

## The Passport Law of People's Republic of China

Promulgated by the 21st Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on April 29, 2006 and effective as of January 1, 2007

Article 1 The present Law is formulated in order to regulate the application, issuance and management of passports of the People's Republic of China, guarantee rights and interests of citizens of the People's Republic of China exiting and entering the People's Republic of China and promote the intercourse with foreign countries.

Article 2 Passports of the People's Republic of China are the certificates, upon which the citizens of the People's Republic of China exit and enter China and prove their nationalities and identities when they are staying abroad.

No organization or individual may forge, alter, transfer, deliberately damage or destroy, or illegally hold or detain any passport.

Article 3 Passports are classified into ordinary passports, diplomatic passports and service passports.

Passports shall be recommended by the Ministry of Foreign Affairs to foreign governments through the diplomatic channel.

Article 4 Ordinary passports shall be issued by the entry and exit administration department of the Ministry of Public Security or the entry and exit administration departments of the public security organs of local people's governments at or above the county level as authorized by the Ministry of Public Security, and the embassies or consulates stationed outside the People's Republic of China or other institutions stationed abroad upon the authorization of the Ministry of Foreign Affairs.

Diplomatic passports shall be issued by the Ministry of Foreign Affairs.

Service passports shall be issued by the Ministry of Foreign Affairs, the embassies or consulates stationed outside the People's Republic of China or other institutions stationed abroad upon the authorization of the Ministry of Foreign Affairs, and the foreign affairs departments of the people's governments of provinces, autonomous regions, municipalities directly under the Central Government and districted cities upon the authorization of the Ministry of Foreign Affairs.

Article 5 Where a citizen goes abroad for residence, visiting relatives, study, employment, travel, business activities or other non-official service reasons, he shall file an application for an ordinary passport with the entry and exit administration department of the public security organ of the local people's government at the county level or above where his own permanent residence is located.

Article 6 When applying for an ordinary passport, a citizen shall submit his own identity card, residence booklet, recent bare-headed full-face photos and materials related to the reasons for the application. Where a state functionary applies for an ordinary passport for any reason as prescribed in Article 5 of the present Law, he shall additionally submit relevant certification documents according to relevant provisions of the state.

The entry and exit administration department of the public security organ shall issue an ordinary passport within 15 days after receiving the application materials. If it disapproves the issuance of a passport since the application does not meet relevant provisions, it shall give the applicant a

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written explanation and inform him of his right to apply for an administrative review or to lodge an administrative lawsuit.

In a remote region or area without convenient traffics, or under special circumstances, if it is unable to issue a passport within the time limit, the time limit may be extended to 30 days upon the approval of the principal of the passport issuance department.

Where a citizen requests for going through relevant formalities urgently for obtaining a passport at an earlier date due to any reasonable emergency, the entry and exit administration department of the public security organ shall handle relevant formalities timely.

Article 7 The items registered on an ordinary passport shall include the name, gender, birth date and birth place of the passport holder, as well as the issuance date, valid period, issuance place and issuance organ of the passport.

The valid period of an ordinary passport shall be five years for a holder under the age of 16, and 10 years for a holder at or above the age of 16.

The detailed measures for the issuance of ordinary passports shall be formulated by the Ministry of Public Security.

Article 8 Diplomatic officials, consular officials and their accompanying spouses and minor children, and diplomatic messengers shall hold and use diplomatic passports.

The personnel dispatched by the Chinese Government to the embassies or consulates stationed outside the People's Republic of China, or to the United Nations, special agencies of the United Nations and other international inter-governmental organizations, as well as their accompanying spouses and minor children, shall hold and use service passports.

Where any citizen other than those as prescribed in the preceding two paragraphs goes abroad to execute any official business, his working unit shall file an application with the department of foreign affairs according to the provisions of Paragraphs 2 and 3 of Article 4 of the present Law. The department of foreign affairs shall, in light of actual demands, issue a diplomatic passport or service passport.

Article 9 The items registered on a diplomatic passport or service passport shall include the name, gender, birth date and birth place of the passport holder, as well as the issuance date, valid period and issuance organ of the passport.

The issuance scope, issuance measures and valid period of diplomatic passports and service passports, and the detailed categories of service passports shall be formulated by the Ministry of Foreign Affairs.

Article 10 Where any passport holder modifies any of the items registered on the passport, he shall, upon the strength of relevant certification materials, file an application with the issuance organ for modifying the passport or adding a note to the passport.

Article 11 Under any of the following circumstances, the passport holder may apply for changing the passport for a new one or reissuing a passport according to relevant provisions:

- (1) The valid period of the passport will expire soon;
- (2) The visa pages of the passport will be used up;
- (3) The passport is damaged or destroyed and cannot be used any more;
- (4) The passport is lost or stolen; or

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(5) Other circumstances under which it is justifiable to change or reissue a passport.

When applying for changing an ordinary passport for a new one or reissuing an ordinary passport, the passport holder himself, if within China, shall file an application with the entry and exit administration department of the public security organ of the local people's government at the county level or above where his registered permanent residence is located; if outside China, he himself shall file an application with the embassies or consulates stationed outside the People's Republic of China, or with any other institutions stationed abroad upon the authorization of the Ministry of Foreign Affairs. Where a Chinese citizen, who resides abroad, after returning to China, applies for changing an ordinary passport for a new one or reissuing an ordinary passport, he himself shall file an application with the entry and exit administration department of the public security organ of the local people's government at the county level or above where his temporary abode is located.

