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Rules for the Implementation of the Law of the People's Republic of China on Control of the Entry and Exit of Aliens

(Approved by the State Council on December 3, 1986, and Promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on December 27, 1986) These Rules are formulated in accordance with the stipulations in Article 33 of The Law of the People's Republic of China on Control of the Entry and Exit of Aliens (hereinafter referred to as The Law on Control of the Entry and Exit of Aliens)

Contents

Chapter I Entry into the Country

Chapter II Inspection of the Entry-Exit Certificates

Chapter III Residence

Chapter IV Registration for Lodging

Chapter V Travels

Chapter VI Exit from the Country

Chapter VII Penalties

Chapter VIII Other Provisions

Chapter I

Entry into the Country

Article 1 For entry into China, aliens shall apply for visas from Chinese diplomatic missions, consular posts or other resident agencies abroad authorized by the Ministry of Foreign Affairs. Aliens who hold ordinary passports issued by countries which have diplomatic relations or official trade links with China as well as letter(s) or telegram(s) from authorized units in China, may, under any of the following circumstances where they must necessarily rush to China but have no time for visa application to the aforesaid agencies, apply to the visa-granting departments at entry ports as authorized by the Ministry of Public Security:

- (1) they are invited at the last moment by a Chinese host to come to China for a trade fair;
- (2) they are invited to come to China to submit a tender or to sign a formal economic or trade contract;
- (3) they come to China by appointment to supervise the inspection of import and export commodities or to participate in a check-and-accept operation in accordance with contracts;
- (4) they are invited to participate in the installation of equipment or in the emergency repair of engineering projects;
- (5) they come to China at the request of the Chinese side to solve a problem of claims;
- (6) they are invited to come to provide technical advisory services;
- (7) they come to China due to a last-minute change in the composition of a visiting group and with consent of the Chinese side after the visas are granted;
- (8) they come to China to see patients in critical conditions, or to undertake funeral matters;
- (9) owing to force majeure, transit visa holders cannot leave the country within twenty-four hours by taking the original place or by taking other means of transport;
- (10) other invited guests who really have no time for visa application to the aforesaid China's resident agencies abroad, and who hold letter(s) or telegram(s) from competent authorities who give the consent for the invited guests to apply for the visa at the designated entry ports. The visa-granting agencies at entry ports shall not accept and handle visa applications filled out by people who do not come under the aforesaid circumstances.

Article 2 Visa-issuing departments at port of entry, as authorized by the Ministry of Public Security, are stationed at the following ports: Beijing, Shanghai, Tianjin, Dalian, Fuzhou, Xiamen, Xi'an, Guilin, Hangzhou, Kunming, Guangzhou (Baiyun Airport), Shenzhen (Luohu, Shekou), Zhuhai (Gongbei)

Article 3 Different categories of visa, such as diplomatic visa, courtesy visa, service visa, and ordinary visa, shall be issued to different aliens in accordance with the different capacities in which they visit China and also with the different categories of passport they hold.

Article 4 In accordance with aliens' reasons for coming to China, the ordinary visas to be issued to them shall be marked with the following Chinese pinyin letters:

- (1) the letter "D" is marked on a visa issued to a person who comes for permanent residence in China;
- (2) the letter "Z" is marked on a visa issued to a person who comes to China for a post or employment, and also to this person's accompanying family members;
- (3) the Letter "X" is marked on a visa issued to a person who comes to China to study, to engage in advanced studies, or to do fieldwork, for a period of more than 6 months;
- (4) the letter "F" is marked on a visa issued to a person who is invited to come to China for a visit, for investigations, for giving lectures, for doing business, for carrying out scientific, technical and cultural exchanges, for pursuing short-term advanced studies or for doing short-term field work: these activities shall not exceed 6 months;
- (5) the letter "L" is marked on a visa issued to a person who comes to China for sightseeing, for visiting relatives, or for private matters; a group visa shall be issued to a China-bound tourist group of nine members or more;
- (6) the letter "G" is marked on a visa issued to a transit traveler;
- (7) the letter "C" is marked on a visa issued to a crew member performing his/her duties on board an international train, or on an international airliner, to a sailor on board an international ocean-liner or freighter, and also to their accompanying family members.

