

Rules for the Implementation of the Law of the People's Republic of China Governing the Administration of Entry and Exit of Foreigners

(Approved on December 3, 1986 by the State Council and Jointly Promulgated on December 27, 1986 by the Ministry of Public Security and the Ministry of Foreign Affairs)

CHAPTER I ENTRANCE

Article 1. Foreigners entering Chinese territory shall apply to Chinese diplomatic representative organs, consulates or other organs abroad authorized by the Ministry of Foreign Affairs for visas.

Foreigners holding letters or telegrams of invitation sent by authorized organizations in China and ordinary Passports issued by countries having diplomatic relations or official trade contacts with China and coming to China for the following emergency matters yet unable to apply for visas to the aforementioned Chinese organs stationed abroad in time may also apply to visa organs stationed at ports authorized by the Ministry of Public Security for visas:

- (1) Invited at the last moment by the Chinese side to attend trade fairs in China;
- (2) Invited to take part in tenders or officially sign economic and trade contracts in China;
- (3) Come to China according to contracts to supervise exports, import commodity inspection, or participate in examination and acceptance of contracts;
- (4) Invited to take part in installation of equipment or rush-repairing work;
- (5) Requested by the Chinese side to come to China for settlement of claims;
- (6) Invited to come to China to provide scientific and technological consultation;
- (7) New persons temporarily added or changed, as agreed upon by the Chinese side, to a group with visas already issued;
- (8) Come to China to see seriously ill patients or handle funeral matters;
- (9) Foreigners passing directly through Chinese territory yet unable to either make their exit with original airplanes within 24 hours or need to make their exit by other means of transport because of force majeure;
- (10) Other invited foreigners unable to apply for visas to the aforementioned Chinese organs stationed abroad in time and holding letters or telegrams sent by competent departments specified with consent for visa application at port of entry; Visa organs stationed at ports shall not accept visa applications requested by foreigners other than the above circumstances.

Article 2. Visa organs stationed at ports authorized by the Ministry of Public Security are located at the following ports; Beijing, Shanghai, Tianjing, Dalian, Fuzhou, Xiamen, Xi' an, Guilin, Hangzhou, Kunming, Guangzhou (Baiyun Airport), Shenzhen (Luohu, Shekou), and Zhuhai (Gongbei).

Article 3. As a rule, diplomatic visa, courtesy visa, service visa and ordinary visa shall be respectively issued to foreigners coming to China pursuant to their positions and the classification of their passports.

Article 4. When ordinary visas are issued, corresponding Chinese phonetic letters shall be marked on the visa in accordance with foreigners' reasons for applying for coming to China.

- (1) D-visa is issued to those coming to settle down in China;

- (2) Z-visa is issued to those coming to China for holding posts or for employment as well as to their relatives in company;
- (3) X-visa is issued to those coming to China to study, take refreshment courses, and do practical training for a period exceeding six months;
- (4) F-visa is issued to those invited to visit, investigate, lecture, do business, conduct scientific, technological and cultural exchanges, and take short-term refreshment courses and do practical training, etc. for period not exceeding six months;
- (5) L-visa is issued to those coming to China to travel, to visit relatives or entering China for other private matters. Such being the case, for those coming to China for travel in groups, a group visa can be accorded to groups containing more than 9 members;
- (6) G-visa is issued to those passing directly through Chinese territory;
- (7) C-visa is issued to those attendants, crew, and seamen and their relatives in company on trains, airplanes, and vessels operating on international routes for performing their respective duties;

Article 5. Foreigners applying for visas are obligated to answer related questions, if asked, and go through the following procedures:

- (1) Show valid passports or documents sufficient enough as substitutes for passports;
- (2) Fill in visa application forms and hand in a recently taken, half-length, bareheaded, full-faced photo with a size of 2.5 inches;
- (3) Submit for inspection such documents as related to application for entry and transit visas.

