

## **Decree of the State Council of the People's Republic of China**

No. 637

The Regulations of the People's Republic of China on Administration of the Entry and Exit of Foreigners, adopted at the 15th Executive Meeting of the State Council on July 3, 2013, are hereby promulgated and shall be effective from and after September 1, 2013.

Premier, Li Keqiang

July 12, 2013

### **Regulations of the People's Republic of China on Administration of the Entry and Exit of Foreigners**

#### **Chapter I General Provisions**

Article 1 These Regulations are formulated in accordance with the Exit and Entry Administration Law of the People's Republic of China (hereinafter referred to as the Exit and Entry Administration Law), for the purpose of regulating the issuance of visas and provision of services to, and administration of affairs of, foreigners who stay or reside within the territory of China.

Article 2 The State establishes a mechanism for coordinating the services and administration in respect of the entry and exit of foreigners, in order to improve the overall arrangement, coordination and cooperation in this field.

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may, where necessary, establish mechanisms for coordinating the services and administration in respect of the entry and exit of foreigners, in order to increase exchange of information and facilitate coordination and cooperation, and provide services and administration within their respective administrative regions.

Article 3 The Ministry of Public Security shall, in conjunction with the relevant departments of the State Council, establish a platform of information concerning the services and administration in respect of the entry and exit of foreigners in order to share information in this field.

Article 4 In issuing visas and in administering the stay and residence of foreigners within the territory of China, the Ministry of Foreign Affairs, the Ministry of Public Security and other departments of the State Council shall, on their portals and websites and at the places where exit or entry applications are accepted, make available the laws and regulations on the administration of the entry and exit of foreigners and other information that foreigners need to know.

#### **Chapter II Categories and Issuance of Visas**

Article 5 The scope and measures for issuance of diplomatic, courtesy and official visas shall be specified by the Ministry of Foreign Affairs.

Article 6 Ordinary visas are divided into the following categories and shall be marked with corresponding letters in the Chinese phonetic alphabet:

(1) The C visa is issued to crewmembers performing duties on board an international train, aircraft or vessel, and the accompanying family members of vessel crewmembers, and vehicle drivers engaged in international transportation services;

(2) The D visa is issued to persons who come to China for permanent residence;

(3) The F visa is issued to persons who come to China for exchanges, visits, study tours or other relevant activities;

(4) The G visa is issued to persons who transit through China;

(5) The J1 visa is issued to resident foreign journalists of permanent offices of foreign news agencies in China; the J2 visa is for foreign journalists who come to China for short-term news coverage;

(6) The L visa is issued to persons who come to China for travel; persons who come to China for group travel can be issued Group L visas;

(7) The M visa is issued to persons who come to China for commercial trade activities;

(8) The Q1 visa is issued to family members of Chinese citizens and family members of foreigners with permanent residence status in China who apply for residence in China for family reunion, as well as for persons who apply for residence in China for fosterage or other purposes; the Q2 visa is for relatives of Chinese citizens living in China, or relatives of foreigners with permanent residence status in China, who apply for a short-term visit;

(9) The R visa is issued to foreigners of high talent who are needed, or specialists who are urgently needed, by the State;

(10) The S1 visa is issued to the spouses, parents, children under the age of 18 or parents-in-law of foreigners residing in China for work, study or other purposes who apply for a long-term visit to China, as well as for persons who need to reside in China for other personal matters; the S2 visa is for family members of foreigners staying or residing in China for work, study or other purposes who apply for a short-term visit to China, as well as for persons who need to stay in China for other personal matters;

(11) The X1 visa is issued to persons who apply for long-term study in China; the X2 visa is for persons who apply for short-term study in China; and

(12) The Z visa is issued to persons who apply for work in China.

Article 7 A foreigner applying for a visa shall fill out the application form, and submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application.

