

Rules Governing the Implementation of the Law of the PRC on the Entry and Exit of Aliens

(Approved by the State Council on 3 December 1986 and Promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on 27 November 1986. Revised and Approved by the State Council on 13 July 1994 and Promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on 15 July 1994.)

Article 1 For entry to China, aliens shall apply for visas to Chinese diplomatic missions, consular posts or other foreign-base agencies authorized by the Ministry of Foreign Affairs of the People's Republic of China.

Aliens holding letters or telegrams from authorized organizations in China and ordinary passports issued by countries that have diplomatic relations or official trade contacts with China may apply for visas to port visa agencies authorized by the Ministry of Public Security in cases of an urgent need to travel to China and a lack of time to apply for visas to the above-mentioned Chinese agencies abroad, for the following reasons:

- (1) Being invited at short notice by the Chinese side to attend a trade fair in China;
- (2) Being invited to China to enter a bid or to formally sign an economic or trade contract;
- (3) Coming to China under contract for supervision over export shipment, import commodity inspection or checked on the completion of a contract;
- (4) Being invited to install equipment or make rush repairs;
- (5) Coming to China at the request of the Chinese side for settling claims;
- (6) Being invited to China for scientific or technological consulting services;
- (7) A last-minute replacement or addition, approved by the Chinese side, to a delegation or group that has been invited and has already obtained visas for traveling to China;
- (8) For visiting a patient in a critical condition or making funeral arrangements;
- (9) As persons in immediate transit who, because of force majeure, are unable to leave China by original aircraft within 24 hours or have to leave China by other means of transport;
- (10) As other invitees who really do not have enough time to apply for visas to the above-mentioned Chinese agencies abroad but hold letters or telegrams from designated competent authorities approving the application for visas at port visa agencies.

Port visa agencies shall not handle visa applications of aliens who do not come under the above-listed categories.

Article 2 Port visa agencies authorized by the Ministry of Public Security are set up at the following ports:

Beijing, Shanghai, Tianjin, Dalian, Fuzhou, Xiamen, Xi'an, Guilin, Hangzhou, Kunming, Guangzhou (Baiyun Airport), Shenzhen (Luohu, Shekou) and Zhuhai (Gongbei).

Article 3 In accordance with their status and the types of passports they hold, different aliens coming to China shall be issued diplomatic, courtesy, service or ordinary visas respectively.

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Article 4 Ordinary visas shall be marked with different Chinese phonetic letters and issued to different aliens according to their stated purposes of visit to China:

- (1) Visa D to aliens who are to reside permanently in China;
- (2) Visa Z to aliens who come to China to take up posts or employment and to their accompanying family members;
- (3) Visa X to aliens who come to China for study, advanced studies or job-training for a period of six months or more;
- (4) Visa F to aliens who are invited to China on a visit or on a study, lecture or business tour, for scientific-technological or cultural exchanges, for short-term refresher course or for job-training, for a period not more than six months;
- (5) Visa L to aliens who come to China for sight-seeing, visiting relatives or other private purposes (A group visa may be issued to a group of nine or more aliens on a sight-seeing trip to China);
- (6) Visa G to aliens passing through China;
- (7) Visa C to train attendants, air crew members and seamen operating international services, and to their accompanying family members.
- (8) Visa J-1 to resident foreign correspondents in China; Visa J-2 to foreign correspondents who make short trip to China on reporting tasks.

Article 5 In applying for visas, aliens shall provide such pertinent information as requested and complete the following procedures:

- (1) Present valid passports or replacement certificates;
- (2) Fill in visa application forms and submit recently taken two-inch half-length, bareheaded and full-faced photos;
- (3) Submit for examination papers supporting the application for entry into or transit through China.

