

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE CONTROL OF THE EXIT AND ENTRY OF CITIZENS

(Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress, promulgated by Order No. 32 of the President of the People's Republic of China on November 22, 1985, and effective as of February 1, 1986)

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Chapter I General Provisions

Article 1

This Law is formulated with a view to safeguarding the legitimate rights and interests of Chinese citizens with respect to their exit from and entry into China's territory and to promoting international exchange.

Article 2

Chinese citizens may leave or enter the country with valid passports or other valid certificates issued by the competent departments of the State Council or other departments authorized by them. They shall not be required to apply for visas.

Article 3

For exit and entry, Chinese citizens shall pass through open ports or other designated ports and shall be subject to inspection by the frontier inspection offices.

Article 4

After leaving the country, Chinese citizens may not commit any act harmful to the security, honour or interests of their country.

Chapter II Exit from the Country

Article 5

Chinese citizens who desire to leave the country for private purposes shall apply to the public security organs of the city or county in which their residence is registered. Approval shall be granted except in cases prescribed in Article 8 of this Law. The public security organs shall decide, within a specified time, whether to approve or disapprove the citizens' applications for leaving the country for private purposes, and shall notify the applicants accordingly.

Article 6

In the case of Chinese citizens leaving the country on official business, the units sending them

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abroad shall apply to the Ministry of Foreign Affairs or the local foreign affairs department authorized by the ministry for the citizens' exit certificates and acquire the certificates for them.

Article 7

In the case of seamen leaving the country to perform their duties, the Bureau of Harbour Superintendence or a harbour superintendent authorized by the bureau shall acquire the exit certificates for them.

Article 8

Approval to exit from the country shall not be granted to persons belonging to any of the following categories:

- (1) defendants in criminal cases or criminal suspects confirmed by a public security organ, a people's procuratorate or a people's court;
- (2) persons who, as notified by a people's court, shall be denied exit owing to involvement in unresolved civil cases;
- (3) convicted persons serving their sentences;
- (4) persons undergoing rehabilitation through labour; and
- (5) persons whose exit from the country will, in the opinion of the competent department of the State Council, be harmful to state security or cause a major loss to national interests.

Article 9

The frontier inspection offices shall have the power to stop persons belonging to any of the following categories from leaving the country and to deal with them according to law:

- (1) holders of invalid exit certificates;
- (2) holders of exit certificates other than their own; and
- (3) holders of forged or altered exit certificates.

Chapter III Entry into the Country

Article 10

Chinese citizens residing abroad who desire to return to China for permanent residence shall complete the relevant procedures at the Chinese diplomatic missions, consular offices or other agencies located abroad that are authorized by the Ministry of Foreign Affairs, or at the public security organs of the relevant provinces, autonomous regions, or municipalities directly under the Central Government.

Article 11

After their entry into China, Chinese citizens who have come for permanent residence or employment shall register for prolonged residence in accordance with the provisions for the administration of residence. Those who have entered for a temporary stay shall register for temporary residence in accordance with the same provisions.

Chapter IV Administrative Organs

Article 12

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Passports for Chinese citizens going abroad on official business shall be issued by the Ministry of Foreign Affairs or by the local foreign affairs departments authorized by the ministry. Seamen's papers shall be issued by the Bureau of Harbour Superintendence or a harbour superintendent authorized by the bureau. Passports for Chinese citizens going abroad for private purposes shall be issued by the Ministry of Public Security or by local public security organs authorized by the ministry. Passports and certificates which Chinese citizens apply for abroad shall be issued by the Chinese diplomatic missions, consular offices or other agencies located abroad authorized by the Ministry of Foreign Affairs.

Article 13

The Ministry of Public Security, the Ministry of Foreign Affairs, the Bureau of Harbour Superintendence and other agencies that issue passports and certificates shall have the power to cancel passports and certificates issued by them or by their authorized agencies, or to declare such passports and certificates invalid.

Chapter V Penalties

Article 14

Any person who, in violation of the provisions of this Law, leaves or enters the country illegally, forges or alters an exit or entry certificate, uses another person's certificate as his own or transfers his certificate may be given a warning or placed in detention for not more than ten days by a public security organ. If the circumstances of the case are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the Law.

Article 15

If a citizen subject to the penalty of detention by a public security organ refuses to accept the penalty, he may, within 15 days of receiving notification, appeal to the public security organ at the next higher level, which shall make the final decision; he may also directly file suit in the local people's court.

Article 16

Where a state functionary charged with implementing this Law takes advantage of his position and power to extort and accept bribes, he shall be punished according to the Criminal Law of the People's Republic of China and the Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Seriously Undermine the Economy. If he has committed any other act involving violation of the Law and dereliction of duty which is serious enough to constitute a crime, his criminal responsibility shall be investigated according to the relevant provisions of the Criminal Law of the People's Republic of China.

Chapter VI Supplementary Provisions

Article 17

Control measures governing Chinese citizens' travels to and from the Hong Kong or the Macao region shall be separately formulated by the relevant departments of the State Council.

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Article 18

Transitory exit from and entry into China by Chinese citizens residing in areas bordering on a neighbouring country shall be handled according to any relevant agreements between the two countries or, in the absence of such agreements, according to the relevant provisions of the Chinese Government. The exit and entry of crews of transnational trains, crews of civil aviation planes operating international flights and the railway functionaries working in China's border areas shall be handled according to relevant agreements and provisions.

Article 19

The Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications shall, pursuant to this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 20

This Law shall go into effect as of February 1, 1986.



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