



# **Renunciation of Chinese Nationality**

## **Nationality Law of the People's Republic of China**

**A Guide for Overseas 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 is a general guide on Chinese nationality matters and carries no legal authority.

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,  
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## **What this guide contains**

1. Explains who can renounce Chinese nationality  
Page 2–3
  2. Tells you how to do it  
Page 4–6
  3. Tells you what happens afterwards  
Page 7
  4. Tells you the consequence of renunciation of Chinese nationality in relation to the right of abode in Hong Kong  
Page 8
- Appendix 1 Nationality Law of the People’s Republic of China  
Page 9–10
- 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  
Page 11
- Appendix 3 Statement of purpose for data collection  
Page 12

## 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 920 or ID 921 as appropriate.

## **2. How to renounce Chinese nationality?**

### **Filling in the form**

Application forms are obtainable from the Chinese diplomatic and consular missions or the HKSAR Immigration Department, or the Department's Home Page.

You can apply to renounce your Chinese nationality by completing Form ID 924.

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.

### **Submission of application**

#### Through Chinese diplomatic and consular mission

You may submit your application form together with originals and photocopies of the supporting documents to the nearest Chinese diplomatic and consular mission. The Chinese diplomatic and consular mission will verify the supporting documents and then forward the application form and verified copies of supporting documents to the HKSAR Immigration Department for processing.

#### Direct to the HKSAR Immigration Department

You may send the application form direct to the Nationality Sub-section, Travel Documents and Nationality (Application) Section of the HKSAR Immigration Department (Address: 2nd Floor, Administration Tower, Immigration Headquarters, 61 Po Yap Road, Tseung Kwan O, New Territories, Hong Kong) together with the bank draft for application fee and photocopies of supporting documents. In such circumstance, you need to furnish the name and address of a local referee who will be notified by the HKSAR Immigration Department to produce the original supporting documents for verification.

### **Documents in support of the application**

- (a) If you are of age 18 or over, you should submit the application together with the following documents and photocopies:

- (i) proof of identity and Chinese nationality
    - Hong Kong identity card
    - all passports and travel documents
    - birth or naturalization certificate
  - (ii) proof of a foreign nationality you are about to acquire (e.g. 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)
  - (iii) proof to support that you have other legitimate reasons to renounce your Chinese nationality
- (b) For an applicant under the age of 18, the application should be submitted together with the following documents and photocopies:
- (i) applicant's proof of identity and Chinese nationality
    - Hong Kong identity card
    - all passports and travel documents
    - birth or naturalization certificate
  - (ii) proof of a foreign nationality that the applicant is about to acquire (e.g. a letter from the competent authorities of the country concerned confirming that nationality of that country will be granted to the applicant after he/she has renounced Chinese nationality)
  - (iii) proof to support that the applicant has other legitimate reasons to renounce his/her Chinese nationality
  - (iv) proof of relationship with applicant's parents or legal guardian, e.g.:
    - identity cards or travel documents of parents/legal guardian (if the applicant is married, the marriage certificate should be produced and consent from applicant's parents or legal guardian will not be required)
    - proof of legal guardianship (e.g. applicant's birth certificate, parents' marriage certificate or a relevant court order to prove the legal guardianship in respect of the applicant)

## **Fees Payable**

### **(a) For applications submitted directly to the HKSAR Immigration Department**

A fee of HK\$575 is payable on submission of application. However, the collection of fee does not constitute any guarantee or assurance that your application for renunciation of nationality will be approved. If you pay by cheque or bank draft, it should be crossed and made payable to 'The Government of Hong Kong Special Administrative Region'. No cash should be sent along with the application.

For applications submitted by post from overseas, the bank draft should be drawn on a bank in the HKSAR in HK or US Dollars (HK\$575 or US\$74). If the cheque or bank draft is not drawn on a bank in the HKSAR or not in HKSAR currency, please also include a bank handling charge of HK\$100 (or US\$13) in the same cheque or bank draft.

Alternatively, you may provide the name and address of a local referee who will pay the fee on your behalf after receiving notification from the Immigration Department.

**The fee paid is non-refundable in all circumstances.**

### **(b) For applications submitted through Chinese diplomatic and consular missions**

If you submit your application through a Chinese diplomatic and consular mission, you will be required to pay a handling charge and the expenses of forwarding your application to the HKSAR Immigration Department in addition to the application fee mentioned in paragraph (a) above.

**The fee paid is non-refundable in any circumstances.**

## **Processing Time**

Under normal circumstances, it will take about 1 to 2 months time for processing an application, excluding the time for forwarding the application and despatching the prepared certificate.

### **3. After you have submitted your application**

If your application is submitted directly to the HKSAR Immigration Department by post, an acknowledge card will be sent to you by post.

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, 2nd Floor, Administration Tower, Immigration Headquarters, 61 Po Yap Road, Tseung Kwan O, New Territories, 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 in writing of any changes which may affect the accuracy of any information provided in the application. 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. If your application is submitted through the Chinese diplomatic and consular mission, the certificate will be issued to you through the concerned mission. If your application is submitted directly to the HKSAR Immigration Department by post, the certificate will be issued to your authorized local referee.

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 in the HKSAR 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;

**Provided that:**

you have not 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;

*If you are unable to fulfill any of the above requirements, you will not continue to enjoy the ROA in HKSAR after the approval of your application for renunciation of Chinese nationality. But if you lose your ROA, you will automatically acquire the right to land (RTL) enabling you to enter the HKSAR freely to live, study and work without any restriction. You will also be able to re-acquire the ROA in the HKSAR if you are able to satisfy the requirements applicable to a person not of Chinese nationality.*

## **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 and Annex III of 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 of Hong Kong 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 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.

*\* This 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:

The Chief Immigration Officer  
(Travel Documents and Nationality) Application  
2nd Floor, Administration Tower, Immigration Headquarters,  
61 Po Yap Road, Tseung Kwan O, New Territories, Hong Kong  
Tel No.: (852) 2829 3093