

# BN(O) Visa Route

Image



## British National (Overseas) Visa Route

This section explains what British National (Overseas) visa, known as BN(O) visa is, the application process and rights that come with it, how to prove those rights to access services, settlements requirements and other information relevant to those on the BN(O) visa route.?

BN(O) visa enables Hongkongers holding BN(O) status and their dependent family members to come and stay in the UK. For more info about the context, conditions, and requirements of the BN(O) visa, read [British National \(Overseas\) visa: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/british-national-overseas-visa-overview).??

# Application process?

How you can apply for the BN(O) visa.

Application or type unknown

[Where can I find more info about a BN\(O\) visa??](#)

For more info about the BN(O) visa, including eligibility and process, please check the [BN\(O\) leaflet](#). For queries regarding your visa, contact UK Visa and Immigration (UKVI) contact centre on 0300 790 6268.?

[How can I apply for a BN\(O\) visa??](#)

If you're from Hong Kong and hold BN(O) status, you can [apply for a BN\(O\) visa](#) from the UK, if you haven't already. If you're currently in the UK on a different UK visa, you can apply to switch to a BN(O) visa, if you meet the criteria.?

Your family members can also apply for a BN(O) visa if they're eligible.

[How can I apply for a BN\(O\) visa for a child born in the UK??](#)

The process is the same as normal – [apply for a BN\(O\) visa](#) and the application has to be made within 3 months of the child's birth. If a child doesn't have a passport, the application can be made using child's birth certificate.??

[How is my BN\(O\) application considered??](#)

[Home Office guidance for caseworkers](#) provides more information on how the Home Office process your BN(O) application.?

[What rights do I have with Leave Outside of the Rules \(LOTR\) granted at the border??](#)

LOTR allows you to work, study and rent a property but not access the NHS free of charge. You need a private health insurance to cover the costs of healthcare if you arrived in the UK before your BN(O) visa has been granted.?

[What can I do if I wait for a decision on my visa for over 6 months??](#)

You can contact your local member of Parliament (MP) via this link [Find your MP - MPs and Lords - UK Parliament](#) and ask them to contact the Home Office on your behalf. Make sure you put your

address in the email, as MPs can only support individuals living in their constituencies.?

You can make a formal complaint to the UK Visas and Immigration about the length of time it takes for your application to be processed. This is an online form via this link [Complaints procedure - UK Visas and Immigration - GOV.UK \(www.gov.uk\)](#). The Home Office have service standards for completing applications which includes specified timescales for processing. If you make a complaint, it will not affect the outcome of your application.?

[What rights do I have if my LOTR expired, and I am still waiting for a decision on my visa??](#)

If an application for BN(O) visa had been submitted before LOTR expired, LOTR remains valid beyond the date on the stamp and the rights you have with LOTR continue until the decision on your visa is made. This is called 3C leave, you can read more about it at [3C and 3D leave](#). ([publishing.service.gov.uk](#))?

[Do I need to 'activate' my BN\(O\) visa if I applied for it outside of the UK and travelled to the UK while the visa application was still outstanding??](#)

No, at this stage the Home Office doesn't ask anyone to 'activate' their BN(O) visa and that the UKVI will be in touch with a visa holder if anything needs to be done in the future. They will be communicating via the email address provided with the application so please make sure to keep this up-to-day. You can update your email address and any other contact details via this link [Update your UK Visas and Immigration account details - GOV.UK \(www.gov.uk\)](#)?

## Rights with BN(O) visa?

Your rights as a BN(O) visa holder.

**BN(O) Visa Route** known

[What rights do I have with a BN\(O\) visa??](#)

A BN(O) visa allows the holder to work, study, rent a property and access the NHS.?

A BN(O) visa has a no recourse to public funds (NRPF) condition attached to it, which means that a visa holder cannot access benefits or any other support classed as public funds, such as Child Benefit, Universal Credit or Personal Independent Payment (PIP).?