Article 6 The supporting papers mentioned in Article 5(3) of these rules refer to the following:

- (1) In application for Visa D, a permanent residence confirmation form, which may be obtained through application by the applicant or by his /her designated relatives in China from the exit-and-entry department of the municipal or county public security bureau at the place of the applicant's intended residence;
- (2) In application for Visa Z, a letter of appointment or employment from the sponsor or employer organization in China or a letter or telegram from an authorized organization;
- (3) In application for Visa X, a certificate from the receiving organization or the competent department;
- (4) In application for Visa F, a letter or telegram from the authorized organization;
- (5) In application for Visa L for a tourist trip in China, a certificate of reception from a Chinese travel service; and, when necessary, plane, train or ship ticket(s) to the country (region) after leaving China;
- (6) In application for Visa G, a valid visa for entering the country (region) of destination, or

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connecting tickets in case such a visa is exempt;

(7) In application for Visa C, relevant certificates in accordance with the agreements concerned.

(8) In application for Visas J-1 and J-2, a certificate from the competent department.

Aliens who come to China for permanent residence or for residence of one year and upwards shall, in applying for entry visas, submit for examination health certificates issued by health or medical institutions designated by the governments of the countries of their current residence or those issued by health or medical institutions and certified by notarial organs.

Health certificates are valid for six months from the date of issuance.

Article 7 Aliens coming under the following categories shall not be allowed to enter China:

(1) An alien expelled by the Chinese Government and before the expiry of the period when his/her re-entry is prohibited;

(2) An alien considered likely to engage in terrorism, violence or subversion upon entering China;

(3) An alien considered likely to engage in smuggling, drug trafficking or prostitution upon entering China;

(4) An alien suffering from mental disorder, leprosy, AIDS, venereal diseases, contagious tuberculosis or other infectious diseases;

(5) An alien who cannot guarantee to cover his/her own expenses during his/her stay in China;

(6) An alien considered likely to engage in other activities prejudicial to China's national security and interests.

Article 8 Transit visas are not required for those aliens who are in immediate transit through China on continued international flights, who hold connecting flight tickets and have seats booked and who stay for not more than 24 hours within the airport of the in-transit city. Aliens wishing to leave the airport shall apply to the border check-posts for stop-over permits.

Article 9 When vessels operating international service anchor at Chinese ports, foreign crew members and their accompanying family members wishing to disembark at the port city shall apply to border check-posts for disembarkation permits, or lodging permits if they desire to stay overnight on land. Those who, for proper reasons, need to travel to areas beyond the port city or who cannot leave China on the original vessel shall apply to the local public security bureau for appropriate visas.

Inspection of Entry and Exit Certificates

Article 10 Upon arrival at a Chinese port, aliens shall submit their valid passports, Chinese visas and certificates to border check-posts for examination and shall fill in entry and exit forms. They may enter China after the border check-posts complete inspection and affix inspection seals.

Article 11 When a foreign aircraft or vessel arrives at a Chinese port, the person in charge shall

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fulfill the following obligations:

- (1) The captain or his/her agent must submit lists of the crew members and passengers to the border check-posts;
- (2) Report, immediately upon discovery, cases of persons aboard attempting to illegally cross China's borders to the border check-posts for action;
- (3) See to it that persons not permitted to enter China leave on the original means of transport and that the expenses during the stay in China of persons who cannot promptly leave the country through force majeure are covered along with their travel expenses for departure.

Article 12 The border check-posts have the right to prevent the entry or exit of aliens coming under the following categories:

- (1) Those who do not hold valid passports, certificates or visas;
- (2) Those who hold forged, altered or other than their own passports or certificates;
- (3) Those who refuse to have their certificates examined;
- (4) Those who are under notice by the Ministry of Public Security or the Ministry of State Security forbidding their entry or exit.

Article 13 For exit, aliens shall submit for examination their valid passports or other valid certificates as well as visas or residence certificates permitting their stay in China.

Article 14 Aliens and their means of transport required by the visa agencies to pass through designated ports shall only enter or depart through the said ports.

Article 15 With regard to the aliens denied entry under Article 12 of the present Rules who cannot promptly return on the original means of transport, border check-posts may take the necessary measures to limit the area of their activities and order them to leave China on the next available means of transport.

Article 16 Aliens holding visas D, Z, X, or J-1 shall, within 30 days of entry into China, obtain aliens' residence cards or aliens' temporary residence cards from the city or county public security bureau at the place of their residence. The period of validity of the aforementioned certificates is the duration of the holders' permitted stay in China.