(1) To apply for the C visa, the applicant shall submit the letter of guarantee provided by a foreign transportation company or the letter of invitation provided by the entity concerned in China;

(2) To apply for the D visa, the applicant shall submit the form issued by the Ministry of Public Security confirming his or her permanent residence status;

(3) To apply for the F visa, the applicant shall submit the invitation letter provided by the inviting party in China;

(4) To apply for the G visa, the applicant shall submit a through ticket (air, road, rail or sea) to another country or region with the date and seat number on it;

(5) To apply for the J1 or J2 visa, the applicant shall go through the formalities of examination and approval in accordance with the Chinese provisions on news coverage by permanent offices of foreign news agencies in China and by foreign journalists, and submit the relevant application material;

(6) To apply for the L visa, the applicant shall, as required, submit travel plans and itinerary and other material; in the case of a group tour, the applicant shall also submit the letter of invitation provided by the travel agency;

(7) To apply for the M visa, the applicant shall, as required, submit the letter of invitation provided by the commercial or trade partner in China;

(8) To apply for the Q1 visa, in the case of applying for residence in China for family reunion,

the applicant shall submit the invitation letter provided by the Chinese citizen living in China or by the foreigner with permanent residence status in China and proof of family relationship; and in the case of applying for entry for fosterage or other purposes, the applicant shall submit such certification documents as a power of attorney; to apply for the Q2 visa, the applicant shall submit such certification documents as the letter of invitation provided by the Chinese citizen living in China or by the foreigner with permanent residence status in China;

(9) To apply for the R visa, the applicant shall meet the qualifications and requirements set by the competent authorities of the Chinese government for inviting persons of high talent or urgently needed specialists, and the applicant shall, in accordance with relevant provisions, submit the relevant certification documents;

(10) To apply for the S1 or S2 visa, the applicant shall, as required, submit the invitation letter provided by the foreigner staying or residing in China for work, study or other purposes and proof of family relationship, or the certification documents required for dealing with personal matters in China;

(11) To apply for the X1 visa, the applicant shall, in accordance with relevant provisions, submit the admission notice issued by the admission institution and the certification documents provided by the competent authority; to apply for the X2 visa, the applicant shall, in accordance with relevant provisions, submit such certification documents as the admission notice issued by the admission institution; and

(12) To apply for the Z visa, the applicant shall, in accordance with relevant provisions, submit the work permit and other certification documents.

The visa authority may, in light of specific cases, require a foreigner to submit additional application material.

Article 8 In one of the following circumstances, a foreigner shall be interviewed as required by the visa authority abroad:

(1) The applicant applies for entry into China for residence;

(2) Information about the applicant's personal identity or his or her purpose of entry requires further verification;

(3) The applicant has a record of being denied entry into China or ordered to exit China within the prescribed time limit; or

(4) Other circumstances where an interview is necessary.

Where the visa authority abroad requires relevant departments or entities in China to help with the verification of relevant information, the latter shall cooperate.

Article 9 Where the visa authority, upon examination, deems the applicant to be eligible for being issued a visa, it shall issue to the applicant the appropriate category of visa. Where the applicant needs to obtain a residence permit after entry, the visa authority shall specify on the visa the time limit for applying for such permit after entry.

### Chapter III Administration of Stay and Residence

Article 10 Where, after entry with a visa, a foreigner changes his or her purpose of stay or is granted entry conveniences in accordance with relevant provisions of the State, or where a foreigner starts using a new passport or needs to stay separately from his or her tour group after entering China with a group visa due to objective reasons, the applicant may apply to the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the place of his or her stay for a change of visa.

Article 11 Where the visa of a foreigner in China is lost, damaged, destroyed, stolen or robbed, the applicant shall, in a timely manner, apply to the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the place of his or her stay for reissuance of the visa.

Article 12 To apply for extension, change or reissuance of a visa, or for a stay permit, a foreigner shall fill out an application form and submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application.

Article 13 Where a foreigner's application for extension, change or reissuance of a visa, or for a stay permit, meets the acceptance provisions, the exit and entry administration authority of the public security organ shall issue a receipt of acceptance valid for a period of time not exceeding 7 days, and make a decision on whether to issue the visa within the validity period of the receipt of acceptance.

Where the procedures followed or material submitted by a foreigner for extension, change, or reissuance of a visa or for issuance of a stay permit does not conform to relevant provisions, the exit and entry administration authority of the public security organ shall, in a one-off manner, notify the applicant of the procedure(s) to be followed and the material to be supplemented and corrected.

