



DECLARATION OF CHANGE OF NATIONALITY

A Guide for Applicants

**Immigration Department
The Government of the
Hong Kong Special Administrative Region**

This guide and the application form are issued free of charge to persons who wish to declare change of nationality. Please read it carefully before you complete the application form.

If you require more information, please contact:

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Immigration Department
2nd Floor, Immigration Tower
7 Gloucester Road
Wan Chai, Hong Kong

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1. Who can make a declaration of change of nationality?

- The Standing Committee of the Chinese National People's Congress has passed a resolution on the Interpretation of the Chinese Nationality Law when applying in the Hong Kong Special Administrative Region (HKSAR). Among other things, the HKSAR Immigration Department is authorized to process declarations of change of nationality in respect of Hong Kong residents who are Chinese citizens holding foreign passports. After their declarations have been approved, these persons will be treated as foreign nationals in the HKSAR and will be eligible for consular protection.
- Hong Kong residents who are of Chinese descent and born in Hong Kong or other parts of China will be regarded as Chinese citizens in the HKSAR, notwithstanding that they hold or have held any foreign passports.
- If such Hong Kong residents choose to be treated as foreign nationals in the HKSAR, they will have to make a declaration of change of nationality to the HKSAR Immigration Department.
- Applications can be made while the applicant is in Hong Kong.
- A declaration of change of nationality will be approved provided the applicant is able to satisfy the following requirements:—
 - (a) He is aged 18 or over and of sound mind. (the declaration in respect of a person under the age of 18 should be made by his parent or legal guardian);

- (b) He is a Chinese national under the Chinese Nationality Law, as elaborated by “the Interpretation of Chinese Nationality Law when applying in the HKSAR” passed by the Standing Committee of the National People’s Congress on 15 May 1996;
- (c) He is a Hong Kong resident;
- (d) He is able to produce evidence (e.g. a foreign passport) to show that he has a foreign nationality;
- (e) There is no indication that the documents purporting to his foreign nationality are forged or have been obtained by illegal means; and
- (f) He will not become a stateless person after disclaiming Chinese nationality.

2. Will a declaration of change of nationality affect your right of abode in the HKSAR?

You will continue to enjoy ROA in the HKSAR after your declaration of change of nationality has been approved, provided:—

- (a) you had the ROA in Hong Kong before 1 July 1997,
AND
 - (i) you are settled or have returned to settle in Hong Kong before 1 July 1997; or
 - (ii) you return to settle in Hong Kong within 18 months from 1 July 1997; or
 - (iii) on the date you return to settle in Hong Kong, you have not immediately before that date been absent from Hong Kong for a continuous period of more than 36 months.

OR

- (b) you are able to meet the criteria applicable to a non-Chinese citizen, namely:—
 - (i) you have entered Hong Kong with valid travel documents, have ordinarily resided in Hong Kong for a continuous period of not less than seven years and have taken Hong Kong as your place of permanent residence before or after the establishment of the HKSAR; or
 - (ii) you are under 21 years of age and born in Hong Kong before or after the establishment of the HKSAR provided that at the time of your birth or any time thereafter before you attain the age of 21, one of your parents has the ROA in Hong Kong under Article 24(2)(4) of the Basic Law (you have to re-qualify for the ROA as other foreign nationals do when you reach the age of 21); or

- (iii) immediately before the establishment of the HKSAR, you had the ROA in Hong Kong only.

If you are unable to fulfill any of the above requirements, you will not continue to enjoy the ROA in the HKSAR after the approval of your declaration of change of nationality. But if you lose your ROA, you will automatically acquire the right to land enabling you to enter the HKSAR freely and to work, study or live in the HKSAR without any restriction. You will also be able to re-acquire the ROA when you are able to satisfy the requirements in paragraph (b)(i) above.

Meaning of related terms

(i) Settled in Hong Kong

A person is settled in Hong Kong if:

- ◆ he is ordinarily resident in Hong Kong; and
- ◆ he is not subject to any restriction on the period of stay in Hong Kong.

