

The BVI Extends Visa Exemption to PRC Nationals

英属维尔京群岛允许中国国民免签入境

The British Virgin Islands ("BVI") Government has enacted a measure which exempts nationals of the People's Republic of China from the need to apply for a visa to visit the BVI for up to six months for business or tourism purposes. The Order dated 5 July 2018 (the "Visa Exemption Order") made under Section 37(4) of the *Immigration and Passport Act (Cap 130)* (the "Act") exempts from the requirement of a visa under Section 37(1) of the Act, Chinese nationals who will enter and remain in the BVI for such period and purpose.

When coupled with the exemption previously introduced in 2017 by the *Labour Code (Work Permit Exemption) Order, 2017* (the "Work Permit Exemption Order") exempting various categories of persons from the need to obtain work permits, this latest measure allows Chinese nationals to visit and take part in business activities in the BVI with just an invitation letter from the relevant BVI entity being visited and payment of applicable fees. The Work Permit Exemption Order exempts certain persons, including directors and other officers of companies (whether incorporated in the BVI or elsewhere) visiting the BVI for board meetings, persons visiting BVI business persons for business deals and negotiations (other than foreign lawyers not admitted to practise in or holding a valid practising certificate in the BVI) and persons attending business-related events (such as meetings and conferences) put on by BVI entities, from the need to obtain work permits for an initial seven (7) days, which may be extended on request. Persons conducting, participating in (whether as legal counsel or representative of a party or as a witness or expert witness) or providing support services for the conduct of arbitration or mediation are exempted for an initial 60 days, which also may be extended on request.

英属维尔京群岛（下称“BVI”）政府已实施一项措施，豁免中华人民共和国国民申请签证到访 BVI 经商或旅游，最多可逗留六个月。按照2018年7月5日根据 BVI 法例第130章《入境及护照法》（下称“入境法”）第37（4）条颁布的法令（下称“免签令”），中国国民可以上述目的进入 BVI 且在上述限期内逗留，而豁免遵守入境法第37（1）条的签证规定。

配合于2017年根据《2017年劳动法典（豁免工作许可证）令》（下称“工作许可证豁免令”）所推行的豁免安排（该安排豁免某些类别的人士毋须取得工作许可证），此项最新的措施允许中国国民只须持有所到访 BVI 实体所发出的邀请函并支付申请费，便可到访 BVI 并参与商业活动。工作许可证豁免令豁免若干人士（包括前往 BVI 出席公司（不论是否于 BVI 注册成立）董事会会议的董事及其他高级职员、面见 BVI 商务人士进行商业交易与磋商的人士（未获认许在 BVI 执业或未持有有效的 BVI 执业证书的外地律师除外）以及出席 BVI 实体举办的商业活动（如会面及会议）的人士）毋须取得工作许可证，并可逗留七日，逗留期限或可应要求延长。就提供仲裁或调解而进行、参与（不论作为当事方的法律顾问或代表，或为证人或专家证人）或提供支援服务的人士可豁免申请工作许可证逗留60日，逗留期限亦可应要求延长。

Before the Visa Exemption Order, despite the Work Permit Exemption Order, a Chinese national wishing to attend board meetings, visit BVI business persons or attend business-related events in the BVI would still have required a visa to enter the BVI. The visa exemption is a significant development which will facilitate business transactions involving Chinese companies and investors/ directors, supporting the BVI's position as the leading offshore jurisdiction for corporate domicile and structuring international transactions. The BVI are home to more than 460,000 active business companies of which a significant number are used as vehicles for structuring investments from or to mainland China and Hong Kong. As a responsive cost-effective jurisdiction, the BVI continues to attract clients from China and the rest of Asia for new incorporations, partnerships, funds and trusts.

The Visa Exemption Order came into force on 5 July 2018.

Please do not hesitate to contact Robert Briant in our BVI office or Christopher Bickley in our Hong Kong office if you would like any further information in relation to any of the above.

This article is not intended to be a substitute for legal advice or a legal opinion. It deals in broad terms only and is intended to merely provide a brief overview and give general information.

免签令颁布前，尽管已颁布工作许可证豁免令，中国国民如欲于 BVI 出席董事会会议、会见 BVI 商务人士或出席商业有关活动仍须申请签证方可前往 BVI。免签安排实属重大进展，将促进涉及中国公司及投资者／董事的商业交易，巩固 BVI 作为公司注册和建构国际交易的首选离岸司法管辖区的地位。BVI 是超过46万间活跃商业公司的所在地，当中不少用作与中国内地及香港进行结构性投资的工具。作为有效率且合乎成本效益的司法管辖区，BVI 不断吸引中国及亚洲其他国家的客户成立新公司、合伙、基金及信托。

免签令于2018年7月5日生效。

阁下如需上述任何内容的进一步资讯，请联络本所 BVI 办事处的 Robert Briant 或香港办事处的白基诺律师 (Christopher Bickley)。

本文并非法律意见，其内容亦非详尽无遗，只可作为概览及一般参考资料。感谢您的垂阅！

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