

Measures for the Administration of Examination and Approval of Aliens' Permanent Residence in China

(Approved by the State Council on December 13, 2003, promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on August 15, 2004, Decree No.74)

Article 1 With a view to standardizing the examination and approval of aliens' permanent residence in China, these regulations are formulated in accordance with the Law of the People's Republic of China on the Entry and Exit of Aliens and the relevant provisions for its implementation.

Article 2 The term "aliens' permanent residence in China" means that the residence period of aliens in China has no time limit.

Article 3 The Alien's Permanent Residence Permit is a valid ID certificate for aliens who have obtained permanent residence status in China, which may be used independently.

Article 4 Aliens with permanent residence status in China are permitted to enter and leave the Chinese territory with valid passports and the Alien's Permanent Residence Permit.

Article 5 The authorities handling aliens' applications for permanent residence in China are the public security organ of the people's government of the city divided into districts, and branch bureaus or county bureaus of the public security bureau of a municipality directly under the Central Government. The authorities examining aliens' applications for permanent residence in China are public security organs, bureaus at the level of province, autonomous region and municipality directly under the Central Government. The authorities approving aliens' applications for permanent residence in China are the Ministry of Public Security.

Article 6 Aliens who wish to apply for permanent residence in China should abide by Chinese laws, be healthy and have no criminal record, and they must meet at least one of the following requirements:

- 1) having made direct investment in China with stable operation and a good tax paying record for three successive years;
- 2) having been holding the post of deputy general manager, deputy factory director or above, or having the title of associate professor or associate research fellow or above, and other associate senior titles of professional posts or above or enjoying an equal treatment in China for at least four successive years, with a minimum period of residence in China for three cumulative years within four years and with a good tax paying record;
- 3) having made great and outstanding contributions and being specially needed by China;
- 4) being the spouse or unmarried children under 18 years of age of a person referred to in Item (1), (2) or (3) of this paragraph;
- 5) being the spouse of a Chinese citizen or of an alien with permanent residence status in China, in a marriage relationship for at least five years, with at least five successive years of residence in China and at least nine months of residence in China each year, and having stable source of subsistence and a dwelling place;
- 6) being an unmarried child under 18 years of age dependant on his/her parents;

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7) being a person at the age of 60 years or older with no direct relatives overseas but patronized by direct relatives in China, having stayed in China for at least five successive years with at least nine-month residence in China each year, and having stable source of subsistence and a dwelling place.

All the time periods mentioned in this article mean the successive ones till the application date.

Article 7 In the case of an alien under Item (1) of the first paragraph of Article 6 herein, the registered capital he/she pays as investment in China shall meet any of the following requirements:

- 1) investment of at least US\$500,000 in total in any industry encouraged under the Catalogue for the Guidance of Foreign Investment Industries ;
- 2) investment of at least US\$500,000 in total in western China or any key county under National Poverty Relief and Development Program;
- 3) investment of at least US\$1 million in total in central China;
- 4) investment of at least US\$2 million in total in China.

Article 8 In the case of an alien under Item (2) of the first paragraph of Article 6 herein, the unit in which he/she holds a post must be any of the following:

- 1) an institution subordinate to any department of the State Council or the People's Government at the provincial level;
- 2) a key college or university;
- 3) an enterprise or government-sponsored institution implementing a key engineering project or major scientific research project of the state;
- 4) a high-tech enterprise, foreign invested enterprise in encouraged fields, technologically advanced enterprise with foreign investment or export-oriented enterprise with foreign investment.

Article 9 Applicants shall faithfully fill in the Application Form for Aliens' Permanent Residence in China and submit the following materials:

- 1) a valid passport or other certificates that may be used instead of the passport;
- 2) a health certificate issued by a hygiene and quarantine agency designated by Chinese government or by a foreign hygiene and medical agency authorized by the Chinese Embassy or Consulate in that country;
- 3) a certificate of no criminal record in the country concerned as issued by the Chinese Embassy or Consulate in that country;
- 4) four recently-taken full-faced color photos (2 by 2 inches, bareheaded) of the applicant;
- 5) other relevant materials required herein.

