

歡迎/WELCOME

HONG KONG BNO DROP-IN SESSION – 19 January 2022

BNO visa – Q&A



Migration Yorkshire



Department for Levelling Up,
Housing & Communities



Rules for today

- We are recording this event, but we will only record the presentation part
- Cantonese interpreter is available
- Camera can be on/off, but please keep microphones off when not speaking
- In-meeting chat is open for your messages in either Cantonese or English
- Please don't take photos or screenshots
- PowerPoint slides and recording will be available on our [Hong Kong Hub](#) (please allow a week) but can also be requested from HK@migrationyorkshire.org.uk



What will we cover today?

- Rights with BNO visa
- Conditions attached
- Proving rights
- Maintaining visa
- New relationships/children
- Visa delays
- Settlement
- Q&A



Rights with BNO visa

Rights with BNO visa:

- Right to work, rent, study and access NHS
- Right to vote for BNO status holder, but not dependents
- Cannot play professional sport or coach
- No recourse to [public funds](#) (NRPF)*
- Not eligible to access [student finance](#) to cover uni costs, subject to [international fees](#)
- Eligible for 15h of [free childcare](#) for 3 and 4 years old only
- Not eligible to access free classes funded through [Adult Education Budget](#) until 3 years residency requirement is met
- Not eligible for apprenticeships until 3 years residency requirement is met



Conditions attached

NRPF conditions of the BNO visa:

- No recourse to [public funds](#) (NRPF) – a visa holder cannot access benefits or any other support , such as Child Benefit, Universal Credit or Personal Independent Payment (PIP); **But**
- A visa holder can apply for the NRPF condition to be lifted if struggling financially
- ['Change of condition' application](#) must be completed – it is a legal application, so a person providing support must be [OISC \(Office of the Immigration Services Commissioner\) accredited](#)
- While waiting for the application to be approved, support is available from local authorities under destitution support but it is capped at £2,720 per household
- After the application is approved, an individual can apply for mainstream benefits



Proving rights

How to prove rights to work or rent?

- If you have a BNO visa in a physical form (biometric residence permit) you can use that to prove your rights or you can prove your rights online via generating a share code.
- If you applied via an app on the phone, you have a digital status only and generating a share code is the only way to prove your rights. You can prove your:
 - right to work** [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/apply-to-work)
 - right to rent** [Prove your right to rent in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/apply-to-rent)
- Changes from **6 April 2022** – proving rights visa online service only



Proving rights

How to prove rights to access other services?

- If you have a BNO visa in a physical form (biometric residence permit) you can use that to prove your rights **or** you can prove your rights online via generating a share code.
- If you applied via an app on the phone, you have a digital status only and generating a share code is the only way to prove your rights.
- 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](#)



Proving rights

How long is my share code valid for?

- A share code is valid for 30 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 goes to right to rent.

What do services see when they use my share code?

- They can only see information relevant for them, so employers only see info related to right to work, and landlords – right to rent.



Home Office

They have permission to work in the UK from [redacted] May 2021. They can work in the UK until [redacted] May 2026.

Details

On their current visa, you can employ them to do any job except those listed in the conditions below.

Conditions

They cannot:

- play or coach professional sports

This condition is a standard requirement for their visa.

If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on [redacted] May 2026

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check

Company name [redacted]

Date of check [redacted] September 2021

Reference number [redacted]

Maintaining visa

Few things to remember

- Keep your online UKVI up to date, especially contact details. You can update it via this link [Update your UK Visas and Immigration account details - GOV.UK \(www.gov.uk\)](https://www.gov.uk/update-uk-visas-and-immigration-account-details)
- Maintain continuous residence in the UK and keep evidence of that; continuous residence is defined as spending at least 6 months in any 12 months period in the UK; longer absences might be accepted for compassionate reasons (no further details on that)
- Any criminality is problematic, but more so serious or persistent offences



New relationships/children

Can new members of your household eligible for the BNO visa?

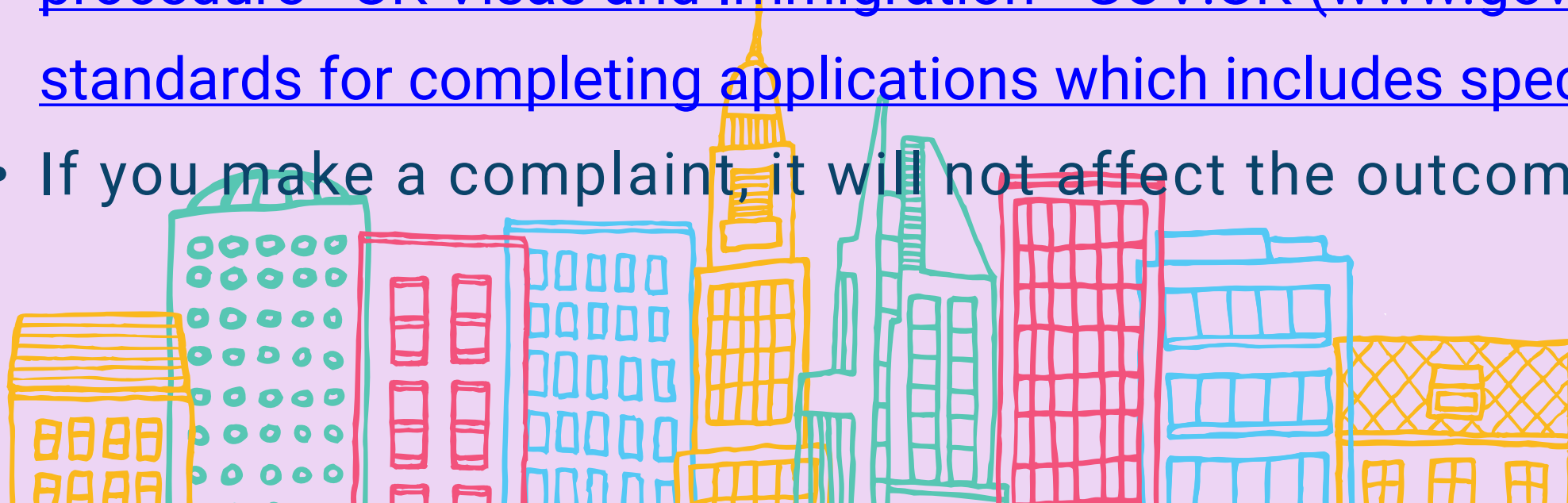
- The process for new-born children is the same as normal – [apply for a BNO visa](#) **but** the application must be made within 3 months of the child's birth; possible to apply without a valid ID, though process is currently unclear
- New partners/spouses can apply for a BNO visa as well, if they meet eligibility requirements, but it is important to get legal advice