Aliens' residence cards are issued to those who stay in China for one year or more.

Aliens' temporary residence cards are issued to those who stay less than one year in China.

Aliens holding visas F, L, G, C or J-2 may stay in China for the period prescribed in their visas without obtaining residence certificates.

Article 17 In applying for residence certificates, aliens shall provide such information as requested and complete the following procedures:

- (1) Submit for examination their passports, visas and papers supporting their purposes of residence;

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- (2) Fill in residence application forms; and
- (3) In applying for aliens' residence cards, submit for examination health certificates and recently-taken two inch half-length, bareheaded, full-faced photos.

Article 18 The validity period of aliens' residence cards, which ranges from one to five years, shall be decided by the city or county public security bureau according to the aliens' purposes of residence.

The public security organs may issue certificates of long-term residence status valid for one to five years to aliens who come under the provisions of Article 14 of the Law on the Entry and Exit of Aliens and may issue certificates of permanent residence status to those with meritorious performance.

Article 19 Aliens exempt from visas under agreements signed between the Chinese and foreign governments shall, in case they wish to stay in China for 30 days and upwards, apply upon entry into China for residence certificates in accordance with Articles 16 and 17 of the present Rules.

The previous paragraph, however, is not applicable to aliens referred to in Article 34 of the Law on the Entry and Exit of Aliens.

Article 20 Aliens who need to prolong their stay or residence in China beyond the expiration of their visas or residence certificates shall apply for an extension before the expiration of their visas or certificates.

Chinese authorities in charge of public health, when discovering aliens, during their stay in China, to be afflicted with diseases specified in sub-paragraph 4 of Article 7 of the present Rules may request the public security organs concerned to order them to advance their data of exit from China.

Article 21 In case of any changes in the information written in an alien's residence card (such as name, nationality, occupation, status, place of work, address, passport number and accompanying children), the holder of the card shall, within 10 days, register such changes with the public security bureau at the place of his/her residence.

Article 22 The holder of an alien's residence card who wishes to move out of the city or county of residence shall, before moving, register the move with the public security bureau at the original place of residence and shall, within 10 days of arrival at the new place of residence, register the move-in with the public security bureau at the new place of residence.

An alien residing permanently in China who wishes to apply for a change of residence shall apply in advance to the public security bureau at the new place of residence for a certificate permitting the move-in and register the move on the strength of the certificate in accordance with the provisions of the previous paragraph.

Article 23 For the sake of national security, public order or other public interests, a city or county

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public security bureau may declare certain areas out of bounds for the establishment of residences or offices by aliens or foreign institutions. Residences and offices that have already been established in these restricted areas shall be moved to non-restricted areas within the time limit prescribed in the notice of moving issued by the city or county public security bureau.

Article 24 Aliens residing permanently in China shall, once every year and at a prescribed time, submit their residence cards for examination to the public security bureau at their place of residence.

The public security bureau may, when necessary, ask an alien to submit his/her residence card to the exit and entry department for examination, and the alien shall do so at the time prescribed in the notice.

Article 25 Alien at the age of 16 and upwards who reside or stay in China shall carry with them their residence certificates or passports for possible examination by police in charge of foreign affairs.

Article 26 The parents of an alien infant born in China or their agent shall, within one month after its birth, report to the local public security bureau with the birth certificate and complete registration procedures.

Article 27 When an alien dies in China, his/her family members or guardian or agent shall, within 3 days, report to the local public security bureau with the death certificate and hand in the deceased's residence certificate or visa for cancellation.

In case of an unnatural death of an alien, the persons concerned or the discoverer shall promptly report to the public security organ.

Article 28 The competent authorities of the Chinese Government referred to in Article 19 of the Law on the Entry and Exit of Aliens are the Ministry of Labor and Personnel of the People's Republic of China.

Article 29 For lodging at guest house, hotel, inn, hostel, school or other enterprises and institutions or at government organs or other Chinese organizations, aliens shall present valid passports or residence certificates and fill in registration forms of temporary accommodation. They shall present travel permits when seeking accommodation in areas closed to aliens.

