

Application for Naturalisation as a Chinese National

Applicant: Foreigner/ stateless persons/ Chinese(family relative)

Basic requested: HKID Permanent holder & willing to give up the own nationality

Document list:

1. Form ID874
2. Form ID874 - Part 11 (Self introduction)
3. HKID
4. Passport
5. HKG company reference letter (as well as employment contract)
6. Past 7 years address proof HKG
7. If father have HKID & own nationality passport
8. If mother have HKID & own nationality passport
9. Brothers & sisters have HKID& own nationality passport
10. Cheque payment HKD 1,730- (for HKG government)
11. Cancellation for own nationality document completed and 2nd cheque payment HKD1,730 (for HKG government)

Our services fee:

18,000-HKD

Law Introduction

The Nationality Law of the People's Republic of China (CNL) has provided for the acquisition of Chinese nationality by way of naturalisation.

Eligibility

Any person who meets the requirements laid down in Articles 7 and 8 of the CNL can apply for naturalisation as a Chinese national.

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 naturalised upon approval of their applications:

- they are near relatives of Chinese nationals;
- they have settled in China; or
- they have other legitimate reasons.

Article 8

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

Factors to be Considered in an Application

Each application for naturalisation as a Chinese national will be considered on its own merits but consideration will be given to:

- whether you have a near relative who is a Chinese national with the right of abode in Hong Kong
- whether you have the right of abode in Hong Kong
- whether your habitual residence is in Hong Kong
- whether the principal members of your family (spouse and minor children) are in Hong Kong

- whether you have a reasonable income to support yourself and your family
- whether you have paid taxes in accordance with the law
- whether you are of good character and sound mind
- whether you have sufficient knowledge of the Chinese language
- whether you intend to continue to live in Hong Kong in case your naturalisation application is approved
- whether there are other legitimate reasons to support your application

Nationality Law of the People's Republic of China and the "Explanations"

(Adopted at the 3rd Session of the 5th National People's Congress, promulgated by Order No. 8 of the Chairman of the Standing

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 recognise 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 naturalised 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 naturalisation as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalisation 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 naturalised 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 naturalisation 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

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 Session of the Standing Committee of the 8th 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

2. 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.
3. All Hong Kong Chinese compatriots are Chinese nationals, whether or not they are holders of the "British Dependent Territories Citizens passport" or "British National (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.
4. 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.
5. 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.
6. 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.
7. 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.

Note: The English translation of these explanations was prepared by the Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference only and has no legislative effect