Article 6. The documents as mentioned in Item 3 under Article 5 of this Implementation Rules are referred to as follows:

- (1) Those applying for D-visa must hold confirmed forms of identity of settlement, which can be obtained by applicants themselves or their relatives in China entrusted by applicants from departments in charge of administration of exit and entry under the municipal or county public security bureau located in places where they apply to settle;
- (2) Those applying for Z-visa must hold documents concerning invitation for posts or invitation for employment issued by Chinese inviting organizations, or letters or telegrams sent by authorized organizations;
- (3) Those applying for X-visa must hold documents issued by accepting organizations or competent organs;
- (4) Those applying for F-visa must hold letters or telegrams sent by authorized organizations;
- (5) Those applying for L-visa and coming to China for travel must hold documents for reception issued by Chinese travel services;
- (6) Those applying for G-visa must hold visas issued by the countries (districts) where they head for. Should applicants be exempted from such visas, they must hold valid through-tickets;
- (7) Those applying for C-visa must present related documents in accordance with agreements. Foreigners coming to settle down or reside in China for over one year must submit for inspection the health certificates issued by such health and medical departments as appointed by government of the applicants' country, or the notarized health certificates issued by health and medical departments. Health certificates are valid for six months from the date of issuance.

Article 7. The following foreigners are prohibited from entering Chinese territory:

- (1) Those expelled by the Chinese Government and still falling short of the prohibition limit for re-entering Chinese territory;
- (2) Those regarded as possibly being engaged in terrorist, violent, and subversive activities after entering Chinese territory;
- (3) Those considered as possibly being engaged in activities of smuggling, drug-traffic, and Prostitution after entering Chinese territory;
- (4) Those suffering from infectious diseases such as mental disease, leprosy, Acquired Immune Deficiency Syndrome (AIDS), venereal disease, and open pulmonary tuberculosis,

etc.;

- (5) Those unable to support themselves with enough expenses needed while in China;
(6) Those regarded as possibly conducting other activities detrimental to the state security and interests of China after entering Chinese territory.

Article 8. Foreigners traveling with through-tickets and booked seats on international flight passing directly through Chinese territory, which necessitates a stay at and in the airport for a period of time no longer than 24 hours, shall be exempt from transit visa. Those requesting a temporary exit from the airport shall apply to frontier inspection organs for permission to stay.

Article 9. During the stay of vessels operating on international routes at Chinese ports, should foreign seamen and their relatives in company request for landing, those confining themselves within bounds of port cities shall apply to frontier inspection organs for landing permits, while those requesting lodging on land shall apply to frontier inspection organs for lodging permits. Those requesting traveling to other places that port cities with justifiable reasons or those unable to leave Chinese territory with original vessels shall apply to local public security bureau for appropriate visas.

CHAPTER II INSPECTION OF ENTRY AND EXIT CERTIFICATES

Article 10. Foreigners arriving at Chinese ports must hand in for inspection their valid passports, visas and documents issued by Chinese organs to frontier inspection stations, and fill in entry/exit forms. They are not allowed to enter Chinese territory unless the aforementioned documents and forms are affixed by frontier inspection stations after examination and verification.

Article 11. When foreign airplanes or vessels arrive at Chinese ports, persons in charge of these means are bound for the following responsibilities:
(1) Captains of airplanes and vessels or their agents must submit to frontier inspection organs the crew list, the list of seamen and the passenger list;
(2) Report to frontier inspection stations at once attempts of illegal boundary-crossing, if any, and wait for further instruction;
(3) Be held responsible for taking back those prohibited from entering Chinese territory with the original means of transport, and responsible for living expenses covering their stay in China and travel expenses on their way back for those prohibited from entering Chinese territory yet unable to make their exit immediately because of force majeure.

Article 12. Frontier inspection stations shall have the right to prevent the following foreigners from entering or leaving Chinese territory:
(1) Those without valid passports, documents or visas;
(2) Those holding forged, altered passports and documents, or those of other persons;
(3) Those refusing submission of documents for inspection;
(4) Those notified by the Ministry of Public Security or the Ministry of State Security not to enter or leave Chinese territory.

Article 13. Foreigners leaving China must hand in for inspection their valid passports or other valid documents as well as visas permitting their stay in China or residence permits.

Article 14. Foreigners and their means of transport, the entry or exit of which are designated by visa organs must enter and leave China through such ports.