Article 30 When an alien wishes to lodge at the home a Chinese resident in urban areas, the host or the lodger shall, within 24 hours of the lodger's arrival, report to the local public security organ with the lodger's passport and certificate as well as the host's residence booklet and fill in registration forms of temporary accommodation. In rural areas, the host or lodger shall report to the local police station or residence registration office within 72 hours of the lodger's arrival.

Article 31 When an alien lodges at a foreign institution in China or at the home of an alien in

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China, the institution in question or the host or the lodger shall, within 24 hours of the lodger's arrival, report to the local public security organ with the lodger's passport or residence certificate and fill in registration forms of temporary accommodation.

Article 32 Aliens having long-term residence in China who wish to lodge temporarily elsewhere than their own residence shall report and register accommodation in accordance with the provisions of Article 29, 30 and 31 of the present Rules.

Article 33 Aliens who lodge temporarily in movable living facilities shall, within 24 hours of arrival, report to the local public security organ. The institutions or individuals that furnish sites for the aliens' movable living facilities shall report to the local public security organ 24 hours ahead of time.

Article 34 An alien wishing to travel to cities or counties closed to aliens shall apply in advance for a travel permit to the public security bureau of the city or county where he/she stays and may proceed there only with permission. To apply for a travel permit, the following procedures must be completed:

- (1) Submit passport or residence certificate for examination;
- (2) provide papers supporting the purposes of travel;
- (3) Fill in a travel application form.

Article 35 An alien's travel permit shall be valid for one year at the most, and may not exceed the period of validity of his/her visa or residence certificate.

Article 36 An alien who, after obtaining a travel permit, wishes to extend its validity, tour more places closed to aliens or increase the number of accompanying persons shall apply to the public security bureau for extension or alteration.

Article 37 Aliens shall not enter places closed to aliens without permission.

Article 38 Aliens shall leave China within the time limit prescribed in the visas or within the period of validity of their residence certificates.

Article 39 The holder of an alien's residence certificate who wishes to leave and then re-enter China within the period of validity of the said certificate shall, before leaving China, apply to the local public security organ for a re-entry visa in accordance with the relevant provisions of Articles 5 and 6 of the present Rules.

An alien holding a residence certificate who does not wish to return to China after exit shall hand in his/her residence certificate for cancellation to the border check-point upon exit.

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Article 40 Aliens who illegally enter or exit China may be fined from 1,000 to 10,000 yuan (RMB) or detained from 3 to 10 days and may simultaneously be ordered to leave the country within a specified time or expelled from the country. Those whose offenses are serious enough to constitute a crime shall be prosecuted for criminal responsibility according to law.

Article 41 A person in charge of a means of transport or his/her agent who refuses to bear responsibility in contravention of the provisions of Article 11 of the present Rules may be fined from 1,000 to 10,000 yuan (RMB) or detained from 3 to 10 days.

Article 42 Aliens who illegally stay in China in contravention of the provisions of Articles 16, 19 and 20 of the present Rules may be served a warning, fined 500 yuan (RMB) per day for the period of his/her illegal stay in China with the total sum of fine not exceeding 5,000 yuan (RMB), or detained from 3-10 days. Those whose offenses are serious may at the same time be ordered to leave the country within a specified time.

Aliens who violate Article 21 and 22 of the present Rules may be served a warning or fined up to 500 yuan. Those whose offenses are serious may at the same time be ordered to leave the country within a specified time.

Aliens who violate Article 23 of the present Rules and fail to carry out the decision of the public security organs may, while being compelled to carry out the decision, be served a warning or fined from 1,000 to 10,000 yuan. Those whose offenses are serious shall be ordered to leave the country within a specified time.

Article 43 Aliens who, in contravention of the provisions of Articles 24 and 25 of the present Rules, fail to submit their residence certificates for examination as required or to carry their passports or residence certificates with them or refuse to produce their certificates to police for examination may be served a warning or fined up to 500 yuan (RMB), and those whose offenses are serious may at the same time be ordered to leave the country within a specified time.

Article 44 Aliens who found employment without permission from the Ministry of Labor of the People's Republic of China or its authorized departments shall have their posts or employment terminated and may at the same time be fined up to 1,000 yuan (RMB), and those whose offenses are serious may at the same time be ordered to leave the country within a specified time.

