
Hong Kong: Highest court rules same-sex civil partners qualify for dependent visa

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In brief

Hong Kong's highest court has handed down a landmark judgment confirming that the same-sex civil partner of a foreign employee should be granted a dependent visa. To date, the territory's dependent visa policy for partners has been limited to heterosexual spouses.

In detail

The Court of Final Appeal upheld the previous lower court's decision that it was discriminatory for the Director of Immigration to refuse a dependent visa to the applicant, known as 'QT', on the ground that the relevant immigration policy was only applicable to heterosexual married couples.

The Court concluded that there was no rational connection between the Director of Immigration's limited application of the policy, and the stated aims of attracting foreign talent and maintaining strict immigration control in

Hong Kong. Accordingly, it upheld the previous ruling in favour of QT.

The case of QT has garnered significant public interest. Several banks and law firms made a bid earlier this year to file legal submissions attesting to the practical challenges faced by major institutions in attracting foreign talent to Hong Kong – with the ability to bring dependents a key factor in any proposed move.

The takeaway

This case does not impact Hong Kong's local laws, where the legal definition of marriage

remains between a man and a woman.

However, as a result of the ruling, same-sex couples whose union has been accorded legally recognized status overseas should soon be able to apply for dependent partner visa status to accompany a sponsor to Hong Kong.

PwC is closely monitoring developments and will provide a further update once details of implementation and a timeline for the revised dependent policy are announced by the Hong Kong Immigration Department.

Let's talk

For a deeper discussion of how this issue might affect your business, please contact your regular Global Mobility Services engagement team or one of the following team members:

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