Article 15. For foreigners prohibited from entering Chinese territory as listed under Article 12 of this Implementation Rules, frontier inspection stations may take necessary measures to restrict the scope of their activities and order them to make their exit by the earliest means of transport available, should they not be brought back by the original means of transport.

Article 16. Foreigners holding D-visa, Z-visa and X-visa must approach municipal or county public security bureau, located in places where they reside for foreigners' residence permits or temporary foreigners' residence permits within ten days from the date of their entrance. The validity period of the aforementioned residence permits means the period of time allowed for bearers of such permits to reside in China. Foreigners' residence permits shall be issued to those residing in China for one year or more.

Temporary foreigners' residence permits shall be issued to those residing in China for less than a year. Foreigners holding F-visa, L-visa, G-visa and C-visa can stay in China within time limit specified on visas without applying for residence permits.

Article 17. Foreigners applying for residence permits are obligated to answer related questions, if asked, and go through the following procedures:
(1) Hand in for inspection passports, visas and documents related to residence matters;
(2) Fill in residence application forms;
(3) Those applying for foreigners' residence permits shall also submit for inspection health certificates and a recently taken, half-length, bareheaded, full-faced photo with a size of 2.5 inches.

Article 18. The validity period of foreigners' residence permits may run from one year to five years, which shall be decided by municipal and county public security bureaux pursuant to applicants' reasons for residence. Public security organs can accord documents for qualification of long-term residence ranging from one year to five years to foreigners in conformity with stipulations under Article 14 of the law of the People's Republic of China Governing the Administration of Entry and Exit of Foreigners; in addition, foreigners mentioned above with outstanding achievements can be granted documents for qualification of permanent residence.

Article 19. Foreigners eligible for visa exemption in accordance with agreements signed between the Chinese Government and foreign governments and requiring a stay in China for more than 30 days shall apply for residence documents in accordance with provisions under Article 16 and 17 of this Implementation Rules upon their arrival in China. However, the two Article previously mentioned are not applicable to those foreigners subject to provisions under Article 34 of the Law of the People's Republic of China Governing the Administration of Entry and Exit of Foreigners.

Article 20. Foreigners requiring prolonged stay or residence in China after expiration of the validity period of their visas or residence documents shall apply for extension of their visas or residence documents before expiration of the validity period.

Should foreigners be found to suffer from such diseases as specified in Item 4 under Article 7 of this Implementation Rules during their stay in China, competent Chinese health organs can submit the matter to public security organs to order such foreigners to make their exit ahead of schedule.

Article 21. Should any changes occur to the contents previously filled out (items such as name, nationality, profession position, place of work, or present address, passport number, and children in company, etc.) on foreigners' residence permits, bearers of permits must approach public security bureaux located in places where they reside for registration of

change within ten days.

Article 22. Bearers of foreigners' residence permits moving out of municipalities, counties in which they reside must go through residence-changing formalities with public security bureaux located in places where they domicile before move-out, and shall register with public security bureau located in places where they move in within ten days after arrival. When foreigners settling down in China change their residence, they shall apply to public security bureaux in places where they move in for certifications of permission beforehand, and shall, with this certification, go through residence-changing formalities in accordance with provisions stated above.

Article 23. Due to consideration for safeguarding the state security, social order and other public interests, municipal and county public security bureaux can restrict foreigners or foreign organizations in establishing residences or offices in certain places. Those with residence or offices already established in restricted places mentioned above must move to permitted areas within time limit specified in residence-changing notices by municipal and county public security bureaux.

Article 24. Foreigners settling down in China must hand in for inspection their foreigners' residence permits within prescribed time limit to local public security bureaux once a year. Public security bureaux may, when they deem necessary, inform foreigners to submit for inspection their foreigners' residence permits to departments in charge of administration of exit and entry. Under this circumstance, foreigners concerned shall present their permits for inspection within time limit specified in the notice.

Article 25. Foreigners aged at and over 16 residing or staying in China must bring their residence documents or passports with them so as to prepare themselves for inspection by policemen or policewomen in charge of foreign affairs.

Article 26. For foreign infants born in China, their parents or agents shall register with local public security bureaux and fulfil through registration procedures with birth certificates within one month after birth.