Article 10 An applicant under Item (1) of the first paragraph of Article 6 herein shall submit the Certificate of Approval for the foreign-invested enterprise, a Certificate of Registration, a Joint Annual Inspection Certificate, a Report on the Capital Verification along with a Personal Tax Payment Receipt. In the case of a foreign-invested enterprise in encouraged fields, the Confirmation Letter for Foreign-Invested Projects Encouraged by the State shall also be submitted.

Article 11 An applicant under Item (2) of the first paragraph of Article 6 herein should submit the following materials in addition:

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- 1) a certificate certifying his position or professional title as issued by his employer;
- 2) Foreign Expert Certificate or Alien's Employment Permit;
- 3) a Certificate of Registration, a Certificate of Annual Inspection, and a Personal Tax Payment Receipt as issued by his employer; where the employer is a foreign-invested enterprise, a Certificate of Approval for the foreign-invested enterprise and a Joint Annual Inspection Certificate are required in addition;
- 4) in the case of an applicant who holds a post in an enterprise or government-sponsored institution implementing a key engineering project or major scientific research project of the state, a certificate certifying the project as issued by the competent authority of the government at the provincial or ministry level shall be submitted; in the case of an applicant who holds a post in a high-tech enterprise, a high-tech enterprise certificate shall be submitted; in the case of a foreign-invested enterprise in encouraged fields, technologically advanced enterprise with foreign investment or export-oriented enterprise with foreign investment, the Confirmation Letter for Foreign-Invested Projects Encouraged by the State or the Confirmation Letter for Technologically Advanced Enterprise with Foreign Investment or the Confirmation Letter for Export-oriented Enterprise with Foreign Investment shall be submitted.

Article 12 An applicant under Item (3) of the first paragraph of Article 6 herein shall also submit a Letter of Recommendation and other relevant certificates as issued by the competent authorities of the Chinese government.

Article 13 An applicant under Item (4) of the first paragraph of Article 6 herein shall, in addition, submit a marriage certificate in the case of a spouse, his birth certificate or proof of parentage in the case of an unmarried child under 18 years of age, and an adoption certificate in the case of an adopted child. The above-mentioned certificates as issued by a foreign agency shall be subject to the authentication of the Chinese embassy or consulate in the country concerned.

Article 14 An applicant under Item (5) of the first paragraph of Article 6 herein shall, in addition, submit the permanent household register certificate of his or her Chinese spouse or foreign spouse's Alien's Permanent Residence Permit, the marriage certificate, and a notarized certificate of source of subsistence and house leasing or property rights certificate. The above-mentioned certificates as issued by a foreign agency shall be subject to the authentication of the Chinese embassy or consulate in the country concerned.

Article 15 An applicant under Item (6) of the first paragraph of Article 6 herein shall, in addition, submit his/her Chinese parents' permanent household register certificate; or foreign parents' Alien's Permanent Resident Permit, his/her birth certificate or proof of parentage and, in the case of an adopted child, the adoption certificate in addition. The above-mentioned certificates as issued by a foreign agency shall be subject to the authentication of the Chinese embassy or consulate in the country concerned.

Article 16 An applicant under Item (7) of the first paragraph of Article 6 herein shall, in addition, submit the permanent household register certificate of the Chinese citizen, or the permanent residence permit of an alien, to whom he/she is to seek patronage, a notarized certificate for family relationship, and a certificate certifying that the applicant has no direct relative abroad, a notarized certificate certifying the applicant's financial source or a notarized certificate of financial

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guarantee of the person by whom the applicant is patronized, a notarized house leasing certificate or property rights certificate of the person by whom the applicant is patronized. The above-mentioned certificates as issued by a foreign agency shall be subject to the authentication of the Chinese embassy or consulate in the country concerned.

