



Renunciation of Chinese Nationality

Nationality Law of the People's Republic of China

A Guide for Applicants

**Immigration Department
Hong Kong Special Administrative Region**

ID 877A (4/2005) (I)

This guide and the application form are issued free of charge for Chinese nationals who wish to renounce their Chinese nationality.

This guide will help you to decide whether you can renounce your Chinese nationality and tells you how to do it.

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: 2824 6111

Fax: 2877 7711

E-mail: enquiry@immd.gov.hk

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

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1. Who can renounce Chinese nationality?

The requirements laid down in Articles 10, 11 and 12 of the Nationality Law of the People's Republic of China are as follows :-

Article 10

Chinese nationals who meet one of the following conditions may renounce Chinese nationality upon approval of their applications :

- (i) they are near relatives of foreign nationals;
- (ii) they have settled abroad; or
- (iii) they have other legitimate reasons.

Article 11

Any person who applies for renunciation of Chinese nationality shall lose Chinese nationality upon approval of his application.

Article 12

State functionaries and military personnel on active service shall not renounce Chinese nationality.

(Appendices 1 and 2 show you the text of the Nationality Law of the People's Republic of China and the "Explanations of some questions by the Standing Committee of the National People's Congress concerning the implementation of the Nationality Law of the People's Republic of China in the HKSAR".)

If you are a *Chinese national*, you can renounce your Chinese nationality *if*

- you are a Hong Kong resident or were a Hong Kong resident immediately before you emigrated to another country; **and**
- you are of sound mind; **and**
- you are the spouse or child of a foreign national and are required under the law of that country to renounce your Chinese nationality before you can naturalize as a national of that country; **or**

you have emigrated to and settled in another country and are required by law of that country to renounce your Chinese nationality before you can naturalize as a national of that country; **or**

you have been adopted by a foreign national and are required under the law of your adoptive parent's country to renounce your Chinese nationality before you can naturalize as a national of that country.

Your application may also be considered if you have other legitimate reasons.

Important Note :

If you are required to give up your Chinese nationality before you can acquire a foreign nationality, you should apply for renunciation of Chinese nationality. If you have already acquired a foreign nationality with right of abode in that foreign country and you wish to be treated as a national of that country in the HKSAR, you should make a declaration of change of nationality to the HKSAR Immigration Department. Complete Form ID869 or ID870 as appropriate.

2. How to renounce Chinese nationality?

Filling in the form

You can apply to renounce your Chinese nationality by completing Form ID877.

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.

The declaration at Part 5 has to be made by your parent or legal guardian if you are aged under 18.

Before completing the application form, you are advised to note the statement of purpose for data collection printed at Appendix 3.

Documents in support of the application

You should submit your application together with the following documents and photocopies:

(a) proof of your identity and Chinese nationality

- Hong Kong identity card
- all passports and travel documents
- birth or naturalization certificate

- (b) proof of a foreign nationality you are about to acquire
 - a letter from the competent authorities of the country concerned confirming that nationality of that country will be granted to you after you have renounced Chinese nationality
- (c) proof to support that you have other legitimate reasons to renounce your Chinese nationality
- (d) proof of your relationship with your parent/legal guardian who submits the application if you are under the age of 18, e.g.:
 - your birth certificate
 - your parents' marriage certificate
 - a court order granting guardianship (if the application is made by your legal guardian)

Where to submit your application

You may submit the application form with the fee and supporting documents in person or by post to :

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

(Original documents **should not be** sent by post. Only photocopies of supporting documents should be sent with the application by post. Original documents will be inspected at the time of interview.)

The application should normally be made while you are in Hong Kong. (If you are outside Hong Kong, you may submit your application through a Chinese diplomatic and consular mission or direct to the HKSAR Immigration Department. In the latter case, you will have to arrange for the original supporting documents to be produced by your sponsor in Hong Kong.)

