



Australian Government
Refugee Review Tribunal

Country Advice

China

China – CHN37693 – Seafarers – Exit
procedures – Passports
10 November 2010

1. Please provide country information on what the procedures are for seamen on vessels leaving China in terms of when they have to submit their passports and to whom.

A perusal of the applicable laws, rules and regulations indicates that:

- Maritime administrative institutions (such as the Bureau of Harbour Superintendence) are responsible for issuing exit documents to seamen¹;
- Vessels must exit the country via an open port and must be subjected to frontier inspection. Exit inspection shall be conducted at their last departure point²;
- The Ministry of Public Security is responsible for the administration of exit and entry frontier inspection³;
- Vessel captains shall be responsible for furnishing frontier inspection stations with particulars of persons on board⁴;

¹ *Passport Law of the People's Republic of China 2006* (Adopted 29 April 2006 & Promulgated 1 January 2007), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 December 2008 – Attachment 1; *Law of the People's Republic of China on the Control of the Exit and Entry of Citizens*, 1 February 1986, UNHCR Refworld website. source: Chinalaw Computer-Assisted Legal Research Center, Peking University. 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. China Law No. 315. Available at <http://www.unhcr.org/refworld/docid/3ae6b57718.html> – Accessed 22 October 2010 – Attachment 2.

² *Regulations Of The People's Republic Of China On Exit And Entry Frontier Inspection 1995* (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995), People's Republic of China Ministry of Foreign Affairs website <http://www.mfa.gov.cn/eng/wjb/zjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010 – Attachment 3.

³ *Regulations Of The People's Republic Of China On Exit And Entry Frontier Inspection 1995* (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995), People's Republic of China Ministry of Foreign Affairs website <http://www.mfa.gov.cn/eng/wjb/zjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010 – Attachment 3.

⁴ *Regulations Of The People's Republic Of China On Exit And Entry Frontier Inspection 1995* (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995), People's Republic of China Ministry of Foreign Affairs website <http://www.mfa.gov.cn/eng/wjb/zjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010 – Attachment 3.

- The frontier inspection organ has responsibility for carrying out frontier inspection of the ships as well as the passports, related documents, baggage and articles of ships' crew and passengers.⁵
- Crew members must present their exit documents to frontier inspectors⁶;
- Persons in charge of vessels shall be fined if they fail to furnish the frontier inspection station with information on their working personnel or passengers, or if they carry out of the country any persons who are holding no valid exit documents.⁷

Aside from the applicable laws, rules and regulations, little was found on procedures for seamen leaving China. One source, the Realco Shipping Agency Ltd., which operates out of China, Taiwan and Vietnam, gives general immigration information stating that "Listed crew passport and seaman book should be ready for official's inspection".⁸

Please note that, as emphasised in previous advice⁹, the available information indicates that the exit laws and procedures can often be circumvented by bribery.

Relevant extracts from applicable laws

Passport Law of the People's Republic of China

Article 25

If any citizen exits from or enters into the territory of the State or works on foreign vessels as a seaman, he may apply for the seaman's book of the People's Republic of China with the maritime administrative institutions designated by the Ministry of Communications.¹⁰

⁵ *General Rules Governing Joint Inspection Of Incoming And Outgoing Ships (People's Republic of China)* 1961 (Approved by the State Council on September 8, 1961 and jointly promulgated by the Ministry of Communications, Ministry of Foreign Trade, Ministry of Public Security and Ministry of Public Health on October 24, 1961), NovexCn.com website http://www.novexc.com/inspection_incom_ships.html – Accessed 5 November 2010 – Attachment 4 (**Please note: Information was not found on whether these rules are still in effect**).

⁶ *Regulations Of The People's Republic Of China On Exit And Entry Frontier Inspection* 1995 (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995), People's Republic of China Ministry of Foreign Affairs website <http://www.mfa.gov.cn/eng/wjb/zzjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010 – Attachment 3.

⁷ *Regulations Of The People's Republic Of China On Exit And Entry Frontier Inspection* 1995 (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995), People's Republic of China Ministry of Foreign Affairs website <http://www.mfa.gov.cn/eng/wjb/zzjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010 – Attachment 3.

⁸ 'Shipping Agency' (undated), RealCo website http://www.realco-logistics.com/data/realco/ShippingAgency_en.html – Accessed 5 November 2010 – Attachment 5.

⁹ RRT Country Advice 2010, *Country Advice CHN37463*, 22 October – Attachment 6.

¹⁰ *Passport Law of the People's Republic of China 2006* (Adopted 29 April 2006 & Promulgated 1 January 2007), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 December 2008 – Attachment 1.

Regulations of the People's Republic of China on Exit and Entry Frontier Inspection

Article 2

The Ministry of Public Security shall be responsible for the administration of the exit and entry frontier inspection.

Article 3

China shall set up exit and entry frontier inspection stations (hereinafter referred to as frontier inspection stations) at open ports, airports, stations and border thoroughfares.

