

Hong Kong's passports: London fixes mess created by imperialist push

By **Jocelyn Chey**

John Menadue's Pearls & Irritations, 5 February 2021

Link: <https://johnmenadue.com/hong-kongs-passports-london-fixes-mess-created-by-imperialist-push/>

The key acknowledgement behind the UK's new immigrations scheme is that the UK no longer fears being swamped by Asians but on the contrary sees potential financial benefit from an influx of wealthy and well-educated Hong Kong families.

China's foreign ministry announced late last week that it would not recognise British National (Overseas) passports. The move was widely interpreted as a further crackdown on the people of Hong Kong but in fact the Hong Kong BN(O) passport has limited usefulness.

The [international media](#) put its usual negative construction on this development. However, the story of the passport is in fact an example of the muddles left by Britain when it was divesting itself of imperial acquisitions.

Beijing's move was a response to the announcement by the British government of how Hong Kong people could apply for new BN(O) visas and to the Hong Kong government's instructions to airlines of consequent travel document requirements.

PRC foreign ministry spokesman Zhao Lijian said on 29 January at a [regular briefing](#), "In disregard of China's solemn position and the fact that it has been 24 years since Hong Kong returned to the motherland, the British side blatantly violated its commitment, formulated the so-called 'bespoke' policy of abode and citizenship in the UK for BN(O)s, and continued to expand its scope of application. The UK's move grossly violates China's sovereignty, interferes in Hong Kong affairs and China's internal affairs, and runs counter to international law and basic norms governing international relations."

The Hong Kong government followed up by declaring that BN(O) passports could not be used for immigration clearance and would not be recognised as proof of identity. Very few Hongkongers will in fact be affected by this ruling since most use Hong Kong Special Administrative Region passports, or other travel documents such as the estimated 100,000 residents with Australian passports.

Another type of travel document is the “home-return permit” issued by the PRC through China Travel Service offices, available to Hongkongers who are Chinese nationals when travelling to or from the mainland.

The new BN(O) visa allows holders to stay in the UK for up to five years and to apply for citizenship after six years. It does not entitle people to unemployment or other government benefits. Any resident born in Hong Kong before 1997 can apply for a BNO passport, equating to some 2.9 million people. These people have 2.3 million family members also eligible for the visas.

The British government last October estimated that more than one million Hongkongers might emigrate over the next five years. Applications for the BNO travel document indeed surged from 167,000 in July to 612,000 in August 2020. Australia also received increased numbers of inquiries for business investment and innovation visas in the second half of 2020.

Hong Kong’s population is declining through natural causes and through emigration. In 2020, there were more deaths than births. The number of marriages also declined by more than 36 per cent. This trend does not bode well for the economic prospects of the SAR and must be addressed by Hong Kong and Beijing.

Hopefully, Beijing will modify its stand and allow those who decide to leave to retain the option to return. Hongkongers also might be more welcoming to mainlanders who would consider moving there.

Whatever decision is made is complicated by historical decisions of decades ago at the time of Britain’s precipitate withdrawal from its Empire and from the Far East. A brief recap may throw some light on the current passport dilemma.

Just 100 years ago, the League of Nations proposed that a passport should serve as an internationally recognised travel document. After the Second World War, in the era of decolonisation, things became more complicated. Almost all inhabitants of the British Empire, including Australia and Hong Kong, were British subjects, but a surge of non-white immigration to the UK led to increasing restrictions on eligibility for residence. In 1983 a distinction was made between British nationality and British citizenship. Only British citizens had the right to enter and live in the UK without restriction, that is, the right of abode.

These developments coincided with Margaret Thatcher’s fateful visit to Beijing for discussions about the fate of Hong Kong after the end of the British 99-year lease. Hong Kong citizens willy-nilly became British Overseas Territories citizens. This change

also applied to other Territories, with the sole exception of the Falkland Islands residents following the Falklands War.

At the time there were widespread protests in Hong Kong, particularly from the large ethnic Indian community, who feared discrimination from the Chinese government. The Home Office, concerned at the prospect of large-scale Asian immigration, was determined to prevent an inrush from Hong Kong. The only concession protesters gained was that they could apply for a new type of BN(O) passport. This second-rate passport did not convey right of abode. It was never recognised by the PRC.

From the 1980s on, many Hong Kong people emigrated to Australia, Canada, the US and other countries. Most became citizens and many, for family or business reasons, subsequently returned to live in Hong Kong and still maintain permanent resident status there. These people have nothing to fear from last week's statement. The PRC continues to respect their status as foreign nationals.

Some difficulties and confusion can arise if Hongkongers with foreign passports choose to travel to the mainland using "home-return permits", indicating their acceptance of the status of Chinese nationals. This difficulty is best resolved by making a declaration of change of nationality to the Hong Kong Immigration Department.

In the Sino-British Joint Declaration, Beijing referred to Hong Kong people as "Chinese compatriots", whether or not they held BN(O) passports and stated that they were "Chinese nationals". Beijing's stand on this point has never changed. What has changed is that the UK no longer fears being swamped by Asians but on the contrary sees potential financial benefit from an influx of wealthy and well-educated Hong Kong families.

As Yuan Yi Zhu noted in [a recent article](#) in *Foreign Policy*, "Such are the varied legacies of empire."

Jocelyn Chey is a Visiting Professor at the University of Sydney and Adjunct Professor at Western Sydney University and UTS. She formerly held diplomatic posts in China and Hong Kong. She is a member of the Order of Australia (AM) and a Fellow of the Australian Institute of International Affairs. She is also an Associate with China Matters.