Article 17 An application for aliens' permanent residence in China shall be submitted by the applicant himself/herself, or his/her parents if he/she is unmarried and under 18 years of age or his/her attorney, to the public security organ of the people's government of the city divided into districts, or to the branch bureaus or county bureaus of the public security bureau of a municipality directly under the Central Government, in the place where the principal investment is made or of long-term residence.

In the case of applying through an attorney, a power of attorney issued by the applicant shall be submitted. A power of attorney issued by the applicant abroad shall be subject to the authentication of the Chinese embassy or consulate in the country concerned.

Article 18 The public security organ shall make a decision of approval or disapproval within 6 months from the date of handling aliens' applications of permanent residence in China.

Article 19 Aliens whose permanent residence status in China are permitted will receive Alien's Permanent Residence Permit issued by the Ministry of Public Security; if the applicant is out of the Chinese territory, the Ministry of Public Security shall issue a Confirmation Form of Aliens' Permanent Residence Status to the applicant, who shall apply for a "D" visa to the Chinese embassy or consulate in the country concerned with the Confirmation Form and, within 30 days from his entry into China, get the Alien's Permanent Residence Permit from the public security organ that handled his/her application.

Article 20 Aliens who are approved to reside permanently in China must stay in China for at least three cumulative months a year. If an alien is unable to stay in China for such minimum period due to any reason, he/she shall apply for the approval of the departments or bureaus of public security at the level of province, autonomous regions or municipalities directly under the Central Government in the place of his/her long-term residence, provided that the cumulative period of his/her residence in China shall not be less than one cumulative year in five years.

Article 21 The valid term of Alien's Permanent Residence Permit in China is five years or ten years.

Aliens who are permitted to reside permanently in China and are under 18 years of age have Alien's Permanent Residence Permit in China valid for five years; those who are permitted to reside permanently in China and are 18 years of age or older have the permits valid for ten years.

Article 22 In the case of expiry of, any change of particulars in, damage to or loss of an Alien's Permanent Residence Permit, the holder shall apply for renewal or reissue of the permit to the public security organ of the people's government of the city divided into districts, or the branch bureaus or county bureaus of the public security bureau of a municipality directly under the Central Government in the place of his/her long-term residence. The public security organ shall make such renewal or reissue within one month if, upon examination, it holds that the holder still meets the requirements for a foreigner to be approved to permanently reside in China.

Article 23 The holder of Alien's Permanent Residence Permit should apply for a renewal within

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one month before the expiry of the old one; within one month after any change of particulars in the permit; or for a renewal or reissue promptly in the case of any damage to or loss of the Permit.

Article 24 The Ministry of Public Security may cancel such status of him/her and withdraw or revoke his/her Alien's Permanent Residence Permit in the case of a foreigner with permanent residence status in China under any of the following circumstances:

- 1) being likely to threaten the national security and interests;
- 2) being expelled from China by the people's court;
- 3) having obtained the permanent residence status in China by submitting false materials or by other illegal means;
- 4) having stayed in China without approval for a period less than three cumulative months a year or less than a cumulative year in five years.

Article 25 Aliens who have been approved of permanent residence in China before the implementation of these Measures shall, within six months from the implementation, renew his/her Alien's Permanent Residence Permit to the public security organ of the people's government of the city divided into districts or the branch bureaus or county bureaus of the public security bureau of a municipality directly under the Central Government that issued the original Permit or in the place of his/her long-term residence.

Article 26 The charge items and rates in respect of a foreigner's application for permanent residence status in China and the issue, renewal and reissue of an Alien's Permanent Residence Permit shall conform to the relevant provisions of the departments of price control and finance of the State Council.

Article 27 The significations of the following terms in these Measures:

- 1) "direct relative" shall include parents (parents of spouse), grandparents (maternal grandparents), adult children at least 18 years of age and their spouses, adult grandchildren at least 18 years of age (maternal grandchildren) and their spouses;
- 2) both "above" and "within" shall include the given figure.

Article 28 The power to interpret these Measures shall be vested in the Ministry of Public Security and the Ministry of Foreign Affairs.

Article 29 These Measures shall go into effect as of the date of promulgation.

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