Article 5 An alien, who is applying for a visa, shall answer the questions put to him/her and go through the following procedures:

- (1) to present a valid passport or other certificate(s) that can be used in place of a passport;
- (2) to fill in a visa application form, and hand in recent frontal hatless half-length passport-size photos of the applicant;
- (3) to present, for examination, documents of certification pertaining to the reasons) for entry or transit application.

Article 6 The documents of certification as mentioned in Item (3) Article 5 of these Regulations, refer to:

- (1) those applying for the visa marked with "D" shall hold status-of-residence identification forms. To obtain such a form, the applicant may apply, or do so through his/her relatives in China, to the entry-exit controlling department under the public security bureau of the city or county where the applicant is to reside;
- (2) those applying for the visa marked with "Z" shall hold documents of certification issued by a Chinese unit indicating the engagement or employment, or hold letter(s) or telegram(s) sent by an authorized unit;
- (3) those applying for the visa marked with "X" shall hold documents of certification issued by a host institution or by a competent department;
- (4) those applying for the visa marked with "F" shall hold letter(s) or telegram(s) sent by an authorized unit;
- (5) those applying for the visa marked with "L", who come to China as tourists, shall hold certifying documents for reception issued by a Chinese tourist department;
- (6) those applying for the visa marked with "G" shall hold a valid visa issued by the country (or region) the applicant is going to. Only a through-ticket holder is exempt from the procedures for such visa application;
- (7) those applying for the visa marked with "C" shall produce relevant certificates according to agreement. Aliens who come to reside in China or to stay in China for more than one year shall, when applying for an entry visa, produce for examination a health certificate issued by a health department designated by the country the applicant resides in, or issued by a health department and attested by a notary office. The health certificate shall remain valid within a period of 6 months of its issuance.

Article 7 Aliens belonging to any of the following categories shall not be permitted to enter China:

- (1) deportees by the Chinese government whose terms of deportation have not yet expired;
- (2) those who are considered prone, after entering the country, to terrorist or subversive activities or violence;
- (3) those who are considered prone, after entering the country, to smuggling, prostitution, or drug trafficking;
- (4) those who suffer from mental diseases, or leprosy, AIDS, venereal diseases, open tuberculosis and such infectious diseases;
- (5) those who lack the means to support themselves financially while staying in China;
- (6) those who are considered prone, after entering the country, to other activities that may jeopardize the country's security and interests.

Article 8 Aliens may be exempt from going through the procedures for obtaining a transit visa if they hold a through ticket and have booked seats on international airliners flying directly through China, and will stay in a transit city for less than 24 hours without leaving the airport; aliens who wish to leave the airport shall apply to the border inspection office for permission to stay.

Article 9 During the period of time when an international ocean-going vessel casts anchor at a port in China, foreign crew members and their accompanying family members who wish to come on land but do not leave the seaport city shall apply to the border inspection office for landing certificates; those who wish to spend the night on land shall apply for lodging certificates. Those who wish, with justification, to go to places beyond the limits of a seaport city, or are unable to leave the country on board the original ship, shall apply to the local public security bureau for proper visas.

Chapter II

Inspection of the Entry-Exit Certificates

Article 10 Aliens, upon arrival at a port, shall present to the border inspection office for examination their valid passports with visas and relevant certificates issued by the Chinese government, and fill in entry-exit cards; they may enter the country after the border inspection office has examined, approved, and stamped their certificates.

Article 11 Upon arrival of a foreign aircraft or a vessel at a port in China, the persons in charge shall have the following responsibilities:

- (1) the aircraft commander, the captain or the agent must submit to the border inspection office a name list of the crew members, and a name list of the passengers;
- (2) if the aircraft or vessel happens to carry persons who attempt to cross the borders illegally, the case must be reported as soon as it is discovered, to the border inspection office for disposition;
- (3) with regard to the persons who are forbidden to enter the country, the persons in charge must assume the responsibility to take such persons away by means of the original aircraft or vessel; with respect to persons who are unable to leave the country immediately owing to force majeure, the persons in charge shall be responsible for paying such persons' living costs during their stay in China, and also for paying their travelling costs when they leave the country.

Article 12 The border inspection office shall have the right to forbid aliens belonging to any of the following categories to enter or leave the country:

- (1) holders of invalid passports, certificates or visas;
- (2) holders of forged or altered or other person's passports and certificates;
- (3) those who refuse to present their certificates for examination;
- (4) those whose entry into or exit from the country are not permitted, as notified by the Ministry of Public Security or by the Ministry of State Security.