Visa delays

What can I do if I am still waiting for my visa for over 6 months?

- UK Visas and Immigration (UKVI) contact centre helpline: 0300 790 6268
- 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 only support individuals living in their constituencies.
- You can also 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 - [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.



Settlement

Where do I find more info about it?

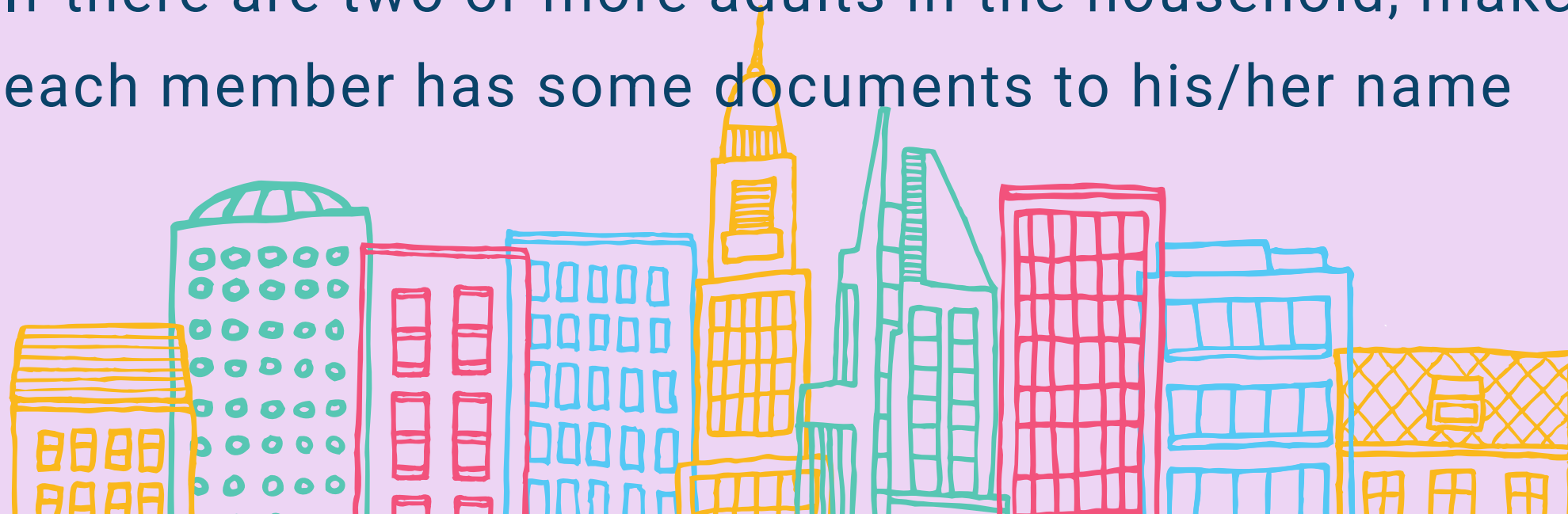
- The [BNO visa caseworker guidance](#) has been updated and now includes more details on future applications for indefinite leave to remain (pages 44-46) i.e. what counts toward qualifying period and English language requirements.
- For more details on the level of English required for settlement check [Prove your knowledge of English for citizenship and settling: Approved English language qualifications - GOV.UK \(www.gov.uk\)](#) .
- In a nutshell, it is either an [English qualification at B1, B2, C1 or C2 level](#) but those qualifications need to be by specific providers, listed here [Prove your English language abilities with a secure English language test \(SELT\) - GOV.UK \(www.gov.uk\)](#) or a [degree taught or researched in English](#)
- English qualifications are valid for 2 years only, so they need to be taken **within 2 years of applying for settlement.**



Settlement

What else do I need to know?

- You will be required to **prove** residency
- 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
- However, it is important that you keep all documents proving your stay in the UK, such as letters from GP, a letter about NI No appointment, Council tax bills, tenancy agreement, utility bills, etc.
- If there are two or more adults in the household, make sure all are listed on utility bills and each member has some documents to his/her name



Future events

2nd February – Finding volunteering opportunities

16th February – Tax system in the UK



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多謝你花時間畀我哋/Thank you!