During the period of time when the applicant's passport or other international travel documents are retained for processing his or her application for a visa or permit, the applicant may stay in China legally on the strength of the receipt of acceptance.

Article 14 The decision made by the exit and entry administration authority of the public security organ to extend the duration of stay specified in a visa is only valid for the current entry and does not affect the number of entries or the validity period of the entry specified in the visa. However, the total period of extension shall not exceed the original duration of stay specified in the visa.

When the duration of stay specified in the visa is extended, a foreigner shall adhere to the purpose specified in the original visa and stay within the extended duration of stay.

Article 15 Residence permits are divided into the following types:

- (1) The residence permit for work is issued to persons who work in China;
- (2) The residence permit for study is issued to persons who pursue long-term studies in China;
- (3) The residence permit for journalists is issued to resident foreign journalists of permanent offices of foreign news agencies in China;
- (4) The residence permit for reunion is issued to family members of Chinese citizens and family members of foreigners with permanent residence status in China who need to reside in China for family reunion, and to persons who need to reside in China for fosterage or other purposes; and
- (5) The residence permit for personal matters is issued to spouses, parents, children under the age of 18 or parents-in-law of foreigners residing in China for work, study or other purposes, who apply for long-term visit to China, as well as for persons who need to reside in China for other personal matters.

Article 16 A foreigner applying for a residence permit shall submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application, go through the relevant formalities in person with the exit and entry administration

authority of the public security organ of the local people's government at or above the county level in the proposed places of his or her residence, and provide biometric identification information such as fingerprints thereto.

(1) To apply for a residence permit for work, the applicant shall submit such certification documents as a work permit; in the case of a person of high talent who is needed or, a specialist who is urgently needed, by the State, the applicant shall submit relevant certification documents in accordance with relevant provisions;

(2) To apply for a residence permit for study, the applicant shall, in accordance with relevant provisions, submit such certification documents as a letter indicating the duration of study provided by the admission institution;

(3) To apply for a residence permit for journalists, the applicant shall submit the letter provided and the Press Card issued by the competent department;

(4) To apply for a residence permit for reunion, the applicant shall submit proof of family relationship and certification documents relating to the purpose of application; if the applicant needs to reside in China for fosterage or other purposes, he or she shall submit such certification documents as a power of attorney; and

(5) To apply for a residence permit for personal matters, in the case of a long-term visit, the applicant shall, as required, submit such certification documents as proof of kinship and the residence permit of the foreigner to be visited; to apply for entry to deal with personal matters, the applicant shall submit the documents certifying the need to reside in China.

When applying for a residence permit valid for more than 1 year, a foreigner shall, in accordance with relevant provisions, submit his or her health certificate. A health certificate is valid for six months beginning from the date of issue.

Article 17 To apply for extension, change or reissuance of a residence permit, a foreigner shall fill out an application form and submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application.

Article 18 Where a foreigner's application for a residence permit or for extension, change or reissuance of a residence permit meets the acceptance provisions, the exit and entry administration authority of the public security organ shall issue a receipt of acceptance valid for a period not exceeding 15 days, and make a decision on whether to issue the visa within the validity period of the receipt of acceptance.

Where the procedures followed or material submitted by a foreigner for a residence permit or for extension, change or reissuance of a residence permit does not conform to relevant provisions, the exit/entry administration authority of the public security organ shall, in a one-off manner, notify the applicant of the procedure(s) to be followed and the material to be supplemented and corrected.

During the period of time when the applicant's passport or other international travel documents are retained for processing his or her application for a residence permit, the applicant may reside in China legally on the strength of the receipt of acceptance.

Article 19 In one of the following circumstances, the inviting entity or individual, the relative of the applicant or the specialized service agency concerned may apply for extension, change or reissuance of a visa or residence permit, or apply for a stay permit on behalf of the applicant:

(1) The applicant is under the age of 16 or over the age of 60 or it would unduly inconvenience the applicant due to illness or other reasons;

(2) The applicant's current entry is not his or her first entry into China and the applicant has a good record of stay or residence in China; or

(3) The inviting entity or individual has guaranteed to cover the necessary expenses of the applicant incurred in China.