Fee

The application fee is HK\$480 and is payable upon submission of the application. However, the collection of fee does not constitute any guarantee or assurance that your application for renunciation of Chinese nationality will be approved. If payment is made by cheque, it should be crossed and made payable to 'The Government of the Hong Kong Special Administrative Region'. You should ensure that the date, payee and the amount are entered correctly on the cheque and that it is signed. **The fee paid is non-refundable in any circumstances.**

3. After you have submitted your application

A card will be given to you to acknowledge receipt of your application. (The card will be sent to you by post if the application is submitted by post.) Arrangement will be made to interview you at a later date. If you need to get in touch with the Immigration Department about any other aspect of your application, please write to the Nationality Section, Immigration Department, 9th Floor, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong, and give your full name, date and place of birth and your application number.

The declaration in Part 5 includes an undertaking to inform the Director of Immigration of any changes which may affect the accuracy of any information you put on the application form. It is important to do this while your application is being considered.

A successful applicant will be issued with a certificate of renunciation of Chinese nationality. The Director of Immigration may cancel the certificate if the Director is satisfied on reasonable grounds that the certificate was obtained by fraud, false representation or the concealment of any material fact. Action may be taken against that person in accordance with law.

After renunciation of Chinese nationality, 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 a person has renounced his Chinese nationality and later wishes to resume Chinese nationality, he will need to apply for restoration of Chinese nationality.

If the application for renunciation of Chinese nationality is not approved, you will remain a Chinese national.

4. Will renunciation of Chinese nationality affect your Right of Abode in Hong Kong?

You will continue to have the right of abode (ROA) in Hong Kong after your application for renunciation of Chinese nationality has been approved, provided:-

- (a) 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.

OR

- (b) you are able to meet the criteria applicable to a person not of Chinese nationality :-
 - (i) you have entered Hong Kong with a valid travel document, 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 (you are required to make a declaration in the form the Director of Immigration stipulates that

you have taken Hong Kong as your place of permanent residence); or

- (ii) you are under 21 years of age born in Hong Kong to a parent who is a permanent resident of the HKSAR under paragraph (b)(i) before or after the establishment of the HKSAR if at the time of your birth or at any later time before you attain the age of 21, one of your parents has the ROA in Hong Kong (you have to re-qualify for the ROA as other foreign nationals do when you reach the age of 21); or
- (iii) before the establishment of the HKSAR, you had the ROA in Hong Kong only.

As a person not of Chinese nationality, you will lose your ROA in the HKSAR only if :

- (a) you have 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; or
- (b) being a person who before the establishment of the HKSAR had the ROA in Hong Kong only, you have been absent from Hong Kong for a continuous period of not less than 36 months after you obtained the right of abode in any place other than Hong Kong and had ceased to be ordinarily resident in Hong Kong.

If you lose your ROA in Hong Kong, you will automatically acquire the right to land enabling you to enter Hong Kong freely and to work, study or live in Hong Kong 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), see page 8.

Appendix 1

Nationality Law of the People's Republic of China

(Adopted at the Third Session of the Fifth National People's Congress, promulgated by Order No. 8 of the Chairman of the Standing Committee of the National People's Congress and effective as of September 10, 1980)

Article 1 This law is applicable to the acquisition, loss and restoration of nationality of the People's Republic of China.

Article 2 The People's Republic of China is a unitary multinational state; persons belonging to any of the nationalities in China shall have Chinese nationality.

Article 3 The People's Republic of China does not recognize dual nationality for any Chinese national.

Article 4 Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.

Article 5 Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.

Article 6 Any person born in China whose parents are stateless or of uncertain nationality and have settled in China shall have Chinese nationality.

Article 7 Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications:

- (1) they are near relatives of Chinese nationals;
- (2) they have settled in China; or

(3) they have other legitimate reasons.

Article 8 Any person who applies for naturalization as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalization as a Chinese national has been approved shall not retain foreign nationality.

Article 9 Any Chinese national who has settled abroad and who has been naturalized as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality.

Article 10 Chinese nationals who meet one of the following conditions may renounce Chinese nationality upon approval of their applications:

(1) they are near relatives of foreign nationals;

(2) they have settled abroad; or

(3) they have other legitimate reasons.

