

Hong Kong: Exceptional arrangement for visa extension applications due to COVID-19

5 January 2021

In brief

The global outbreak of COVID-19 continues to have an unprecedented impact on many businesses and their internationally mobile workforce. With ongoing and increasing restrictions on cross-border travel and the strengthening of quarantine measures, many Hong Kong-based employees and their dependants are struggling to return to Hong Kong to process their visa extension applications prior to the expiry of their current visas.

To mitigate some of the challenges presented by ongoing travel restrictions, the Hong Kong Immigration Department ('ImmD') has announced that it will start accepting visa extension applications for certain non-permanent residents from outside of Hong Kong, who as a result of COVID-19 have not been able to return to Hong Kong to submit their applications in a timely manner.

In detail

Background

Currently, individuals admitted into Hong Kong under certain immigration policies and schemes, such as for employment or as a dependant, may apply for a visa extension within four weeks of their visa expiry date. All applicants are expected to be physically present in Hong Kong both at the time of extension application submission and for the endorsement of their renewed visa upon approval by the ImmD.

COVID-19 has greatly impacted the global movement of employees, with many individuals displaced and unable to travel due to lockdowns, travel restrictions and flight cancellations. This has resulted in employees and/or their families being unable to return to Hong Kong to submit their extension of stay applications timely.

Changes to existing extension policy

The ImmD has announced that applicants whose visas are due to expire within four weeks or have expired within the last 12 months and who, due to COVID-19, are unable to return to Hong Kong, may submit their extension of stay applications even if they are physically located outside of Hong Kong.

The general documentary requirements for applications under this arrangement include (but are not limited to):

- Original completed and signed application form and specified supporting documents under the relevant immigration policy/scheme;
- Copies of the applicant's passport/travel document and current visa;
- A letter setting out the details of the applicant's inability to return to Hong Kong to submit their extension of stay application.

The expected processing time is approximately three weeks, subject to the ImmD's discretion. If an applicant continues to meet the relevant eligibility criteria and ImmD is satisfied that their circumstances are a continuation of their previous residence in Hong Kong, the ImmD will consider issuing the applicant with a visa valid for six months to facilitate their return to Hong Kong.

The takeaway

Extensions of stay granted under this exceptional arrangement should provide welcome news to many individuals that they will be able to return to Hong Kong and continue to take up employment and residence legally without additional delays. However, this unprecedented arrangement is still subject to clarity on how the relevant applications will be handled by the ImmD in practice. For example, it is unclear on the start date of the extended visa, i.e. whether it will commence immediately after the expiry date of the current visa or commence upon the individual's return to Hong Kong. If it is the latter, any time gaps in possessing valid Hong Kong visas on a consecutive basis may create a negative impact on an individual's eligibility to apply for Hong Kong permanent residency in the future. PwC will continue monitoring any updates and assessing the impact on individuals.

As with any changes to immigration policies, employers and employees should seek further advice if they are unsure of the applicable requirements and processes.

Let's talk

For a deeper discussion of how this impacts your business, please contact your Global Mobility Services engagement team or one of the following professionals:

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