Article 13 Aliens, on leaving the country, shall present, for examination, their valid passports or other valid certificates, and their visas authorizing their stay in China or residence permit.

Article 14 Aliens and foreign-owned means of transport whose transit ports have been designated by the visa-granting department must enter or leave the country by the designated ports.

Article 15 With respect to those aliens who are forbidden to enter the country, as stipulated in Article 12 of these Rules, in the event that they are unable to return by the original means of transport, the border inspection office may take necessary measures to restrict their bounds of activities, and give orders for them to leave the country by the next earliest means of transport.

Chapter III

Residence

Article 16 Aliens who hold the visas marked with "D", "Z" and "X" must, within 10 days of entry, go through the procedures for obtaining the residence permit for aliens or temporary residence permit for aliens. The term of validity of the aforesaid residence permit shall be the time limit of the authorized stay in China for the permit holder. The residence permit for aliens shall be issued to those who will stay in China for a period of more than one year. The temporary residence permit for aliens shall be issued to those who will stay in China for a period of less than one year. Aliens who hold visas marked with "F", "L", "G" and "C" may stay in China within the time limit as their visas indicate, without the necessity to obtain residence permits.

Article 17 Aliens who apply for the residence permit shall answer all the questions put to them and go through the following formalities:

- (1) to present, for examination, their passports, visas, and certificates pertaining to their residence;
- (2) to fill in the residence application form;
- (3) applicants for the residence permit for aliens shall present, for examination, their health certificates together with recent frontal hatless half-length passport-size photos.

Article 18 The term of validity of the residence permit for aliens may last from one year to five years, as shall be decided by the municipal or county public security bureau in accordance with reasons of aliens for staying in China. To aliens who conform to the stipulations of Article 14 of The Law on Control of the Entry and Exit of Aliens, the public security organ may grant a 1-5-Year long-term residence permit; to aliens of outstanding accomplishments a permanent residence permit may be granted.

Article 19 Aliens exempt from the visa-obtaining procedures in accordance with an agreement signed by the Chinese government and the government of a foreign country, shall, after entry, apply for the residence permit in accordance with the stipulations in Article 16 and Article 17 of these Rules, if they will stay in China for a period of more than 30 days. However, the provisions of the preceding paragraph shall not apply to the aliens as stipulated in Article 34 of The Law on Control of The Entry and Exit of Aliens.

Article 20 An alien who wishes to continue to stay or reside in China when the term of validity of his/her visa or residence permit expires shall, before the expiration, apply for an extension. In the event that an alien, while staying in China, has been found to suffer any of the diseases as specified in Item 4 of Article 7 of these Rules, China's competent public health department may suggest to the public security organ that the alien in question be notified to leave the country before the term of his/her stay expires.

Article 21 If any change is to be made in entries (name, nationality, profession or status, work unit, residence, passport number, accompanying children, etc.) of the residence permit for aliens, the permit holder shall, within 10 days, go through the registration procedures for the change at the public security bureau stationed at the locality of their residence.

Article 22 In the event that holders of the residence permit for aliens wish to move out of the city or county where they reside, they shall, before they move, go through the removal registration at the public security bureau stationed at the locality of their original residence. After moving into the new locality, they shall go through the moving-in registration procedures within 10 days at the public security bureau stationed at the new locality. Resident aliens who wish to apply for moving their homes shall first apply to the public security bureau stationed at the target locality for a permit and then with this permit go through the removal registration procedures in accordance with the stipulations of the preceding paragraph.

Article 23 Out of the consideration for safeguarding state security, maintaining social order, and protecting other public interests, the municipal or county public security bureau may impose restrictions on the establishment of residences or business offices in certain areas as by aliens or by foreign institutions; foreign-owned residences or business offices already established in the aforesaid areas under restrictions must move to the designated areas within the time specified in the notice of removal issued by the municipal or county public security bureau.

Article 24 Aliens residing in China must, once a year at the designated time, present their residence permit for aliens to the local public security bureau for examination. The public security bureau may, at a time it deems necessary, notify an alien to present his/her residence permit for aliens to the entry-exit control department for examination; and the alien shall do this accordingly at the time specified in the notice.

Article 25 Aliens who reside or stay in China and are 16 years of age or older must carry their residence permits or passports on them for examination by the police of foreign affairs when the occasion requires.