Article 27. For foreigners dead in China, their relatives, guardians or agents shall register with local public security bureaux with death certificates and hand in for cancellation of residence documents or visas of the deceased within three days. For foreigners dead abnormally, persons concerned or discoverers of such death shall immediately report the matter to public security organs.

Article 28. The competent organ of the Chinese Government mentioned under Article 19 of the the Law of People' s Republic of China Governing the Administration of Entry and Exit of Foreigners refers to the Ministry of Labor and Personnel of the People' s Republic of China.

CHAPTER IV LODGING REGISTRATION

Article 29. Foreigners lodging in such Chinese enterprises, institutions as guest houses, hotels, reception centers, and schools, etc. or in departments and organizations, as well as other Chinese establishments shall present their valid passports or residence documents and fill in temporary lodging registration forms. In addition, foreigners shall present their travel permits in places unopened to foreigners.

Article 30. When foreigners lodge in homes of Chinese citizens, either the foreign lodgers in

person or persons providing lodging must register with local public security organs and fill in temporary lodging registration forms with passports, documents of foreign lodgers and residence booklets of such persons providing lodging within 24 hours after arrival in the circumstance of towns; or register with local public security stations or household registration offices within 72 hours in the circumstance of the countryside.

Article 31. When foreigners lodge in foreign establishments located in China or homes of foreigners residing in China, establishments and persons providing lodging or foreign lodgers in person must register with local public security organs and fill in temporary lodging registration forms with passports or residence documents of foreign lodgers within 24 hours after their arrival.

Article 32. When foreigners residing in China over a long period of time leave their residence to take temporary lodging in other places, they shall go through lodging registration procedures in accordance with provisions under Articles 29, 30 and 31 of this Implementation Rules.

Article 33. When foreigners lodge temporarily in mobile lodging facilities, they must register with local public security organs within 24 hours. Such being the case, organizations or individuals providing parking places for such mobile lodging facilities shall register with local public security organs 24 hours before the arrival of such facilities.

CHAPTER

V

TRAVEL

Article 34. Foreigners travelling to municipalities and counties unopened to foreigners shall apply beforehand to public security bureaux located in places where they reside for travel permits, and may only travel to such places with applications approved. Foreigners applying for travel permits shall go through the following procedures:

- (1) Submit for inspection their passports or residence documents;
- (2) Present documents related to travel;
- (3) Fill in travel application forms.

Article 35. The longest time of validity for foreigners' travel permits is one year. However, it shall not exceed the validity period of visas and residence documents which foreigners hold.

Article 36. Should foreigners with travel permits granted require to extend the validity period of their permits, increase places of travel unopened to foreigners, and increase the number of persons in company, they shall apply to public security bureau for extension or change.

Article 37. Foreigners are prohibited from entering places unopened to foreigners without permission.

CHAPTER

VI

EXIT

Article 38. foreigners shall make their exit within the time limit prescribed on visas or validity period of residence documents.

Article 39. Should foreigners holding foreigners' residence documents make their exit and return to China within the validity period of their residence documents, they shall apply to local public security bureaux for visas granting their return to China before departure in accordance with relative provisions stipulated under Article 5 and 6 of this Implementation Rules.

Should foreigners holding residence documents leave China without return, they shall hand in

for cancellation their residence documents to frontier inspection station.

CHAPTER

VII

PENALTY

Article 40. Foreigners entering Chinese territory illegally shall be fined from 500 RMB Yuan to 2000 RMB Yuan or detained for a period of three to ten days; in addition, they can be forced to make their exit within prescribed time limit or expelled from Chinese territory. Those in gross violation constituting crimes shall be looked into in accordance with the criminal law.

Article 41. A fine 500 RMB Yuan to 2000 RMB Yuan or a detention ranging from three to ten days can be imposed on those in charge of means of transport or those as agents for such means of transport violating provisions under Article 11 of this Implementation Rules and refusing to bear responsibilities.

Article 42. Such penalties as a warning, a fine of 100 RMB Yuan to 500 RMB Yuan or a detention ranging from one to three days can be imposed on foreigners residing illegally or violating residence administration provisions as stipulated under Articles 16, 19, 20, 21, 22, and 23 of this Implementation Rules; in addition, a forced exit within prescribed time limit can be imposed on those for grave violation.