However, if the visa holder is struggling to cover the costs of housing and living (if they become destitute or are at 'imminent risk of destitution'), they can get the NRPF condition removed from their visa by applying for a change of conditions of leave. Such an application requires access to OISC-regulated legal advice and is not covered by a free legal aid.?

While the change of condition application is pending, a BN(O) visa holder can receive support with housing and living costs from their local authority (council).??

Please?contact [HK@migrationyorkshire.org.uk](mailto:HK@migrationyorkshire.org.uk)?for more details on how to access legal advice and support in your area.

### [Can I work in any job with a BN\(O\) visa?](#)

Not quite, you can work in any job except as a professional sportsperson or sports coach. If you are unsure if a job role you are considering falls within a definition of a professional sportsperson or sports coach, you should seek immigration advice as this might affect your application for settlement.

In our region, free immigration advice for Hong Kong BNOs is available through Kirklees Citizens Advice and Law Centre [HKSS - Hong Kong Settlement Scheme - Kirklees Citizens Advice & Law Centre \(kcalc.org.uk\)](#).

### [What support is not classed as public fund?](#)

There are some benefits that are not classed as public funds for immigration purposes. Generally, those are non means-tested?benefits and are available to those who previously worked and/or paid National Insurance contributions.

Further information on what is is not classed as public funds are available on NRPF Network website - [Benefits that are not public funds | NRPF \(nrpfnetwork.org.uk\)](#).

### [How can I prove my rights as a BN\(O\) visa holder to employers and landlords??](#)

From 6 April 2022, you can evidence your right to work / rent using a share code only.? Employers?/?landlords?are no longer able to accept physical documents for the purposes of a right to work / rent check even if they show a later expiry date. You can:?

- Prove your right to work?
- Prove your right to rent

### [How can I prove my rights as a BN\(O\) visa holder to banks and other services??](#)

If you have a BN(O) visa in a physical form (biometric residence permit) you have to use that to prove your rights to access services, such as banking or NHS. You can generate a share code only to prove your right to work and rent.?

If you applied via an app on the phone, you have a full digital status and generating a share code is the only way to prove your rights to access services. You can do it via this link [Prove your immigration status](#) and choose an appropriate service.?

A bank or other service can then use this share code to verify your immigration status via this link [Check immigration status](#).?

#### [Can I generate a share code if I have a BN\(O\) visa in a form of BRP??](#)

Yes, but only for limited purposes. If you have a BN(O) visa in a physical form [biometric residence permit], you are only able to generate a share code to prove your right to work and rent. To do that, you need your biometric residence permit/card number. You can prove right to work via this link [Prove your right to work to an employer](#) and right to rent via this link [Prove your right to rent in England](#). Currently, it is not possible to generate a share code for any other purpose, so you still have to use your BRP to prove your rights to access other services, such as banks, DVLA or the NHS.?

#### [How long is a share code valid for??](#)

A share code is valid for 90 days and it can be used multiply times during this period. However, a share code generated to prove right to work can only be used to check right to work and the same applies to right to rent.

- W – for right to work
- R – for right to rent
- S – for anything else

Therefore, a share code generated to prove right to work can only be used to check right to work and the same applies to right to rent and other purposes.

#### [What if I have difficulties generating a share code?](#)

If you have problems with your digital visa or generating a share code, you should contact [UK Visas and Immigration \(UKVI\)](#) on 0300 790 6268 (select option 3) in the first instance.

If the issue continues, and you need to prove right to work or right to rent in the meantime, you can ask your employer or landlord to use alternative methods of checking your immigration status:

- Right to work – [Employer's Checking Service](#)
- Right to rent – [Landlord's checking service](#)

You can direct employer and/or landlords to [Frequently asked questions for employers and landlords, about the rights of Hong Kong BN\(O\) visa holders](#), which explain how landlords and employers can verify your right to rent and work in the UK, including while you are still waiting for the outcome of your applications.

### [Can I access free childcare as a BN\(O\) visa holder??](#)

A child of a BN(O) visa holder is entitled to 15 hours per week of free childcare only. This applies to children who are age 3 to 4 years old only and is accessible from the term after the child's 3rd birthday (September, January or April). A local childcare provider or local council can be contacted for more information.

