

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

In view of the latest development of the COVID-19 pandemic, the Government today (June 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, 2020 (www.info.gov.hk/gia/general/202002/04/P2020020400547.htm) and March 19, 2020 (www.info.gov.hk/gia/general/202003/19/P2020031900394.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 the situation where the newly hired FDHs cannot fly in to commence the new contract. The Commissioner for Labour has now given further in-principle consent for all FDH contracts that will expire on or before September 30, 2020, to vary the period stated in Clause 2 of the Standard Employment Contract by extending the period of employment up to October 31, 2020, 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, 2020 and/or March 19, 2020, the employer may submit an application to the Immigration Department (ImmD) to further extend the period of employment and stay of the FDH up to October 31, 2020, 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, 2020 (www.info.gov.hk/gia/general/202003/21/P2020032000829.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 September 30, 2020 may apply to 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, 2020 may submit an application to ImmD to further extend his/her limit of stay as a visitor for the purpose of finding a new employer in Hong Kong. ImmD will

exercise discretion to grant the FDHs concerned an extension of stay for a maximum period of one month depending on individual case merits under the special circumstances arising from the pandemic.

Deferral of home leave

Under the existing 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 ImmD for deferring home leave for no more than one year after the existing contract ends, subject to agreement of his/her employer or new employer.

As announced by the Government on March 21, 2020 (www.info.gov.hk/gia/general/202003/21/P2020032000829.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 ImmD for further extension of limit of stay for not more than six months, 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 ImmD for an extension of limit of stay. If the FDHs concerned who have already been granted a further extension of stay as per the preceding paragraph (i.e. the total extension of limit of stay amounts to not more than one and a half years) wish to further defer their home leave, 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. Arrangements should be made by the employer for the FDH to return to his/her place of origin for vacation within the extended period, and to use his/her entry visa (with a validity in line with the extension of stay granted) upon his/her return to Hong Kong for completion of the contract.

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