Article 26 As regards a foreign baby born in China, the baby's parents or agent shall, within one month of the baby's birth, submit a report together with the baby's birth certificate to the local public security bureau and go through the registration procedures.

Article 27 In the event that an alien dies in China, his/her family members or guardian or agent shall, within 3 days of the death, submit a report together with the death certificate of the deceased to the local public security bureau, and present, for cancellation, the residence permit or visa of the deceased. With respect to cases of aliens' accidental death, the persons concerned or the discoverers must report the cases immediately to the public security organ.

Article 28 The competent authorities of the Chinese Government, mentioned in Article 19 of the Law on Control of the Entry and Exit of Aliens, refers to the Ministry of Labour and Personnel of the People's Republic of China.

Chapter IV

Registration for Lodging

Article 29 Aliens who stay at such enterprises or institutions as guest houses, hotels, inns, hostels, and schools, or at government departments, public organizations and other Chinese institutions shall produce their valid passports or residence permits, and fill in the temporary lodging form. If they accommodate in an area not open to aliens, they shall also produce their travel certificates.

Article 30 In the event that an alien accommodates at the house of a Chinese resident, if the house is located in a city or a town, the host or the alien himself shall, within 24 hours of the lodger's arrival submit a report to the local public security organ together with the lodger's passport and other certificates and the host's residence booklet, and fill in the temporary lodging registration form; if the host's house is located in the countryside, the report shall be submitted to the local police station or to the household registration office within 72 hours.

Article 31 In the event that an alien accommodates at a resident foreign institution in China or at the house of another alien living in China, the host institution, the host or the lodger himself shall, within 24 hours of the lodger's arrival submit a report to the local public security organ together with the lodger's passport or residence permit, and fill in the temporary lodging registration form.

Article 32 Aliens with permanent residence in China shall submit a report and go through the registration procedures in accordance with the stipulations in Article 29, Article 30 and of these Rules if they wish to leave their lodgings and accommodate temporarily in other places.

Article 33 Aliens who accommodate in mobile lodgings shall submit a report to the local public security organ within 24 hours. Institutions or individuals that provide space for the mobile lodgings or aliens shall 24 hours in advance submit a report to the local public security organ.

Chapter V

Travels

Article 34 Aliens who wish to travel in cities and counties that are not open to aliens shall apply in advance to the bureau of public security of the municipality or county where they reside for a travel permit, and they can start for their destination only after they have obtained permission. To apply for a travel permit, aliens shall go through the following procedures:

- (1) to produce for examination their passports or residence permits;
- (2) to submit certificates relating to the travel;
- (3) to fill in the travel application form.

Article 35 The longest term of validity of the travel permit for an alien shall be one year, provided that it shall not exceed the term of validity of his/her visa or residence permit.

Article 36 In the event that aliens who have already obtained their travel permits wish to extend the term of validity of their travel permits, to visit additional places that are not open to aliens, and to increase the number of persons accompanying them, they must apply to the public security organ for the extension or change.

Article 37 Without permission, no aliens shall be permitted to enter places not open to aliens.

Chapter VI

Exit from the Country

Article 38 Aliens shall leave the country within the time limit specified in their visas, or within the term of validity of their residence permits.

Article 39 Holders of residence permits for aliens shall, before leaving the country, apply to the local public security organ in accordance with the pertinent stipulations in Article 5 and Article 6 of these Rules, for obtaining their entry visas if they wish, within the term of validity of their residence permits, to leave and then return to China. Holders of residence permits for aliens shall, upon leaving China, present to the border inspection office their residence permits for cancellation if they will not return to the country.

Chapter VII

Penalties

Article 40 An alien who has entered China's territory illegally may be punished with a fine of 500 yuan to 2,000 yuan, or held in detention for 3 to 10 days, or may concurrently be ordered to leave the country within a specified period of time, or deported from the country; if the case is so serious as to constitute a crime, criminal responsibility shall be investigated according to law.

Article 41 Persons in charge of the means of transport, or their agents who, in violation of the stipulations in Article 11 of these Rules, refuse to bear responsibilities may be punished with a fine of 500 yuan to 2,000 yuan or be held in detention for 3 to 10 days.