If the applicant is a person of high talent who is needed, or a specialist who is urgently needed, by the State, or is in the circumstance prescribed by subparagraph (1) of the preceding paragraph, the inviting entity or individual, the relative of the applicant or the specialized service agency concerned may apply for a residence permit on his or her behalf.

Article 20 The exit and entry administration authority of the public security organ may verify the purpose of application through such means as interview, telephone inquiry and on-the-spot investigation, and the applicant as well as the entity or individual that has provided the letter of invitation or certification documents shall cooperate.

Article 21 In one of the following circumstances, the exit and entry administration authority of the public security organ shall not approve the application for extension, change or reissuance of a visa or residence permit, or the application for a stay permit, submitted by a foreigner:

(1) The applicant fails to provide material supporting his or her application in accordance with relevant provisions;

(2) The applicant has knowingly falsified information in the application process;

(3) The applicant is not eligible for staying or residing in China due to violation of relevant Chinese laws or administrative regulations; or

(4) Other circumstances where it is not appropriate to approve the applicant's application for extension, change or reissuance of a visa or residence permit, or for issuance of a stay permit.

Article 22 Where a foreigner holding a residence permit for study intends to engage in off-campus work-study or internship, he or she shall, upon the approval of the school, apply to the exit and entry administration authority of the public security organ to have such information as the location and duration of the work-study program or internship placement specified in his or her residence permit.

A foreigner holding a residence permit for study shall not engage in any off-campus work-study or internship unless the information prescribed in the preceding paragraph is specified in his or her residence permit.

Article 23 A foreigner who does not hold a valid passport or other international travel documents due to loss, damage, destruction, theft, robbery or other reasons and cannot get the said passport or documents reissued by the relevant institution of his own country stationed in China may apply for exit formalities to the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the place of his or her stay or residence.

Article 24 A foreigner whose area of stay is specified in his exit and entry documents or a foreigner who is approved temporary entry into China with restrictions on area of stay by the exit and entry border inspection authority shall stay in the specified or restricted area.

Article 25 In one of the following circumstances, a foreigner shall be deemed to be residing in China illegally:

(1) The applicant's stay or residence exceeds the duration specified in his or her visa, stay permit or residence permit;

(2) The applicant overstays the visa-free period and fails to obtain a stay permit or residence

permit;

(3) The activities of the applicant go beyond the restricted area of stay or residence; or

(4) Other circumstances where foreigners reside illegally.

Article 26 Upon discovery of one of the following circumstances, the entity that employs a foreigner or admits a foreign student shall, in a timely manner, report to the exit and entry administration authority of the public security organ of the local people's government at or above the county level:

(1) A foreigner employed resigns or changes employment location;

(2) A foreign student admitted has graduated, completed his or her course(s) or study, has quit school, or has left the school ungraduated;

(3) A foreigner employed or a foreign student admitted violates the provisions on administration of exit and entry; or

(4) A foreigner employed or a foreign student admitted dies, disappears or other serious circumstances arise.

Article 27 Where necessary, finance, education, medical, telecommunications or other entities may, for business purposes, apply to the exit and entry administration authority of the public security organ for verifying the information of a foreigner's identity.

Article 28 The stay or residence permits for foreigners who need to stay or reside in China for diplomatic or official purposes shall be issued and administered in accordance with the provisions of the Ministry of Foreign Affairs.

#### Chapter V Investigation and Repatriation

Article 29 Public security organs may establish places for repatriation in light of actual needs.

A foreigner who is to be detained for investigation in accordance with the provisions of Article 60 of the Exit and Entry Administration Law shall be sent to a detention house or a place of repatriation within 24 hours of his or her detention.

Where, a foreigner cannot be repatriated or deported immediately due to weather, his or her health or other reasons, he or she shall be detained in a detention house or a place of repatriation with relevant legal instruments.