Article 43. Such penalties as a warning or a fine of 20 RMB Yuan to 50 RMB Yuan can be imposed on those foreigners who do not hand in residence documents for inspection, fail to bring passports or residence documents on them, or refuse to submit documents for inspection, as required, by policemen or policewomen in charge of foreign affairs in accordance with provisions under Articles 24 and 25 of this Implementation Rules; in addition, a forced exit within prescribed time limit can be imposed on those for grave violation.

Article 44. A fine of 200 RMB Yuan to 1000 RMB Yuan can be imposed, in addition to cancellation of their posts or employment, on foreigners holding posts or obtaining employment without approval by the Ministry of Labor and Personnel of the People's Republic of China; in addition, a forced exit within prescribed time limit can be imposed on those for grave violation.

Article 45. Such penalties as a warning, or a fine of 10 RMB Yuan to 50 RMB Yuan can be imposed on those violating provisions under Chapter IV of this Implementation Rules, failing to go through lodging registration procedures or register with public security organs for lodging registration, or providing lodging for foreigners without valid documents.

Article 46. Such penalties as a warning or a fine of 30 RMB Yuan to 100 RMB Yuan can be imposed on foreigners violating provisions under Articles 34, 36 and 37 of this Implementation Rules, and travelling to places unopened to foreigners without approval; in addition, a forced exit within prescribed time limit can be imposed on those for grave violation.

Article 47. Such penalties as a fine of 500 RMB Yuan to 200 RMB Yuan, or detention ranging from three to ten days, or a forced exit within prescribed time limit, in addition to the cancellation or confiscation of original visas and documents, can be imposed on foreigners forging, altering, holding and using documents of other persons', and transferring visas and documents. Those in gross violation constituting crimes shall be looked into in accordance with the criminal law.

Article 48. Nonobedience of the Law of the People's Republic of China Governing the

Administration of Entry and Exit of Foreigners and this Implementation Rules due to force majeure can be exempted from penalty. Should foreigners subject to penalties be unable to pay for a fine, a detention can be imposed instead.

Article 49. The various penalties such as fines and detention stipulated under this Chapter are also applicable to those responsible for assisting foreigners in entering and leaving Chinese territory illegally, making possible foreigners' illegal residence or stay, employing foreigners who seek private employment without approval, and facilitating foreigners without valid travel permits to travel to places unopened to foreigners.

Article 50. Those receiving such penalties as fines and detention from public security organs yet pleading non guilty can file appeals, within 15 days from the date of receipt of the notice, either to the original ruling organs or to the public security organs at an immediate higher level which shall make the final verdict within three days from the date of receipt of the appeal. Those mentioned above can also bring a suit in the local People' s Court directly.

Article 51. Penalties as listed under this Chapter shall be executed by public security organs.

CHAPTER VIII OTHER PROVISIONS

Article 52. foreigners applying for extension or change of various visas, or documents shall go through the following procedures:

- (1) Submit for inspection passports, visas, and documents;
- (2) Fill in application forms for extension or application forms for change;
- (3) Present certifications related to such matters as extension or change.

Article 53. Foreigners applying for various visas and documents, or for extension and change of visas and documents must pay for charges for visas and documents pursuant to regulations.

The charging standards for various visas and documents shall be formulated separately by the Ministry of Public Security and the Ministry of Foreign Affairs.

For those whose countries have agreements governing charges for visas with the Chinese Government, the relevant agreements shall be adhered to.

Article 54. When foreign children less than 16 years old using the same passports with their parents or their guardians come to China with their parents or guardians, they may not have to go through such procedures as entry, transit, residence and travel separately.

Article 55. Foreigners whose Chinese visas, documents are lost or damaged shall report to the departments in charge of administration of exit and entry under the local public security bureau immediately, and shall apply for reissue or change for new ones. Those whose residence permits are lost must declare cancellation of their permits in the local governmental newspapers.

Article 56. The forms of various visas, documents and application forms dealt with in this Implementation Rules shall be separately formulated by the Ministry of Public Security and the Ministry of Foreign Affairs.

Article 57. This Implementation Rules shall enter into force as of the date of promulgation.