

EQUALITY ACT 2010
SCHEDULE 3, PART 4, PARAGRAPH 17 (4) (a) MINISTERIAL AUTHORISATION

Equality (Leave outside the rules at the border for Hong Kong British National Overseas Citizens) Authorisation 2021

Made	31 March 2021
Coming into Operation	1 April 2021

I make the following authorisation under Schedule 3, Part 4, paragraph 17 (4) (a) of the Equality Act 2010¹.

PART 1
GENERAL

Citation and commencement

1. This authorisation may be cited as the Equality (Leave outside the rules at the border for Hong Kong British National Overseas Citizens) Authorisation 2021 and shall come into operation from 00:01 on 1 April 2021. It extends the operation of Part 2 of the Equality (Leave outside the rules at the border and exceptional assurance for Hong Kong British National Overseas Citizens) Authorisation 2021 which came into operation on 28 January 2021 and which will terminate on 31 March 2021.

2. In this authorisation –

“BN(O)” has the meaning given to it in the Passports of UK and British Overseas Citizens guidance and the British Overseas Citizens Guidance;

“family member” means a BN(O)’s partner, or the child or grandchild under the age of 18, child (born on or after 1 July 1997) aged 18 to 23 (and their partner or child under the age of 18), or adult dependent relative of the BN(O) or their partner where that family member meets the relevant relationship requirement in the Hong Kong BN(O) route, and in this definition “partner” means husband, wife, civil partner, unmarried partner or same sex partner;

“Hong Kong BN(O) route” means the immigration route set out in Appendix Hong Kong British National (Overseas) of the Immigration Rules that came into force on 31 January 2021;

“ordinarily resident” means a regular habitual mode of life in a particular place for the time being, whether of short or long duration, the continuity of which has persisted apart from temporary or occasional absences;

“maintain” means has the financial means to support and accommodate.

¹ 2010 c. 15.

DISCRIMINATION ON GROUND OF NATIONALITY – LEAVE OUTSIDE THE RULES

Arrangements for Hong Kong British National Overseas citizens (BN(O)s and their family members

3. (1) The Hong Kong BN(O) route opened for applications on 31 January 2021.
 - (2) This paragraph applies where a BN(O) and/or their family members wish to enter or remain in the United Kingdom prior to 17 May 2021 and have not yet been granted leave under the Hong Kong BN(O) route.
 - (3) If the conditions in paragraph 4 are met, a Border Force Officer can consider whether to grant leave outside the rules to the BN(O) and any accompanying family members.
 - (4) If the conditions in paragraph 5 are met, a Border Force Officer can consider whether to grant leave outside the rules to the family member of a BN(O) who is seeking to enter the UK to join a BN(O) who is already in the United Kingdom.

Conditions for Paragraph 3(3)

4. The conditions referred to in paragraph 3(3) are that the BN(O):
 - (a) is not subject to the general grounds of refusal in Part 9 of the Immigration Rules;
 - (b) does not meet the requirements of the Immigration Rules;
 - (c) holds BN(O) status;
 - (d) is ordinarily resident in Hong Kong or the UK (this includes those BN(O)s who are ordinarily resident in the Bailiwick of Guernsey, Bailiwick of Jersey, or the Isle of Man); and
 - (e) can maintain themselves and relevant family members whilst in the UK.

Conditions for Paragraph 3(4)

5. The conditions referred to in paragraph 3(4) are that:
 - (a) the Border Force Officer is satisfied that the BN(O) who is already present in the UK meets the conditions set out in paragraph 4(c) and (e); and
 - (b) The Border Force Officer is satisfied that the family member meets the definition of family member set out in paragraph 2 above.

Duration

6. This Authorisation will terminate on 17 May 2021.

A handwritten signature in black ink, appearing to read 'Foster', with a period at the end. The signature is written in a cursive style.

Home Office
31 March 2021

Parliamentary Under Secretary of State