Units and individuals who employ aliens without permission shall terminate employment of the said aliens and may at the same time be fined from 5,000 to 50,000 yuan (RMB), and be ordered to cover all the expenses of repatriating the aliens whom they had employed.

Article 45 Whoever is held responsible for failing to register accommodation or report such registration to the public security organ, or for accommodating aliens without valid certificates in contravention of the provisions of Chapter IV of the present Rules may be served a warning or fined from 50 to 500 yuan.

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Article 46 Aliens who travel to areas closed to aliens without prior permission in contravention of the provisions of Articles 34, 36 and 37 of the present Rules may be served a warning or fined up to 500 yuan (RMB), and those whose offenses are serious may at the same time be ordered to leave the country within a specified time.

Article 47 Aliens who forge, alter, misuse, transfer, buy or sell visas or certificates shall have the said visas, certificates and illicit income revoked or confiscated and may be fined from 1,000 to 10,000 yuan (RMB) or detained from 3 to 10 days, and may at the same time be ordered to leave the country within a specified time, and those whose offenses are serious enough to constitute a crime shall be prosecuted for their criminal responsibility according to law.

Article 48 Whoever out of force majeure acts in contravention of the Law on the Entry and Exit of Aliens and the present Rules may be exempted from penalties.

Aliens who are unable to pay a fine may be subjected to detention instead.

Article 49 Penalties such as fines and detention provided for in this Chapter shall also apply to persons held responsible for assisting aliens to enter or leave China illegally, or causing aliens to reside to stay illegally in China, or employing aliens who seek jobs without permission, or providing facilities for aliens to travel without valid travel permits to areas closed to aliens.

Article 50 If an alien being fined or detained by a public security organ refuses to accept such penalty, he/she may, within 15 days of receiving notification, appeal to the original adjudication organ or directly to the next higher public security organ, which shall make the final judgment within 15 days of receiving the appeal. The person being penalized may also file a suit directly with a local people's court.

Article 51 The penalties provided for in this Chapter shall be executed by the public security organs.

Article 52 Aliens who wish to apply for extension or alteration of visas or certificates shall complete the following procedures:

- (1) Submit their passports, visas and certificates for examination;
- (2) Fill in application forms for extension or alternation;
- (3) provide papers supporting reasons for extension or alternation.

Article 53 Aliens applying for visas and certificates or for their extension or alternation shall pay visa and certificate fees according to the prescribed rates.

The rates of visa and certificate fees shall be prescribed by the Ministry of Public Security and the Ministry of Foreign Affairs.

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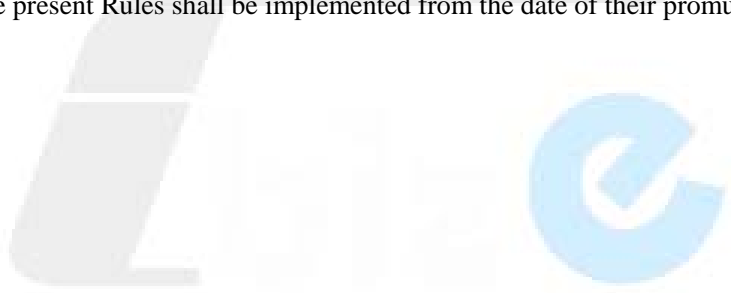
Persons from countries that have agreements on visa fees with the Chinese Government shall act in accordance with the pertinent agreements

Article 54 An alien child under the age of 16 who uses the same passport with his/her parent or guardian need not, while visiting China with his/her parent or guardian, go through the entry, transit, residence or travel procedures separately.

Article 55 An alien whose Chinese visa or certificate is lost or damaged shall promptly report to the exit and entry department under the local public security bureau and apply for a new one or replacement. An alien who has lost his /her residence card shall declare the lost card invalid in an official local newspaper.

Article 56 The format of the various visas, certificates and application forms referred to in the present Rules shall be decide upon by the Ministry of Public Security and the Ministry of Foreign Affairs.

Article 57 The present Rules shall be implemented from the date of their promulgation.



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