

4 December 2012

Education Bureau Circular No. 20/2012

**Entry of Non-local Children and
Children Holding a Form of Recognizance
to Schools in Hong Kong**

[Note: This circular should be read by -

- (a) Supervisors and Heads of all schools - for necessary action; and*
- (b) Heads of Sections - for information]*

Summary

This circular updates and reminds schools of the criteria and procedures for admission of –

- (a) non-local children; and
- (b) children holding a Form of Recognizance

to schools in Hong Kong.

Details

(A) Non-local Children

2. Permission for non-locals to enter or reside in Hong Kong for any purpose is at the discretion of the Director of Immigration. Thus, non-local children may enter or reside in Hong Kong for the purpose of education only with the approval of the Director of Immigration.

3. In general, and subject to the Director of Immigration's decision in individual cases, there is no objection to the entry and residence of a non-local child for the purpose of attending a private school registered under the Education Ordinance. However, non-local children are not to be regarded as having a right of access to places in public sector schools, i.e. government, aided and Caput schools. Although English Schools Foundation schools and Direct Subsidy Scheme schools can admit non-local children, these children will not be eligible for government subsidy. Only persons holding one of the documents stipulated in paragraph 5 of this Circular will be eligible for government subsidy.

4. My attention is drawn from time to time by the Director of Immigration to cases where applications have been made to him for permission to enter or reside in Hong Kong for the purpose of attending public sector schools. Places in these schools are for Hong Kong children and children resident with their families as members of the Hong Kong community. This applies to primary schools, secondary schools and special schools.

Admission to public sector schools

5. Admission to public sector schools is restricted to persons holding one of the following documents:

(a) Hong Kong Birth Certificate

- (i) For birth registration effected before 1 January 1983, the birth certificate alone is sufficient proof of the holder's eligibility for admission to such schools;
- (ii) For birth registration effected between 1 January 1983 and 30 June 1987, column 12 of their birth certificates must indicate their Hong Kong belonger status as "*Established*";
- (iii) For birth registration effected on or after 1 July 1987, column 12 or 11 of their birth certificates must indicate their Hong Kong permanent resident status as "*Established*";

- (iv) Persons whose Hong Kong belonger status or Hong Kong permanent resident status is shown as *"Not established"* in the birth certificate should have a Permit to Remain in Hong Kong - ID 235B or valid travel documents, with one of the endorsements listed in (c) below.

(b) Hong Kong Identity Card

A Hong Kong Identity Card issued on or after 23 June 2003 which does not bear the symbol "C" (for conditional stay) at the line below the date of birth of the holder. If the symbol "C" is shown, the holder must have a valid travel document with one of the endorsements listed in (c) below.

(c) Travel Document

A valid travel document with any of the following endorsements:

- (i) *"Holder's eligibility for Hong Kong permanent identity card verified."*;
- (ii) *"The holder of this travel document has the right to land in Hong Kong. (Section 2AAA, Immigration Ordinance, Cap. 115, Laws of Hong Kong.)"*;
- (iii) *"Previous conditions of stay are hereby cancelled"*;
- (iv) Permitted to stay unconditionally;
- (v) *"Permitted to remain until (date)"* (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school);
- (vi) *"Permitted to remain until (date) Employment is not permitted"* (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school);
- (vii) *"Permission to remain extended until (date)"* (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school);

- (viii) “*Permission to remain extended until (date) Employment is not permitted*” (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school);
- (ix) “*Quality Migrant Admission Scheme (Dependant) - Permission to remain extended until (date)*” (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school); or
- (x) “*Admission Scheme for Mainland Talents and Professionals - Permission to remain extended until (date)*” (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school).

Admission to private schools

6. Persons whose travel documents bear any of the following endorsements can reside in Hong Kong for the purpose of education in private schools only. They cannot be admitted to public sector schools:

- (a) “*STUDENT - Permitted to remain until (date)*” (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school); and
- (b) “*STUDENT - Permission to remain extended until (date)*” (the date showing the limit of stay in Hong Kong to be still valid at the time of admission to school).