Article 4

For safeguarding the sovereignty of the State and maintain its security and social order, **frontier inspection stations shall exercise the following functions:**

(1) To carry out frontier inspection on persons leaving or entering the country and their luggage and other personal belongings, and on means of transportation leaving or entering the country and their freight;

(2) To exercise supervision on means of transportation leaving or entering the country pursuant to the relevant provisions of the State;

...Article 5

For exit from or entry into China, persons and **means of transportation shall pass through the open ports or other places specially designated by the competent authorities and shall subject themselves to frontier inspection, supervision and control.**

Persons leaving or entering the country shall comply with the laws and administrative regulations of China.

...Article 7

For exit from or entry into China, persons shall fill in exit or entry registration cards pursuant to the relevant provisions, present their valid passports or other entry or exit certificates (hereinafter referred to as the "entry or exit certificates") to the frontier inspection stations for examination, and leave or enter the country only after the frontier inspection stations have examined and verified their certificates.

... Article 9

These Regulations shall be applicable to the exit and entry frontier inspection and control of the accompanying working personnel on board the means of transportation. Where there is an agreement entered into between China and the relevant country or region, the frontier inspection and control shall be conducted according to the agreement.

Article 10

Upon the arrival of their vessels at ports of China, crewmembers of alien nationality or from Hong Kong, Macao and Taiwan and their accompanying family members wishing to land or lodge at port towns shall apply through their captains or their entrusted agents to the frontier inspection station to go through the landing or lodging formalities.

... Chinese crewmembers of vessels navigating international routes may land or lodge by presenting their entry or exit certificates.

...Article 12

Persons wishing to embark on or disembark from alien vessels shall present to the frontier inspectors for examination their entry or exit certificates or other designated certificates and after being permitted, may embark on or disembark from such vessels. Personnel from port inspection and quarantine organs shall be dressed in uniforms and show their credentials as they board such vessels to perform their duties.

...Article 16

Means of transportation leaving or entering the country shall accept frontier inspection on their departure from or their arrival in the ports of China. Entry inspection on means of transportation shall be conducted at their first arrival port; **exit inspection shall be conducted at their last departure port.** Under exceptional circumstances, entry and exit inspections on means of transportation may be conducted at specially permitted places with the approval of the competent authorities.

Article 17

Persons in charge of means of transportation or transportation departments concerned shall notify in advance the frontier inspection station concerned of the arrival or departure time, the stopping place and the particulars of the persons and freight on board the vessels, aircraft or trains leaving or entering the country.

Upon arrival at ports, vessel captains and aircraft commanders or their agents shall provide the frontier inspection stations with a name list of the crew and passengers; persons in charge of trains and other means of transportation shall report to the frontier inspection stations the number of working personnel and passengers on board.

Article 18

Persons in charge of means of transportation or their agents shall be present at the scene of inspection and render assistance as frontier inspectors are carrying out frontier inspection on these means of transportation.

...Article 22

... The means of transportation under supervision and the persons boarding or leaving these means of transportation shall subject themselves to inspection by the supervisors.

Article 23

Persons in charge of means of transportation on which no supervising measures are taken shall conduct proper management on their own to ensure that their means of transportation and the working personnel observe these Regulations.

Article 24

If means of transportation leaving or entering the country are found carrying on board any person who is forbidden to leave or enter the country, or is illegally crossing the national border(frontier) or possessing no valid entry or exit certificates, persons in charge of these means of transportation shall have the responsibility to remove such person to the place whence he came and pay all the expenses incurred therefrom.

... Article 36

Where means of transportation leaving or entering the country carry out of or into the country any persons who are forbidden to leave or enter the country, or persons who are illegally crossing the national border(frontier) or persons who are holding no valid exit or entry certificates, the persons in charge shall be imposed a fine of not less than 5,000 yuan and not more than 10,000 yuan for each such person they carry.

Article 37

When means of transportation are under any of the following circumstances, the persons in charge shall be imposed a fine of not less than 10,000 yuan and not more than 300,000 yuan :

(1) leaving or entering the country without the permission from the frontier inspection station when leaving or arriving at ports;

(2) failing to furnish the frontier inspection station with information on their working personnel, passengers or freight according to the provisions, or refusing to assist inspection; or

(3) taking on board or discharging any persons, cargoes or articles without the permission from the frontier inspection station during the period from the time of their arrival in the country to the time before entry inspection or during the period from the time after exit inspection to the time of their departure from the country.

... Article 45

These Regulations shall be applicable to the frontier inspection on citizens and means of transportation of the People's Republic of China traveling to and from Hong Kong, Macao and Taiwan. Where there are special provisions by laws and administrative regulations, such provisions shall prevail.

Article 46

For the purpose of these Regulations,

“persons leaving or entering the country” means all the persons, whether of Chinese nationality or alien nationality or stateless, who are leaving, entering or transiting through the national border(frontier) of the People's Republic of China;

“means of transportation leaving or entering the country” means all the vessels, aircraft, trains, motor vehicles, non-motor vehicles and pack animals that are leaving, entering or transiting through the national border(frontier) of the People's Republic of China; and

“working personnel” means all the persons in charge, drivers or pilots, stewards, and other workers of the vessels, aircraft, trains and motor vehicles that are leaving or entering the country.¹¹

Law of the People’s Republic of China on the Control of the Exit and Entry of Citizens

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 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 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 12

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.