While some parents can access 30-hour free childcare for their children, the NRPF condition prevents BN(O) visa holders from applying for additional hours.?

### [Is my child eligible for Free School Meals??](#)

This depends on the age of the child and your circumstances.

Reception to Year 2 – Free school meals are provided universally to all children who are in reception to year 2. Children can receive these regardless of their, or their parent's, immigration status.??

Year 3 or above – Some councils may provide free school meals universally for children in all primary school years, so the local policy should be checked in the first instance.?[Search for a council's policy.](#)?

When a council does not universally provide free school meals to children in school year 3 or above, then free school meals are usually only available to children who meet government eligibility criteria.?

From 19 April 2022, Free School Meals (FSM) have been permanently extended to all families affected by No recourse to public funds (NRPF), including BN(O) passport and visa holders, subject to a maximum capital saving threshold of £16,000 and income thresholds as follows:?

- £22,700 per annum for families outside London with 1 child.?
- £31,200 per annum for families within London with 1 child.?
- £26,300 per annum for families outside London with 2 or more children.?

- £34,800 per annum for families within London with 2 or more children.

## Settlement?

Your rights of settlement as a BN(O) visa holder.

### BN(O) Visa Route

[Can I stay in the UK permanently with a BN\(O\) visa??](#)

A BN(O) allows you to stay for either 2 years and 6 months or 5 years initially, and later you can apply to settle in the UK permanently, including applying for British citizenship, if you wish to.?

Further information about extending your BN(O) visa can be found at [British National \(Overseas\) visa: Extend your visa - GOV.UK \(www.gov.uk\)](#)

[Will the Home Office contact us after 5 years of settlement to remind us to apply British citizenship??](#)

The Home Office won't contact you to remind you to apply for settlement. You will have to remember yourself as to when your leave expires.?

[What are the requirements for settlement in the UK??](#)

After you've spent 5 continuous years in the UK, you can apply for permanent settlement, also known as indefinite leave to remain (ILR).

You must apply while your BN(O) visa is still valid – apply 28 days before the visa expires.?You'll need:

- a current passport
- to pay the relevant fee
- to be in the UK when you apply.?

- to have passed the relevant English language test and the Life in the UK test, unless you are exempt.??
- to have had five years continuous residence in the UK (this means no more than 180 days outside of the UK during any 12-month period counting back from when you apply).?

You can be refused on good character grounds – e.g., if you have been convicted of a serious criminal offence.?

Further information on settlement following a BN(O), including how to calculate continuous residence, can be found at [British National \(Overseas\) visa: Living permanently in the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/british-national-overseas-visa-living-permanently-in-the-uk) ?????

[What documentation will my child need to apply for settlement? He is 17 now and will be applying for settlement in 2026.?](#)

He will need the documentation that proves that he has met the requirements above:?

- Passport (and any previous passport covering the five-year period).?
- Language test pass certificate.?
- Life in the UK test pass certificate.?

If they are over 18 when they apply and are no longer your dependent, they no longer need to prove their relationship to you.?

[What if I don't qualify for settlement after 5 years? Can I apply for an extension?](#)

You could apply for another BN(O) Visa. The requirements currently would be the same as for the initial application except that you must be in the UK when you apply and there would be no financial requirement. You must submit the application before your existing visa expires – submit it 28 days before.?

If you apply for settlement and you do not qualify for it, your application can be varied meaning that you will be considered for an extension of your BNO for another 30 months. You'll be contacted by UKVI either by email or letter and asked to pay the immigration health surcharge (IHS).



### [Where can I find the legislation concerning the Rules for Extension?](#)

You can find it at [www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-hong-kong-british-national-overseas](http://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-hong-kong-british-national-overseas)???

### [How can I prove my residency when applying for settlement in the UK??](#)

An application form for settlement will specify what information and proof are required from an applicant to prove their eligibility for settlement, including residency requirements for those with a digital status.?