Article 11 Any person who applies for renunciation of Chinese nationality shall lose Chinese nationality upon approval of his application.

Article 12 State functionaries and military personnel on active service shall not renounce Chinese nationality.

Article 13 Foreign nationals who once held Chinese nationality may apply for restoration of Chinese nationality if they have legitimate reasons; those whose applications for restoration of Chinese nationality have been approved shall not retain foreign nationality.

Article 14 Persons who wish to acquire, renounce or restore Chinese nationality, with the exception of cases provided for in Article 9, shall go through the formalities of application. Applications of persons under the age of 18 may be filed on their behalf by their parents or other legal representatives.

Article 15 Nationality applications at home shall be handled by the public security bureaus of the municipalities or counties where the applicants reside; nationality applications abroad shall be handled by China's diplomatic representative agencies and consular offices.

Article 16 Applications for naturalization as Chinese nationals and for renunciation or restoration of Chinese nationality are subject to examination and approval by the Ministry of Public Security of the People's Republic of China. The Ministry of Public Security shall issue a certificate to any person whose application has been approved.

Article 17 The nationality status of persons who have acquired or lost Chinese nationality before the promulgation of this Law shall remain valid.

Article 18 This Law shall come into force as of the date of its promulgation.

Appendix 2

Explanations of some questions by the Standing Committee of the National People's Congress concerning the implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region

(Adopted at the 19th meeting of the Standing Committee at the 8th National People's Congress on 15 May 1996)

According to Article 18 and Annex III of the Basic Law of the PRC HKSAR, the Nationality Law of the PRC will be applied in the HKSAR from July 1, 1997. Taking account of the historical background of Hong Kong and its realities, we propose that the PRC Nationality law should be interpreted as follows when applied in the HKSAR :

1. For those Hong Kong residents who are of Chinese descent and born in Chinese territory (including Hong Kong), and others who satisfy conditions laid down in the Nationality Law of PRC to be eligible for Chinese nationality, they are Chinese nationals.
2. All Hong Kong Chinese compatriots, whether they are holders of the "British Dependent Territories Citizens passport" or "British Nationals (Overseas) passport" or not, are Chinese nationals. With effect from 1 July 1997, Chinese nationals mentioned above can continue to use valid travel documents issued by the government of the United Kingdom for the purpose of travelling to other states and regions. However, they will not be entitled to British consular protection in the HKSAR and other parts of PRC on account of their holding the above-mentioned British travel documents.
3. According to the Nationality Law of PRC, the full British Citizenship obtained by Chinese nationals in Hong Kong

through the “British Nationality Selection Scheme” will not be recognised. These people are still Chinese nationals and will not be entitled to British consular protection in the HKSAR and other parts of PRC.

4. Chinese nationals in the HKSAR with right of abode in foreign countries can use relevant documents issued by foreign governments for the purpose of travelling to other states and regions. However, they will not be entitled to consular protection in the HKSAR and other parts of PRC on account of their holding the above-mentioned documents.
5. In the case of nationality changes for the Chinese nationals in the HKSAR, those concerned can make a declaration with valid documentation to the appropriate authority of the HKSAR responsible for nationality applications.
6. To authorise the HKSAR government to designate the Immigration Department as the authority responsible for nationality applications. The Immigration Department of HKSAR shall handle all nationality applications in accordance with the Nationality Law of PRC and the above-mentioned provisions.

Appendix 3

Statement of purpose for data collection

Purpose of collection

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 application for renunciation of Chinese nationality;
- (b) to administer the Nationality Law of the People's Republic of China and the "Explanations of Some Questions by the Standing Committee of the National People's Congress Concerning the Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region" adopted by the Standing Committee of the National People's Congress 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) for any other legitimate purpose.

The provision of personal data in the process of your application is voluntary. If you do not provide sufficient information, we

may not be able to process your application.