(ii) Ordinary residence

A person is ordinarily resident in Hong Kong if:

- ◆ he remains in Hong Kong legally, voluntarily and for a settled purpose (such as for education, business, employment or residence etc.), whether of short or long duration.

(iii) Parent and Child

The relationship of mother and child shall be taken to exist between a woman and any child born to her in or out of wedlock; but the relationship of father and child shall be taken to exist only between a man and a child born to him in wedlock (any child born out of wedlock and subsequently legitimized by the marriage of the child's parents shall be treated as if born in wedlock). In the case of adoption, the relationship of parent and child is taken to exist only if the child is adopted in Hong Kong in accordance with the Adoption Ordinance (Cap. 290).

3. How to make a declaration of change of nationality?

Application Form

- If you are aged 18 or over, you may complete Form ID 869.
- For a separate declaration in respect of a child under 18 years of age, the parent should complete Form ID 870.
- Before completing the application form, an applicant is advised to note the statement of purpose for data collection printed at the Appendix.

Documents required

- (a) Hong Kong identity card or permanent identity card (if any);
- (b) documentary proof of your/your child(ren)'s foreign nationalities (e.g. foreign passport);
- (c) valid Hong Kong Special Administrative Region passports issued to you/your child(ren) (if any);
- (d) (if applicable) proof of relationship with your child(ren) e.g. birth certificates.

Original documents will be required.

Fee

The fee for declaration of nationality change is HK\$145 and is payable upon submission of application. However, the collection of fee does not constitute any guarantee or assurance that the declaration of change of nationality will be approved. If payment is made by cheque/bank draft, it should be crossed and made payable to 'The Government of Hong Kong Special Administrative Region'. The fee paid is non-refundable in any circumstances.

Address for application

You may submit the application by post or in person to:—

Nationality Sub-section
Immigration Department
4th Floor
Immigration Tower
7 Gloucester Road
Wan Chai, Hong Kong

After Approval

After your declaration of nationality change has been approved, you will be issued with a letter confirming the registration of your change of nationality.

If the Director of Immigration subsequently finds that the person has provided false or inaccurate information, the declaration of change of nationality will become null and void. Action may be taken against that person in accordance with law.

If a person has made a declaration of change of nationality and later wishes to resume Chinese nationality, he will need to apply for restoration of Chinese nationality.

Reminder: Under regulation 18 of the Registration of Persons Regulation (Cap. 177), a person is required to report any change in particulars (e.g. nationality claimed) having submitted in the registration for identity card to the nearest registration office. The report may be made by post using a specified form (ROP 18).

Appendix

Statement of Purpose

Purpose of Collection

1. The personal data provided in the application form will be used by Immigration Department for one or more of the following purposes:
 - (a) to process your declaration of change of nationality;
 - (b) to administer the Chinese Nationality Law (CNL) and ‘the Interpretation of CNL when applying in the HKSAR’ passed by the Standing Committee of the National People’s Congress of the Chinese Government on 15 May 1996;
 - (c) to assist in the enforcement of relevant provisions of the Immigration Ordinance (Chapter 115); Immigration Service Ordinance (Chapter 331) and any other Ordinances and Regulations by other government departments through carrying out immigration control duties;
 - (d) in connection with any other person’s applications for immigration facilities in which you are named as a sponsor or referee;
 - (e) for research and statistical purposes; and
 - (f) any other legitimate purposes.

The provision of personal data in the process of your declaration is voluntary. If you do not provide sufficient information, we may not be able to process your declaration.

Classes of Transferees

2. The personal data you provide may be disclosed to government bureaux, departments and other organizations for the purposes mentioned in paragraph 1 above.

Access to Personal Data

3. You have a right to request access to and correction of your personal data as provided for in sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided in the declaration form subject to payment of a fee.

Enquiries

4. Enquiries concerning the personal data collected by means of this application form, including making of access and corrections, should be addressed to:

Chief Immigration Officer
Travel Documents & Nationality (Application) Section
Immigration Department
4th Floor, Immigration Tower
7 Gloucester Road, Wan Chai
Hong Kong

Tel No.: 2829 3093