Article 42 Aliens who, in violation of the stipulations in Articles 16, 19, 20, 21, 22 and 23 of these Rules, stay in China illegally, or who violate the stipulations concerning residential administration, may be given a warning, or punished with a fine of 100 yuan to 500 yuan, or be held in detention for 1 to 3 days; if the case is serious, the offender shall be ordered concurrently to leave the country within a specified period of time.

Article 43 An alien who, in violation of the stipulations in Article 24 and Article 25 of these Rules, fails to present the residence permit, as required, for examination, or fails to carry the passport or residence permit on him/her, or refuses to produce his/her certificate for examination, may be given a warning, or punished with a fine of 20 yuan to 50 yuan; if the case is serious, the offender may concurrently be ordered to leave the country within a specified period of time.

Article 44 Aliens who have obtained a post without the approval of the Ministry of Labour and Personnel of the People's Republic of China, upon termination of their post or employment, may be punished with a fine of 200 yuan to 1,000 yuan; if the case is serious, the offender shall concurrently be ordered to leave the country within a specified period of time.

Article 45 Anyone who is held responsible for, in violation of the stipulations in Chapter IV of these Rules, the failure to go through the registration procedures for getting accommodation, or to submit a report to the public security organ for lodging registration, or for providing accommodation to an alien who does not hold valid certificates, may be given a warning, or punished with a fine of 10 yuan to 50 yuan.

Article 46 Aliens who, in violation of the stipulations in Articles 34, 36 and 37 of these Rules, make a tour to an area not open to aliens without approval, may be given a warning, or punished with a fine of 30 yuan to 100 yuan; if the case is serious, the offender shall concurrently be ordered to leave the country within a specified period of time.

Article 47 Aliens who have forged, or altered, or used other than their own, or transferred to others the possession of, visas and certificates may, in addition to the revocation or confiscation of the original visas and certificates, be punished with a fine of 500 yuan to 2,000 yuan, or held in detention for 3 to 10 days; and may also concurrently be ordered to leave the country within a specified period of time. If the case is so serious as to constitute a crime, criminal responsibility shall be investigated according to law.

Article 48 Those who violate The Law on Control of the Entry and Exit of Aliens and these Rules due to force majeure, may be exempted from penalty. When an alien is unable to pay a fine, the penalty may take the form of detention.

Article 49 The penalties of imposing fines and making detentions, as provided in this Chapter, shall also be applicable to the persons who are held responsible for helping aliens to enter or leave the country illegally, for causing aliens to reside or stay in China illegally, for employing aliens who seek a post without permission, or for facilitating aliens without valid travel certificates in their entry into areas not open to aliens.

Article 50 Persons who are punished do not accept the penalty of a fine or detention imposed by the public security organ may, within 15 days of receiving the notice, appeal, through the original organ that made the decision on punishment or directly to a public security organ at a higher level, which shall, within 3 days of receiving the appeal, make a final decision. Persons who are punished may bring a suit directly to the local people's court.

Article 51 The penalties as stipulated in this Chapter shall be executed by the public security organ.

Chapter VIII

Other Provisions

Article 52 Aliens who wish to apply for an extension of or a change in various types of visa and certificate shall go through the following procedures:

- (1) to present for examination their passports and visas and other certificates;
- (2) to fill in the application form for extension or change;
- (3) to provide certifying documents relating to extension or change.

Article 53 Aliens who apply for various types of visas and certificates, or for an extension of or a change in their visas and certificates, must pay fees for visas and certificates according to relevant regulations. The schedule of fees for various types of visas and certificates shall be drawn up by the Ministry of Public Security and the Ministry of Foreign Affairs. Personnel from a country that has signed an agreement with the Chinese government on the fees for visas shall follow the relevant agreement.

Article 54 Foreign children under 16 years of age sharing the same passport with their parents or guardians who come to China with their parents or guardians need not go through the procedures for entry, transit, residence or travel separately.

Article 55 In the event that the visas and certificates issued by the Chinese government and held by aliens are lost or damaged, the holders shall immediately report to the entry-exit control department of the local public security bureau and apply for a reissue. Aliens who have lost the residence permits for aliens shall publish an announcement in a local newspaper to declare the lost permits invalid.

Article 56 The format of the various types of visas, certificates and application forms, as mentioned in these Rules, shall be made out separately by the Ministry of Public Security and the Ministry of Foreign Affairs.

Article 57 These Rules shall go into effect as of the date of promulgation.

Notice: In case of discrepancy, the original version in Chinese shall prevail.