

31 May 1990

3,500 HK BDTCs return to Britain

ABOUT 3,500 Hongkong British Dependent Territories Citizens (BDTC) were admitted to the United Kingdom as returning residents last year, said the Secretary for Security, Mr Alistair Asprey.

He said the number was provided by UK immigration authorities because the Hongkong Government did not have precise figures or reliable estimates.

"However, this figure may include an element of double counting since some may well have departed and entered the UK on more than one occasion," he said. In a reply to a question from Mrs So Chau Yim-ping, Mr Asprey said the Hongkong Government was not consulted about a recent amendment to a British immigration rule affecting BDTC and British National (Overseas) (BNO) passport holders who have acquired the right to live in the UK.

But he said the Government was informed of the amendment before it came into force on May 1.

He also assured legislators that the amendment had no connection with the nationality package offered by Britain to cover 50,000 Hongkong families.

"We have been advised that the amendment is technical in nature and does not represent any change in policy or practice," he said.

"Those who acquire citizenship under the British Nationality (Hongkong) Bill will, of course, have their right of abode in the UK conferred by citizenship but not by immigration rules."

Under the revised British Immigration Rule 58, those BDTC and BNO passport holders who have acquired the right of residence in the UK but since then left will have to settle in the country in order to keep their residency status.

On their return to the UK after leaving, they must satisfy the immigration offi-

cers that they now seek admission for the purpose of settlement.

Stressing that the amendment was technical, Mr Asprey said the revised wording of the new rule was the interpretation which the British immigration authorities had always put on the rule.

"I do not think that those who have this status and who returned to the UK will find that they are treated any differently by the immigration officers at the point of entry in future than they have been in the past," he said.

"It has always been the understanding of the UK immigration authorities that the purpose of Immigration Rule 58 was to allow to return for settlement people who were previously settled there and who are now returning from a relatively short stay overseas with the view to resuming their residence.

"It has never been their understanding or their interpretation of the rule that persons who are for all intents and purposes permanently residents overseas can claim resettlement status in the UK. The purpose of the rule is simply to clarify what has always been their understanding."

Mr Asprey said his best advice to Hongkong citizens who would be affected by the amendment was to "act as they have always acted".

"I can probably do no more, no better, than to repeat the reassurance which the Home Secretary gave when he spoke on the amendment in the House of Commons on May 15.

"He said then: 'We purposed to reinforce the message that there is going to be no change in practice by issuing a specific instruction to immigration officers emphasising that in these cases it will not normally be necessary to make further inquiries about the persons' plans'."