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UK Visa Scheme For Hong Kong Residents

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Why in News

Recently, the **UK has launched a special visa scheme that will allow the Hong Kong residents** a chance to migrate and eventually apply for British citizenship.

- The move came months after China imposed a **national security law** over Hong Kong enabling it to curb the 2019 pro-democracy like protests in future and also to **override the powers of the government** in Hong Kong.
- The move is **considered the UK's most generous welcoming of foreign workers** since the entry of new **European Union (EU)** citizens in 2004 - when 10 countries were added to the bloc - at a time when the UK was also a member. The **UK officially left the EU** on 31st January 2020.

Key Points



- **Background:**

- Since July 2020, after the national security law was implemented, the **British government has already allowed around 7,000 people from Hong Kong to move to its shores.**
- These were **allowed permission to migrate not through the visa scheme, but through government action on compassionate grounds.**
- In response to the Law, **Australia, Britain** and Canada have also suspended their **extradition treaties** with Hong Kong.

- **Conditions for the Special Visa Scheme:**

- The visas will be issued to those in Hong Kong holding a **British National (Overseas) passport** and their immediate dependents, and will offer a fast track to UK citizenship.
- Applicants who get the visa **can live and work in the UK for 5 years**, after which they **apply for settlement. Twelve months after this, they can apply for citizenship.**

- **Reason for Announcing Visa Scheme (National Security Law):**
 - **Threat from National Security Law:** China implemented new national security law for Hong Kong, that **could impose the People's Republic of China's arbitrary and opaque criminal system onto the Hong Kong common law system.**
 - **National security act** is seen as breach of the **Basic Law**, the mini-constitution which defines ties between Hong Kong and Beijing (China's capital).
 - **Provisions of National Security Law:**
 - Crimes of **secession, subversion, terrorism and collusion with foreign forces** are punishable by a maximum sentence of life in prison.
 - **Damaging public transport facilities** can be considered terrorism.
 - Those found guilty will **not be allowed to stand for public office.**
 - **Establishment of a new security office in Hong Kong**, with its own law enforcement personnel - neither of which would come under the local authority's jurisdiction.
 - Hong Kong will **have to establish its own national security commission** to enforce the laws, with a China-appointed adviser.
 - This office can send some cases to be tried in mainland China.
 - Hong Kong's chief executive will have the power to appoint judges to hear national security cases, raising **fears about judicial autonomy of Hong Kong.**
 - **China** will also have the **power over how the law should be interpreted.**
- **UK's Stand:**

The imposition of the security law “**a serious and clear breach of the Sino-British Joint Declaration**”, referring to a **1984 treaty** between the two countries.

Under the Treaty, **China promised to honour Hong Kong's liberal policies**, system of governance, independent judiciary, and individual freedoms **for a period of 50 years from 1997.**
- **China's Stand:**
 - China **criticised the UK move.** The British side **disregarded the fact that Hong Kong returned to China 24 years ago.**
 - China also said that it would **no longer be recognising BN(O) passports**, saying that the **citizenship offer “seriously infringed” on China's sovereignty.**

The Handover of Hong Kong from Britain to China

- **Hong Kong was formerly a British colony** and was **handed over to mainland China in 1997**, becoming one of its **Special Administrative Regions (SAR).**
- It is **governed by a mini-constitution called the Basic Law**, which affirms the principle of “**one country, two systems**”.

- The constitutional document is a product of the **1984 Sino-British Joint Declaration**, under which China promised to honour Hong Kong's liberal policies, system of governance, independent judiciary, and individual freedoms for a period of 50 years from 1997.

Way Forward

- The present Visa regime **will enable the people of Hong Kong to evade the secretive, authoritarian and coercive actions of China** under national security act, however long term solutions can be attained by arbitration and conciliation with all the stakeholders to secure the interests of people of Hong Kong.
- **National security law endangers Hong Kong's position as an East Asian trading hub**, and along with the UK's action it should invite global criticism for Beijing, which is already being accused of withholding key information related to the **Covid-19 pandemic**.

Source: IE