitors

As announced by the Government on March 21 (www.info.gov.hk/gia/general/202003/21/P2020032000829.htm) and June 30 (www.info.gov.hk/gia/general/202006/30/P2020062900892.htm), applications from FDHs to extend their limit of stay in Hong Kong as visitors will be flexibly considered. FDHs whose existing contracts are due to expire or are terminated on or before December 31, 2020, may apply to the ImmD for an extension of limit of stay in Hong Kong (for a maximum period of one month) as visitors for the purpose of finding a new employer in Hong Kong, if they are unable to return to their place of origin due to the pandemic in their place of origin and/or international travel restrictions arising from the pandemic.

An FDH who has already extended his/her limit of stay as a visitor in Hong Kong under the flexibility arrangement announced on March 21 and June 30 may submit an application to the ImmD to further extend his/her limit of stay as a visitor for the purpose of finding a new employer in Hong Kong. Without prejudice to the principle of guarding against abuse, the ImmD will exercise discretion to grant the FDHs concerned an extension of limit of stay as a visitor for a maximum period of one month depending on individual case merits.

The ImmD has been expediting the processing of employment visa applications submitted by FDHs who are in Hong Kong, especially applications for change of employer from those whose employment contracts have expired normally. At the same time, to combat abuse in changing employers through the arrangement for premature contract termination (commonly known as "job-hopping"), the ImmD will, during case assessment, continue to closely scrutinise the details of applicants, such as the number and reasons for their premature contract termination in the last 12 months. For suspected "job-hopping" cases, the ImmD will refuse the employment visa applications and require the applicants to leave Hong Kong.

Deferral of home leave

Under the prevailing mechanism, an FDH on a renewed contract with the same employer, or due to start a new contract with a new employer upon the expiry of an existing contract, may apply to the ImmD for deferring home leave for not more than one year after the existing contract ends, subject to agreement of his/her current employer or new employer.

As announced by the Government on March 21 (www.info.gov.hk/gia/general/202003/21/P2020032000829.htm) and June 30 (www.info.gov.hk/gia/general/202006/30/P2020062900892.htm), FDHs who have previously been approved to defer home leave upon the start of their new contract but need to further defer home leave may apply to the ImmD for further extension of limit of stay, subject to mutual agreement between FDHs and their employers.

In view of the latest situation of the COVID-19 pandemic, FDHs who are still unable to return to their place of origin for home leave within their current limit of stay may continue to apply to the ImmD for an extension of limit of stay. If the FDHs concerned who have already been granted further extension of stay as per the preceding paragraph (i.e. the total extension of limit of stay amounts to not more than 21 months) wish to further defer their home leave, the ImmD will, on individual case merits, consider exercising discretion to grant them a further extension of limit of stay for not more than three months.

Submission of applications for contract renewal

Under the prevailing arrangement, applications for contract renewal with the same employer after completion of the existing two-year contract will normally be accepted within eight weeks prior to the expiry of the existing

contract. For FDHs who are applying for further extension of limit of stay under the above-mentioned "deferral of home leave" flexibility measure and if approved, and whose existing contracts will expire at the same time, they may submit the applications for "deferral of home leave" and contract renewal with the same employer to the ImmD in one go. The ImmD will, as a further facilitation measure, consider advancing the processing of the application for contract renewal. Nonetheless, employers are reminded that they should arrange for their FDHs to return to their place of origin for vacation within their extended limit of stay as far as practicable.

For enquiries, please contact the ImmD by calling the enquiry hotline at 2824 6111 or by email to enquiry@immd.gov.hk.