The change or reissue of diplomatic passports or service passports shall accord with relevant provisions of the Ministry of Foreign Affairs.

Article 12 A passport shall be readable either by human eyesight or by machine.

The anti-counterfeiting performance of a passport shall be made by referring to the international technical standards.

The passport issuance departments and their functionaries shall keep in confidence the personal information of citizens that they have accessed to when producing or issuing passports.

Article 13 Under any of the following circumstances, the passport issuance departments shall not issue any passport to the applicant:

- (1) He does not have the nationality of the People's Republic of China;
- (2) He is unable to prove his identity;
- (3) He cheats during the process of application;
- (4) He has been sentenced to any criminal punishment and is serving the sentence at present;
- (5) The people's courts notice that he is not permitted to leave China because he is involved in pending civil case;
- (6) He is a defendant or criminal suspect of a criminal case; or
- (7) The competent organs of the State Council believe that his leaving China will do harm to the state security or result in serious losses to the benefits of the state.

Article 14 In case an applicant is under any of the following circumstances, the passport issuance departments shall not issue to him any passport within six months to three years as of the day when he completes the criminal punishment or is repatriated to China:

- (1) He is sentenced to any criminal punishment due to his hindering the administration of national border (frontier); or
- (2) He is repatriated to China due to his illegal exiting China, illegal dwelling or illegal employment overseas.

Article 15 The people's courts, people's procuratorates, organs of public security, organs of state security, organs of administrative supervision may, in light of the needs for handling cases, detain the passports of persons concerned in the cases.

Where a person concerned in a case refuses to hand in his passport, the state organs as prescribed

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in the preceding paragraph may propose the passport issuance department to announce the invalidation of the passport of the person concerned.

Article 16 Where a passport holder loses his nationality of the People's Republic of China, or the passport of the holder is lost or stolen, the passport shall be announced to be invalid by the passport issuance department.

The passport, which is fabricated, altered, obtained by cheating, or announced invalid by the issuance organ, shall be invalid

Article 17 Where any person obtains a passport by cheating, the passport shall be taken over by the passport issuance department or be announced invalid. The public security organs shall give him a fine not less than 2, 000 yuan but not more than 5, 000 yuan. If any crime is constituted, he shall be subject to criminal liabilities.

Article 18 Where any person offers to others any fabricated or altered passport, or sells any passport, he shall be subject to criminal liabilities. If the circumstance is not serious enough to make him subject to criminal liabilities, the public security organs shall confiscate his illegal gains, detain him for not less than 10 days but not more than 15 days, and impose a fine upon him not less than 2, 000 yuan but not more than 5, 000 yuan. The illegal passports as well as the printing and production equipment shall also be taken over by the public security organs.

Article 19 Where a person exits or enters the national border (frontier) by holding a fabricated or altered passport or by holding the passport of another person, he shall be punished by the public security organs according to the laws on entry and exit administration, and the illegal passport shall be taken over by the public security organs.

Article 20 Where any functionary of a passport issuance department commits any of the following acts during the process of handling a passport, he shall be imposed upon an administrative disciplinary measure. If any crime is constituted, he shall be subject to criminal liabilities:

- (1) Failing to accept an application that he should have accepted;
- (2) Not issuing a passport within the statutory time limit without any justifiable reason;
- (3) Charging any fee beyond the standards as prescribed by the state;
- (4) Extorting or accepting bribes from any applicant;
- (5) Impairing the legitimate rights and interests of any citizen due to leaking personal information of the citizen that he has accessed to when producing or issuing a passport; or
- (6) Other acts such as abusing his power, neglecting his duties and seeking private benefits.

Article 21 Ordinary passports shall conform to the format as prescribed by the Ministry of Public Security and be made under the supervision of the Ministry of Public Security. Diplomatic passports and service passports shall conform to the formats as prescribed by the Ministry of Foreign Affairs and shall be made under the supervision of the Ministry of Foreign Affairs.

Article 22 The passport issuance departments may collect the costs of passports and the note fees for passports. The costs of passports and the note fees charged shall be turned over to the state treasury.

The standards on the costs of passports and the note fees shall be prescribed and announced by the pricing administration department of the State Council jointly with the finance department of the State Council.

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Article 23 As for a citizen whose passport is lost, stolen, destroyed or damaged while he stays abroad for a short period, he shall file an application for a travel certificate with the embassies or consulates stationed outside the People's Republic of China or with any other institutions stationed abroad upon the authorization of the Ministry of Foreign Affairs.

Article 24 A citizen, who engages in border trade, border traveling service or participates in border travel, may file an application for an entry and exit pass with the entry and exit administration department of the public security organs of the local people's governments at or above the county level upon the authorization of the Ministry of Public Security.

Article 25 A citizen, who exits and enters the national border or works in a foreign ship as a seaman, shall file an application for a seaman certificate of the People's Republic of China with the maritime administration department upon the authorization of the Ministry of Communications.

Article 26 The present Law shall come into force as of January 1, 2007. The passports issued prior to the implementation of the present Law shall remain valid during their respective valid periods.



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