### [When does my residency in the UK start to count towards settlement??](#)

Continuous residence for settlement is calculated using the Continuous Residence guidance, which also applies to the BN(O) route. ?You must have spent a period of 5 years' continuous residence in the UK on a route which leads to settlement with your most recent permission under the BN(O) route. ?The continuous residence period will be calculated by counting back from whichever of the following dates is the most beneficial to the applicant:

- (a) the date of application; or
- (b) any date up to 28 days after the date of application; or
- (c) the date of decision;

The period between entry clearance being issued and the applicant entering the UK may be counted toward the 5 year period. Any absences between the date of issue and entry to the UK count towards the 180 days allowable absence in the continuous 12-month period. If the delay is more than 180 days, the 5-year period starts from entry to the UK. You do not need to provide evidence to demonstrate the reason for the delayed entry.

### [What if I am absent from the UK for over 180 days in 12-month period?](#)

Some longer absences might be allowed depending on the reasons – further information about absences and what counts as exceptional circumstances can be found in the continuous residence guidance.

All applications for settlement will be assessed on a case-by-case basis.

### [Does the time in the UK under LOTR count towards settlement??](#)

No, the first day of residency counting toward settlement starts from the day a BN(O) visa is granted or from the day of your arrival to the UK, whatever comes later.?

### [I once studied in Leeds in 2014. Would my study duration in 2014 be counted in the settlement 5 years now??](#)

Student leave (under T4) would not be counted even if it is continuous, as student leave does not contribute towards settlement.?

[If my wife and kids apply for BN\(O\) visa and go to the UK first, and I'll join them 3 years later, will it affect their applications for settlement?](#)

It won't. Your wife and child could apply for settlement after they had spent five years in the UK. You would be eligible to apply three years later.

[If I received the BN\(O\) visa as a dependent of a BN\(O\) status holder, what happens to my BN\(O\) visa if I separate from my partner?](#)

Your visa continues to be valid until the expiry date indicated on the visa even after you stop being dependent on your BN(O) sponsor. You also do not need your sponsor, or be dependent of him/her, to apply for indefinite leave to remain in the UK after your BN(O) visa comes to an end.??

## Other questions

### Other questions related to the BN(O) visa.

#### BN(O) Visa Route BN(O) Visa Route is not known

[Can I apply for a BN\(O\) passport after I was granted a BN\(O\) visa??](#)

Only BN(O) status holders can apply for a BN(O) passport. If you were granted a BN(O) visa as a dependent and are not BN(O) status holder, you are not able to apply for a BN(O) passport as having a BN(O) visa does not give you any additional rights.?

[Can I apply for a refund of the NHS health surcharge??](#)

Sometimes you can apply for a refund of the NHS surcharge. For example, BN(O) visa holders working in health and social care might be eligible to apply for a refund of their and their family members' NHS health surcharge. More info on the [eligibility and process of applying for reimbursement of the NHS surcharge](#) is available on the government's website.??

You can also apply for a refund if you apply to switch to the BN(O) route from another visa but there is still time remaining on their current visa. A refund of any overlapping period of permission

which exceeds six months in length. The IHS is both charged and refunded in six-month blocks, as such if there is 1 year and 2 months remaining on an existing visa, the applicant would be eligible to receive a refund of IHS for 1 year.

[I received the BN\(O\) visa and immigration health surcharge \(IHS\) reference number. What should I do with the IHS reference number???](#)

You don't have to do anything with it except save it for future reference as it will have been added into your application automatically when you paid for it.?

[I understand that the BN\(O\) visa gives me the right to work in the UK, but I am a bit confused when employers ask me about my nationality is.](#)

Your nationality is British National (Overseas) even though it is actually the visa that gives you the right to work in the UK.?

## Drop-in session on BN(O) visa route

BN(O) visa - 19 January 2022

This event explained rights that come with a BN(O) visa, including conditions attached, how to prove rights to access different services, maintaining visa and applying for settlement. It also covered new relationships and children born in the UK.

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