

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

(Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress November 22, 1985 and promulgated by Order No. 31 of the President of the People's Republic of China on November 22, 1985)

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Chapter I General Provisions

Article 1 This Law is formulated with a view to safeguarding the sovereignty of the People's Republic of China, maintaining its security and public order and facilitating international exchange.

This Law is applicable to aliens entering, leaving and transiting the territory of the People's Republic of China and to those residing and travelling in China.

Article 2 Aliens must obtain the permission of the competent authorities of the Chinese Government in order to enter, transit or reside in China.

Article 3 For entry, exit and transit, aliens must pass through ports open to aliens or other designated ports and must be subject to inspection by the frontier inspection offices.

For entry, exit and transit, foreign-owned means of transport must pass through ports open to aliens or other designated ports and must be subject to inspection and supervision by the frontier inspection offices.

Article 4 The Chinese Government shall protect the lawful rights and interests of aliens on Chinese territory.

Freedom of the person of aliens is inviolable. No alien may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrest must be made by a public security organ or state security organ.

Article 5 Aliens in China must abide by Chinese laws and may not endanger the state security of China, harm public interests or disrupt public order.

Chapter II Entry into the Country

Article 6 For entry into China, aliens shall apply for visas from Chinese diplomatic missions, consular offices or other resident agencies abroad authorized by the Ministry of Foreign Affairs. In specific situations aliens may, in compliance with the provisions of the State Council, apply for visas to visa-granting offices at ports designated by the competent authorities of the Chinese Government.

The entry of nationals from countries having visa agreements with the Chinese Government shall be handled in accordance with those agreements.

In cases where another country has special provisions for Chinese citizens entering and transiting that country, the competent authorities of the Chinese Government may adopt reciprocal measures contingent on the circumstances.

Visas are not required for aliens in immediate transit on connected international flights who hold passenger tickets and stay for no more than 24 hours in China entirely within airport boundaries. Anyone desiring to leave the airport temporarily must obtain permission from the frontier inspection office.

Article 7 When applying for various kinds of visas, aliens shall present valid passports and, if necessary, provide pertinent evidence.

Article 8 Aliens who have been invited or hired to work in China shall, when applying for visas, produce evidence of the invitation or employment.

Article 9 Aliens desiring to reside permanently in China shall, when applying for visas, present status-of-residence identification forms. Applicants may obtain such forms from public security organs at the place where they intend to reside.

Article 10 The competent authorities of the Chinese Government shall issue appropriate visas to aliens according to the purposes stated in their entry applications.

Article 11 When an aircraft or a vessel navigating international routes arrives at a Chinese port, the captain or his agent must submit a passenger name list to the frontier inspection office; a foreign aircraft or vessel must also provide a name list of its crew members.

Article 12 Aliens who are considered a possible threat to China's state security and public order shall not be permitted to enter China.

Chapter III Residence

Article 13 For residence in China, aliens must possess identification papers or residence certificates issued by the competent authorities of the Chinese Government.

The term of validity of identification papers or residence certificates shall be determined according to the purposes of entry.

Aliens residing in China shall submit their certificates to the local public security organs for examination within the prescribed period of time.

Article 14 Aliens who, in compliance with Chinese laws, find it necessary to establish prolonged residence in China for the purpose of investing in China or engaging in

cooperative projects with Chinese enterprises or institutions in the economic, scientific, technological and cultural fields, or for other purposes, are eligible for prolonged or permanent residence in China upon approval by the competent authorities of the Chinese Government.

Article 15 Aliens who seek asylum for political reasons shall be permitted to reside in China upon approval by the competent authorities of the Chinese Government.

Article 16 Aliens who fail to abide by Chinese laws may have their period of stay in China curtailed or their status of residence in China annulled by the competent authorities of the Chinese Government.

Article 17 For a temporary overnight stay in China, aliens shall complete registration procedures pursuant to the relevant provisions.

Article 18 Aliens holding residence certificates who wish to change their place of residence in China must complete removal formalities pursuant to the relevant provisions.

Article 19 Aliens who have not acquired residence certificates or who are on a study programme in China may not seek employment in China without permission of the competent authorities of the Chinese Government.

Chapter IV Travel

Article 20 Aliens who hold valid visas or residence certificates may travel to places open to aliens as designated by the Chinese Government.

Article 21 Aliens desiring to travel to places closed to aliens must apply to local public security organs for travel permits.

Chapter V Exit from the Country

Article 22 For exit from China, aliens shall present their valid passports or other valid certificates.

Article 23 Aliens belonging to any of the following categories shall not be allowed to leave China:

- (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; and
- (3) persons who have committed other acts in violation of Chinese law who have not been dealt with and against whom the competent authorities consider it necessary to institute prosecution.

Article 24 Frontier inspection offices shall have the power to stop aliens 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 VI Administrative Organs

Article 25 China's diplomatic missions, consular offices and other resident agencies abroad authorized by the Ministry of Foreign Affairs shall be the Chinese Government's agencies abroad to handle aliens' applications for entry and transit.

The Ministry of Public Security, its authorized local public security organs, the Ministry of Foreign Affairs and its authorized local foreign affairs departments shall be the Chinese Government's agencies in China to handle aliens applications for entry, transit, residence and travel.

Article 26 The authorities handling aliens applications for entry, transit, residence and travel shall have the power to refuse to issue visas and certificates or to cancel visas and certificates already issued or declare them invalid.

The Ministry of Public Security and the Ministry of Foreign Affairs may, when necessary, alter decisions made by their respectively authorized agencies.

Article 27 An alien who enters or resides in China illegally may be detained for examination or be subjected to residential surveillance or deportation by a public security organ at or above the county level.

Article 28 While performing their duties, foreign affairs police of the public security organs at or above the county level shall have the power to examine the passports and other certificates of aliens. When conducting such examinations, the foreign affairs police shall produce their own service certificates, and relevant organizations or individuals shall have the duty to offer them assistance.

Chapter VII Penalties

Article 29 If a person, in violation of the provisions of this Law, enters or leaves China illegally, establishes illegal residence or makes an illegal stopover in China, travels to places closed to aliens without a valid travel document, forges or alters an entry or exit certificate, uses another person's certificate as his own or transfers his certificate, he may be penalized by a public security organ at or above the county level with a warning, a fine or detention for not more than ten days. If the circumstances of the case are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the law.

If an alien subject to a fine or 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 30 In cases where a person commits any of the acts stated in Article 29 of this Law, if the circumstances are serious, the Ministry of Public Security may impose a penalty by ordering him to leave the country within a certain time or may expel him from the country.

Chapter VIII Supplementary Provisions

Article 31 For the purpose of this Law the term "alien" means any person not holding Chinese nationality according to the Nationality Law of the People's Republic of China.

Article 32 Transitory entry into and exit from China by aliens who are nationals of a country adjacent to China and who reside in areas bordering on China 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.

Article 33 The Ministry of Public Security and the Ministry of Foreign Affairs 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 34 Affairs concerning members of foreign diplomatic missions and consular offices in the People's Republic of China and other aliens who enjoy diplomatic privileges and immunities, after their entry into China, shall be administered in accordance with the relevant provisions of the State Council and its competent departments.

Article 35 This Law shall go into effect on February 1, 1986.