



Renunciation of Chinese Nationality

Nationality Law of the People's Republic of China

A Guide for Applicants

**Immigration Department
The Government of the
Hong Kong Special Administrative Region**

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,
UG Floor, Administration Tower,
Immigration Headquarters,
61 Po Yap Road,
Tseung Kwan O, New Territories

Tel : 2824 6111

Fax : 2877 7711

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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 ID 869 or ID 870 as appropriate.

2. How to renounce Chinese nationality?

Filling in the form

You can apply to renounce your Chinese nationality by completing Form ID 877.

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
Travel Documents and Nationality
(Application) Section
Immigration Department
2nd Floor, Administration Tower,
Immigration Headquarters,
61 Po Yap Road,
Tseung Kwan O, New Territories

(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\$575 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 Sub-section, Travel Documents and Nationality (Application) Section, Immigration Department, 2nd Floor, Administration Tower, Immigration Headquarters, 61 Po Yap Road, Tseung Kwan O, New Territories, 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 Nineteenth Session of the Standing Committee of the Eighth National People's Congress on 15 May 1996)

According to Article 18 of and Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Nationality Law of the People's Republic of China shall be applied in the Hong Kong Special Administrative Region from 1 July 1997. Taking account of the historical background and the existing circumstances of Hong Kong, the Standing Committee gives the following explanations concerning the implementation in the Hong Kong Special Administrative Region of the Nationality Law of the People's Republic of China—

1. Where a Hong Kong resident is of Chinese descent and was born in the Chinese territories (including Hong Kong), or where a person satisfies the criteria laid down in the Nationality Law of the People's Republic of China for having Chinese nationality, he is a Chinese national.
2. All Hong Kong Chinese compatriots are Chinese nationals, whether or not they are holders of the "British Dependent Territories Citizens passport" or "British Nationals (Overseas) passport". With effect from 1 July 1997, Chinese nationals mentioned above may, for the purpose of travelling to other countries and territories, continue to use the valid travel documents issued by the Government of the United Kingdom. However, they shall not be entitled to British consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China on account of their holding the above mentioned British travel documents.

3. According to the Nationality Law of the People's Republic of China, the British Citizenship acquired by Chinese nationals in Hong Kong through the "British Nationality Selection Scheme" will not be recognised. They are still Chinese nationals and will not be entitled to British consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China.
4. Chinese nationals of the Hong Kong Special Administrative Region with right of abode in foreign countries may, for the purpose of travelling to other countries and territories, use the relevant documents issued by the foreign governments. However, they will not be entitled to consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China on account of their holding the above mentioned documents.
5. If there is a change in the nationality of a Chinese national of the Hong Kong Special Administrative Region, he may, with valid documents in support, make a declaration at the authority of the Hong Kong Special Administrative Region responsible for nationality applications.
6. The Government of the Hong Kong Special Administrative Region is authorised to designate its Immigration Department as the authority of the Hong Kong Special Administrative Region responsible for nationality applications. The Immigration Department of the Hong Kong Special Administrative Region shall handle all nationality applications in accordance with the Nationality Law of the People's Republic of China and the foregoing provisions.

**The English translation text is prepared by Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.*

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 and Nationality) Application
Immigration Department
2nd Floor, Administration Tower,
Immigration Headquarters,
61 Po Yap Road, Tseung Kwan O, New Territories

Tel No. : 2829 3093