Procedure for admission of non-local children

7. Unless clearance is obtained from the Director of Immigration, no child whose travel document/passport bears the endorsement “**Visitor**” over the immigration stamp should be admitted to any school in Hong Kong.

8. In the event of your receiving an application on behalf of a child whom you may have reason to believe to be a non-local, **you should advise the person making the application to seek the approval of the Director of Immigration as soon as possible for entry to Hong Kong of the child in question, for the purpose of study.** If you are in any doubt as to the immigration status of an applicant for a place, you may contact Assistant Section Head, Extension Section of the Immigration Department on 2829 3112 for advice (other than applicants holding a Form of Recognizance). A specimen letter to the Director of Immigration and an authorization form to be completed by the applicant's parent/guardian are attached (Appendices I and II) for your reference.

9. You must not offer a place in your school to a child who is not a resident of Hong Kong, unless you are fully satisfied that the child is permitted, by the Director of Immigration, to reside in Hong Kong as indicated in paragraphs 5(c) and 6 above. In the case of public sector schools, admission of non-locals is restricted to those detailed in paragraph 5(c) above. In case of doubt, a conditional acceptance letter may be issued. Such a letter must make it clear that the offer of a place is temporary and subject to the Director of Immigration's approval.

(B) Children Holding a Form of Recognizance

10. Children who have no legal right to remain in Hong Kong will not be allowed to attend schooling in Hong Kong and will be repatriated. For those who claim to have the right to remain in Hong Kong or refugees, asylum seekers, torture claimants liable to removal and have entered into recognizance in the prescribed form by the Director of Immigration, consideration may be given on a case by case basis to allow them to receive education **temporarily.**

11. On receipt of applications from parents of these children, schools should refer the applications to their respective Senior School Development Officers. When approached by schools or parents of these children, the Senior School Development Officers concerned will seek the comments of the Director of Immigration. Upon confirmation from the Director of Immigration that he has no comments on allowing these children to attend schooling in Hong Kong during the time that their cases are still under examination, the Senior School Development Officers will inform schools to admit these children or identify school places for them.

12. In any case, schools must **NOT** offer these children a place until confirmation has been received from their Senior School Development Officers that the children may be admitted.

13. The above arrangements for children holding a form of recognizance are applicable to all schools including public sector and private schools. Please note that the children's admission will in no way affect the outcome of the assessment of their claims/cases and should not be construed as having been given permission by the Director of Immigration to remain in Hong Kong. The admission of a child to a school does not give rise to an undertaking by the Director of Immigration that removal proceedings would not be instituted or continued.

14. This circular replaces EDB Circular No. 22/2009 of 9 November 2009.

Enquiry

15. Should you have any enquiries, please contact the respective Senior School Development Officer.

Ms Cora Ho
for Secretary for Education

Appendix I

Director of Immigration

(Attn.: Assistant Section Head, Extension Section)

Address: 5/F Immigration Tower

(Address of School)

7 Gloucester Road Wanchai HK

(Date)

Fax No.: 2586 1431

Dear Sir/Madam,

(Name of Applicant)

D.O.B. _____ M/F*

The captioned child applies for admission to _____(Name of School), a government/aided/English Schools Foundation/Direct Subsidy Scheme/Caput/private* school in Hong Kong. From the identity papers attached, it is noted that the applicant does not hold any document as stipulated at Para. 5/6* of EDB Circular No. _____ on Entry of Non-local Children and Children Holding a Form of Recognizance to Schools in Hong Kong issued on _____.

2. For the purpose of considering his/her application, I should therefore be grateful if you would advise me, within one month from the date of this letter, whether the child belongs to one of the categories of status mentioned at Para. 5/6* of the said circular for admission to my school.

Yours faithfully

(_____)
Principal/Supervisor*
(School Name)

* Delete whichever is inapplicable

AUTHORISATION

I hereby authorise the Director of Immigration, or his representative, to release all information related to the identity of _____ (Name of Applicant) to _____ (Name of School) and the Education Bureau for their consideration of his/her application for admission to school.

Parent/Guardian's signature: _____

Parent/Guardian's name: _____

HKID Card No.: _____

Date: _____