



Declaration of Change of Nationality

A Guide for Overseas 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.

This guide will help you to decide whether you can declare change of your nationality and tells you how to do it.

This is general guide on Chinese nationality matters and carries no legal authority.

If you require more information, please contact:

Information and Liaison Section
Immigration Department
2nd Floor, Immigration Tower
7 Gloucester Road
Wan Chai, Hong Kong

Tel: (852) 2824 6111

Fax: (852) 2877 7711

E-mail: enquiry@immd.gov.hk

Website: <http://www.immd.gov.hk/>

What this guide contains

1. Tells you who can make a declaration of change of nationality
Page 2
 2. Tells you the consequence of a declaration of change of nationality in relation to the right of abode in the HKSAR
Page 3
 3. Tells you how to make a declaration of change of nationality
Page 4–5
 4. Tell you what happens afterwards
Page 6
- Appendix—Statement of purpose for data collection
Page 7

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

- The Standing Committee of the Chinese National People's Congress has passed Explanations of some questions to the Nationality Law of the People's Republic of China 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.
- Applicants residing in countries outside Hong Kong may submit their application to the nearest Chinese diplomatic and consular mission or direct to the HKSAR Immigration Department.
- 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 "Explanations of some questions to the Nationality Law of the People's Republic of China 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 have the right of abode (ROA) in Hong Kong after your declaration of change of nationality have been approved provided:

you had the ROA in Hong Kong before 1 July 1997,

and

- (i) you were settled in Hong Kong immediately before 1 July 1997; or
- (ii) after you ceased to be settled in Hong Kong immediately before 1 July 1997, you return to settle in Hong Kong within the period of 18 months commencing on 1 July 1997; or
- (iii) after you ceased to be settled in Hong Kong immediately before 1 July 1997, you return to settle in Hong Kong after the period of 18 months commencing on 1 July 1997 but only if you have not been absent from Hong Kong for a continuous period of not less than 36 months;

Provided that:

you have not been absent from Hong Kong for a continuous period of not less than 36 months since you ceased to have ordinarily resided in Hong Kong;

If you are unable to fulfill any of the above requirements, you will not continue to enjoy the ROA in 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 (RTL) enabling you to enter the HKSAR freely to live, study and work without any restriction. You will also be able to re-acquire the ROA in the HKSAR if you are able to satisfy the requirements applicable to a person not of Chinese nationality.

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.

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

Application Form

- Application forms are obtainable from the Chinese diplomatic and consular missions or the HKSAR Immigration Department, or the Department's Home Page.
- If you are aged 18 or over, you may complete Form ID920.
- For a separate declaration in respect of a child under 18 years of age, the parent should complete Form ID921.
- The application form may be completed in either Chinese or English, but must be in black or blue ink.
- All parts of the form should be completed. Item(s) which is(are) not applicable should be crossed out and signed by the person making the declaration.
- Sign and date the declaration of your application. The application will be invalid if the declaration part is not completed.
- If you are unable to sign, please impress your left thumbprint.
- Before completing the application form, an applicant is advised to note the statement of purpose for data collection printed at the Appendix.

Submission of an overseas application

Through Chinese diplomatic and consular mission

You may submit your application form together with originals and photocopies of the supporting documents to the nearest Chinese diplomatic and consular mission. The Chinese diplomatic and consular mission will verify the supporting documents and then forward the application form and verified copies of supporting documents to the HKSAR Immigration Department for processing.

Direct to the HKSAR Immigration Department

You may send the application form direct to the Nationality Sub-section of the HKSAR Immigration Department (Address: 4th Floor, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong) together with the bank draft for application fee and photocopies of supporting documents. In such circumstance, you need to furnish the name and address of a local referee who will be notified by the HKSAR Immigration Department to produce the original supporting documents for verification.

Documents in support of the application

- (a) If you are of age 18 or over, you should submit the application together with the following documents and photocopies:
 - (i) your Hong Kong identity card or permanent identity card (if any);

- (ii) documentary proof of your foreign nationality (e.g. foreign passport);
 - (iii) valid Hong Kong Special Administrative Region passport issued to you (if any);
- (b) For an applicant under the age of 18, the application should be submitted together with the following documents and photocopies:
- (i) applicant's Hong Kong identity card or permanent identity card (if any);
 - (ii) documentary proof of applicant's foreign nationality (e.g. foreign passport);
 - (iii) valid Hong Kong Special Administrative Region passport issued to the applicant (if any);
 - (iv) proof of relationship with applicant's parents or legal guardian, e.g.:
 - identity cards or travel documents of applicant's parents/legal guardian (if the applicant is married, the marriage certificate should be produced and consent from applicant's parents or legal guardian will not be required)
 - proof of legal guardianship (e.g. applicant's birth certificate, parents' marriage certificate or a relevant court order to prove the legal guardianship in respect of the applicant)

Fees Payable

(a) For applications submitted directly to HKSAR Immigration Department

The fee for declaration of change of nationality is HK\$145. It is payable at the time of application. The collection of fee does not constitute any guarantee that your application will be approved and **it is non-refundable in any circumstances**. When the application is approved, a confirmation letter will be issued. The payment should be made by a bank draft payable to 'The Government of Hong Kong Special Administrative Region' in Hong Kong or US dollar. The bank draft should be drawn on a bank in the HKSAR. Alternatively, you may furnish the name and address of a local referee to pay the fees on your behalf upon receipt of notification from the HKSAR Immigration Department. Please see the fees in the enclosed fees notice (ID930).

(b) For applications submitted through Chinese diplomatic and consular mission

If you submit your application through a Chinese diplomatic and consular mission, you are required to pay a handling charge and for the expenses of forwarding your application to the HKSAR Immigration Department in addition to the application fees mentioned in paragraph (a) above.

4. After you have submitted your application

If your application is submitted directly to the HKSAR Immigration Department by post, an acknowledgement card will be sent to you by post.

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 your application is submitted through the Chinese diplomatic and consular mission, the letter will be issued to you through the concerned mission. If your application is submitted directly to the HKSAR Immigration Department by post, the letter will be issued to your authorized local referee.

After declaration of nationality change, you are no longer a Chinese national and you will have to surrender your Chinese passport or HKSAR passport or certificate of naturalization as a Chinese national (if any) for cancellation.

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 (ROP18).

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
4th Floor, Immigration Tower
7 Gloucester Road, Wan Chai
Hong Kong
Tel No.: (852) 2829 3093