...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.¹²

¹¹ *Regulations Of The People’s Republic Of China On Exit And Entry Frontier Inspection* 1995 (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People’s Republic of China on July 20, 1995, and effective as of September 1, 1995), People’s Republic of China Ministry of Foreign Affairs website

<http://www.mfa.gov.cn/eng/wjb/zzjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010 – Attachment 3.

¹² *Law of the People’s Republic of China on the Control of the Exit and Entry of Citizens*, 1 February 1986, UNHCR Refworld website. source: Chinalaw Computer-Assisted Legal Research Center, Peking University. 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. China Law No. 315. Available at <http://www.unhcr.org/refworld/docid/3ae6b57718.html> – Accessed 22 October 2010 – Attachment 2.

Implementation Rules on the Law of the People's Republic of China on Administration of Exit and Entry of Citizens (Amended in 2006)

Article 3

If a citizen residing in China intends to exit from the country for personal reason, he shall apply to the immigration department of the public security bureau at the municipality or county where his permanent residence is registered, answer the relevant questions, and go through the following formalities:

- (1) submitting his residence booklets or other certificates of registered permanent residence for examination;
- (2) filling in the exit application form;
- (3) submitting the opinion of working unit of the applicant regarding his exit;
- (4) submitting the proof corresponding to the reasons of his exit.

Article 4

The proof as referred to in Item (4) of Article 3 in these Implementation Rules shall be:

... (5) in case of exit from the country for the purpose of employment, the applicant shall submit the certificate of engagement or employment by the hiring, employing unit or the employer;

...Article 14

A Chinese citizen shall exit from or enter into China through any open port or designated ports, present his passport of the People's Republic of China or other exit or entry documents to the boarder checkpoint, fill in the entry-exit registration card, and accept the inspection.

...Article 27

The measures for administration of exit of Chinese citizens on official business and exit of Chinese seamen for performing tasks shall be formulated separately.¹³

2. Deleted.

¹³ *Implementation Rules on the Law of the People's Republic of China on Administration of Exit and Entry of Citizens (Amended in 2006)* 1994 (Approved by the State Council on December 3, 1986, and Promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications on December 26, 1986, approved for amendment by the State Council on July 13, 1994, and promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications on July 15, 1994), iSinoLaw http://www.isinolaw.com/isinolaw/english/detail.jsp?searchword=catalog%3D0+and+isenglish%3E%3D1&channelid=77206&record=7&iscatalog=1&statutes_id=10024498&skind=110 – Accessed 5 November 2010 – Attachment 7.

Attachments

1. *Passport Law of the People's Republic of China 2006* (Adopted 29 April 2006 & Promulgated 1 January 2007), provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 December 2008.
2. *Law of the People's Republic of China on the Control of the Exit and Entry of Citizens*, 1 February 1986, UNHCR Refworld website. source: Chinalaw Computer-Assisted Legal Research Center, Peking University. 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. China Law No. 315. Available at <http://www.unhcr.org/refworld/docid/3ae6b57718.html> – Accessed 22 October 2010.
3. *Regulations Of The People's Republic Of China On Exit And Entry Frontier Inspection* 1995 (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995), People's Republic of China Ministry of Foreign Affairs website <http://www.mfa.gov.cn/eng/wjb/zzjg/jks/jkxw/t209905.htm> – Accessed 5 November 2010.
4. *General Rules Governing Joint Inspection Of Incoming And Outgoing Ships (People's Republic of China)* 1961 (Approved by the State Council on September 8, 1961 and jointly promulgated by the Ministry of Communications, Ministry of Foreign Trade, Ministry of Public Security and Ministry of Public Health on October 24, 1961), NovexCn.com website http://www.novexcn.com/inspection_incom_ships.html – Accessed 5 November 2010.
5. 'Shipping Agency' (undated), RealCo website http://www.realco-logistics.com/data/realco/ShippingAgency_en.html – Accessed 5 November 2010.
6. RRT Country Advice 2010, *Country Advice CHN37463*, 22 October.
7. *Implementation Rules on the Law of the People's Republic of China on Administration of Exit and Entry of Citizens (Amended in 2006)* 1994 (Approved by the State Council on December 3, 1986, and Promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications on December 26, 1986, approved for amendment by the State Council on July 13, 1994, and promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications on July 15, 1994), iSinoLaw http://www.isinolaw.com/isinolaw/english/detail.jsp?searchword=catalog%3D0+and+isenglish%3E%3D1&channelid=77206&record=7&iscatalog=1&statutes_id=10024498&skind=110 – Accessed 5 November 2010.
8. Deleted.
9. Deleted.
10. Deleted.