Classes of Transferees

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

Access to Personal Data

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

Enquiries

Enquiries concerning the personal data collected by means of this application form, including the 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



收費表
Fee Leaflet

由二零零六年六月十九日起，入境事務處所提供的服務收費如下：

With effect from 19 June 2006, fees charged for the immigration services are as follows:

	<u>項目</u> <u>Item</u>	<u>費用 (港元)</u> <u>Fee (HK\$)</u>
	<u>《入境條例》(香港法例第 115 章)</u> <u>Immigration Ordinance (Cap. 115)</u>	
1.	海員身份證 (不論有效期是否受額外限制) Seaman's Identity Book (whether of full or restricted validity)	215
2.	普通簽證 Ordinary Visa	160
3.	過境簽證 Transit Visa	84
4.	更改逗留條件或延長逗留期限 Change of conditions of stay or extension of limit of stay	160
5.	多次通用香港特別行政區回港證 (不論有效期是否受額外限制) Multiple Hong Kong Special Administrative Region Re-entry Permit (whether of full or restricted validity)	140
6.	限用一次的香港特別行政區回港證 Hong Kong Special Administrative Region Re-entry Permit valid for 1 visit	46
7.	限用一次的澳門居民來港旅遊許可證，供 1979 年 1 月 14 日之後在澳門定居的前內地居民使用 Visitor's Permit, valid for 1 visit, for resident of Macau who was formerly resident in the Mainland and settled in Macau after 14 January 1979	135
8.	限用一次的入境證 Entry Permit valid for 1 entry	160
9.	有效期 1 年的多次入境證 Entry Permit for multiple entries and valid for 1 year	325
10.	有效期 3 年的多次入境證 Entry Permit for multiple entries and valid for 3 years	650
11.	未有規定費用的旅行證件批註 Endorsement to a travel document for which no specific fee is provided	165

	<u>項目</u> <u>Item</u>	<u>費用 (港元)</u> <u>Fee (HK\$)</u>
12.	下列服務收取的費用：因應申請提供任何文件副本，或向外國有關當局提出或轉交（或提出及轉交）關於國籍登記，或發出或換領護照或其他旅行證件或身份證明文件、或給予簽證或入境證等要求或建議 Service charge for supplying, on application, a copy of any document, or for making or forwarding, or both, a request or recommendation to any authority of a foreign state, for nationality registration or for the issue or renewal of a passport or other travel document or of a document of identity or for the grant of a visa or entry permit	180
13.	香港特別行政區簽證身份書 Hong Kong Special Administrative Region Document of Identity for Visa Purposes	
	(a) 44 頁身份書 44-page document	285
	(b) 92 頁身份書 92-page document	370
14.	更改回港證／簽證身份書／海員身份證／香港入境許可證的內容（電腦可讀證件不適用） Change of Particulars in a Re-entry Permit/Document of Identity/Seaman's Identity Book/Hong Kong Entry Permit (Except Machine Readable Documents)	165
15.	旅遊通行證 Travel Pass	575
16.	亞太經合組織商務旅遊證 Asia Pacific Economic Co-operation (APEC) Business Travel Card	
	(a) 新簽發的亞太經合組織商務旅遊證 New issue of an APEC Business Travel Card	427
	(b) 補發有效期尚未屆滿的亞太經合組織商務旅遊證 Replacement of an APEC Business Travel Card for the remainder of its validity period	165
	<u>《公共財政條例》(香港法例第 2 章)</u> <u>Public Finance Ordinance (Cap. 2)</u>	
17.	出入境紀錄證明書 Statement of Travel Records	140
	<u>《中國國籍（雜項規定）條例》(香港法例第 540 章)</u> <u>Chinese Nationality (Miscellaneous Provisions) Ordinance (Cap. 540)</u>	
18.	申報國籍變更 Declaration of nationality change	145
19.	加入中國國籍 Naturalization as a Chinese National	3,140
	(a) 須於提出申請時繳交；及 Payable when the application is made; and	1,570
	(b) 須在提出要求當局根據《中華人民共和國國籍法》第十六條發出的證書時繳交 Payable on demand for a certificate to be issued under Article 16 of the Nationality Law of the People's Republic of China.	1,570
20.	退出中國國籍 Renunciation of Chinese Nationality	575
21.	恢復中國國籍 Restoration of Chinese Nationality	1,150