Article 30 Where a foreigner's scope of activities is to be restricted in accordance with the provisions of Article 61 of the Exit and Entry Administration Law, a written decision on such restriction(s) shall be issued. The foreigner subject to the restriction(s) shall report to the public security organ at the designated time and, without approval of the decision-making organ, he or she shall not change his living residence or leave the restricted area.

Article 31 Where a foreigner is to be repatriated in accordance with the provisions of Article 62 of the Exit and Entry Administration Law, the organ that makes the decision on his or her repatriation shall, in accordance with law, decide on the specific duration of time in which the said foreigner shall not be allowed to enter China.

Article 32 A foreigner who is subject to repatriation shall bear the related expenses. If he or she is not able to do so, the entity or individual that employed him or her shall bear the expenses in the case of illegal employment; in other circumstances, the entity or individual that has guaranteed to cover the expenses of the foreigner during his or her stay or residence in China shall bear the expenses.

Repatriation of foreigners shall be carried out by the public security organs of the local people's governments at or above the county level or the exit and entry border inspection

authorities.

Article 33 Where it is decided that a foreigner will exit China within a certain time limit, the decision-making authority shall, after cancelling or confiscating his or her original exit and entry documents, go through the formalities for his or her stay in China and set the time limit for his or her exit. The time limit shall not exceed 15 days.

Article 34 In one of the following circumstances, the visa, stay permit or residence permit held by a foreigner shall be declared null and void by the issuing authority:

(1) His or her visa, stay permit or residence permit is lost, damaged, destroyed, stolen or robbed;

(2) The time limit for his or her exit, repatriation or deportation from China has been decided, and his or her visa, stay permit or residence permit has not been confiscated or cancelled;

(3) The original purpose of residence has been changed, but he or she fails to report to the exit and entry administration authority of the public security organ within the prescribed time limit and fails to do so even after the said organ has given a public notice thereon; or

(4) Circumstances in which a visa or residence permit shall not be issued as prescribed by the provisions of Article 21 or Article 31 of the Exit and Entry Administration Law.

Where the issuing authority is to declare a visa, stay permit or residence permit null and void in accordance with law, it may do so on the spot or through a public notice.

Article 35 In one of the following circumstances, the visa, stay permit or residence permit held by a foreigner shall be cancelled or confiscated by a public security organ:

(1) The issuing authority declares it null and void, or it is being used fraudulently by someone else;

(2) It is forged, altered, or obtained by fraud or other illegal means; or

(3) The holder has been decided on a time for exit, repatriation or deportation from China.

The authority that makes a decision on cancellation or confiscation of a visa, stay permit or residence permit shall, in a timely manner, notify the issuing authority.

#### Chapter V Supplementary Provisions

Article 36 Meaning of terms in these Regulations:

(1) The number of entries specified in the visa means the number of times that the visa holder may enter China within the validity period of the entry specified in the visa;

(2) The validity period of the entry specified in the visa means the valid period of time during which the visa holder may enter China. Unless otherwise specified by the issuing authority, a visa is valid from the date of issuance until Beijing time 24:00 on the expiring day;

(3) The duration of stay specified in the visa means the period of time during which the visa holder is allowed to stay in China after each entry. It begins from the next day of entry;

(4) Short-term means staying in China for a period not exceeding 180 days (including 180 days); and

(5) Long-term or resident means residing in China for a period exceeding 180 days.

The period of time for examination and approval or the validity period of the receipt of acceptance of the exit and entry administration authority of the public security organ in these Regulations is calculated in terms of working days, excluding legal holidays.

Article 37 With the approval of the Ministry of Foreign Affairs, the visa authorities abroad may entrust local institutions with services, such as receiving of visa application material, data input and consultancy.



Article 38 The format of visas shall be prescribed by the Ministry of Foreign Affairs in conjunction with the Ministry of Public Security. The formats of stay permits and residence permits shall be prescribed by the Ministry of Public Security.

Article 39 These Regulations shall be effective as of September 1, 2013. The Rules on the Implementation of the Law of the People's Republic of China on the Entry and Exit of Aliens, approved by the State Council on December 3, 1986, promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on December 27, 1986, and revised by the State Council respectively on July 13, 1994 and April 24, 2010, shall be repealed simultaneously.