

Exit and Entry Administration Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1 — This Law is enacted in order to regulate exit-entry administration, safeguard the sovereignty, security and social order of the People’s Republic of China, and promote foreign exchanges and opening-up.

Article 2 — This Law shall apply to the administration of the exit and entry of Chinese citizens, the entry and exit of foreigners, the stay and residence of foreigners within the territory of China, and the exit-entry border inspection.

Article 3 — The state shall protect the lawful rights and interests of Chinese citizens in exit and entry.

The legitimate rights and interests of foreigners within the territory of China shall be protected by law. Foreigners within the territory of China shall abide by Chinese law and shall not endanger China's national security, harm its public interests, or disrupt its social and public order.

Article 4 — The Ministry of Public Security and the Ministry of Foreign Affairs shall, in accordance with their respective duties, be responsible for the administration of exit and entry matters.

The embassies and consulates of the People's Republic of China abroad, and other overseas institutions authorized by the Ministry of Foreign Affairs (hereinafter referred to as "overseas visa-issuing authorities") shall be responsible for the issuance of entry visas to foreigners abroad. The exit-entry border inspection authorities shall be responsible for carrying out exit-entry border inspections. The public security authorities under local people's governments at or above the county level and their exit-entry administration departments shall be responsible for the administration of the stay and residence of foreigners.

Article 5 — The state shall establish a uniform exit-entry administration information platform to enable information sharing among relevant departments.

Article 6 — The state shall set up exit-entry border inspection points at ports open to the outside world.

Chinese citizens, foreigners, and conveyances such as means of transport shall exit or enter China through ports open to the outside world, or through places designated by the State Council or by departments authorized by the State Council, subject to border inspection. Under special circumstances, Chinese citizens or foreigners may exit or enter China at places designated by the State Council or by departments authorized by the State Council upon completion of exit or entry procedures.

Article 7 — Exit-entry authorities, including the Ministry of Foreign Affairs and overseas visa-issuing authorities, may charge fees in accordance with the law for issuance of visas and other exit-entry documents. The items and standards of fees collected shall be prescribed by the State Council departments in charge of pricing and finance in conjunction with the Ministry of Public Security and the Ministry of Foreign Affairs.

Chapter II — Exit and Entry of Chinese Citizens

Article 8 — Unless their exit is restricted under the provisions of Article 9 of this Law, Chinese citizens may exit or enter China using passports or other travel documents issued by the Ministry of Foreign Affairs or overseas visa-issuing authorities, or by the Ministry of Public Security or its authorized local public security authorities.

Seafarers working on foreign-going ships may use their seaman's papers to exit or enter China.

Article 9 — Chinese citizens shall not be permitted to exit China under any of the following circumstances:

(1) having not possessed a valid exit-entry document, or having refused or evaded border inspection; (2) having been sentenced to a criminal punishment that has not been fully executed, or being a criminal suspect or defendant; (3) having an unresolved civil case and a people's court has decided to prevent exit; (4) having been subjected to administrative compulsory measures such as criminal detention or rehabilitation through labor that are still in effect; (5) other circumstances where exit may be refused as prescribed by laws or administrative regulations.

Chapter III — Entry and Exit of Foreigners

Article 10 — Foreigners entering China shall apply for a visa to the overseas visa-issuing authorities in accordance with the law, except as otherwise provided by this Law.

Article 11 — Foreigners entering China shall submit their passports, other international travel documents, visas, or other entry permits to the exit-entry border inspection authorities for examination. After examination and approval, foreigners may enter China.

Article 12 — Foreigners shall not be permitted to enter China under any of the following circumstances:

(1) having not possessed a valid exit-entry document, or having refused or evaded border inspection; (2) having been subjected to expulsion or repatriation, and the period during which entry is not permitted has not expired; (3) their entry may endanger China's national security or interests, or disrupt social and public order, or involve other illegal or criminal activities; (4) having submitted false information when applying for a visa or other exit-entry documents; (5) having illegally entered, stayed or resided, or illegally worked in China; (6) other circumstances where entry may be refused as prescribed by laws or administrative regulations.

Article 13 — Foreigners shall not be permitted to exit China under any of the following circumstances:

(1) having been sentenced to a criminal punishment that has not been fully executed, or being a criminal suspect or defendant, except where transferred in accordance with relevant agreements between China and other countries; (2) having an unresolved civil case and a people's court has decided to prevent exit; (3) having defaulted on payment of labor remuneration and therefore been subjected to a decision by the relevant department of the State Council or of the people's government of a province, autonomous region or municipality directly under the central government prohibiting exit; (4) other circumstances where exit may be refused as prescribed by laws or administrative regulations.

Article 14 — Foreigners who intend to serve as crew members on conveyances exiting or entering China and need to leave the conveyance at the port, or foreign crew members who need to transit within the territory of China, shall apply to the exit-entry border inspection authorities for a temporary entry permit.

Article 15 — Where foreigners entering China need to enter the country under emergency circumstances, they may apply to the exit-entry border inspection authorities for a port visa. The specific measures shall be formulated by the Ministry of Public Security in conjunction with the Ministry of Foreign Affairs.

Article 16 — Foreigners whose applications for visa, stay or residence permit, extension, or reissuance have been denied, or whose stay or residence permit has been revoked, may apply for administrative reconsideration or bring an administrative lawsuit if they are dissatisfied with the decision.

Chapter IV — Stay and Residence of Foreigners

Article 17 — Foreigners staying or residing within the territory of China shall, in accordance with the law, obtain a stay permit or residence permit.

Article 18 — Where the period of stay specified in a visa held by a foreigner is less than 180 days, the holder may stay in China for the period specified in the visa.

Where the period of stay specified in a visa exceeds 180 days, the holder shall, within 30 days from the date of entry, apply to the exit-entry administration department of the public security authority under the local people's government at or above the county level in the place of intended residence for a residence permit for foreigners.

Article 19 — Foreigners who have applied for a residence permit shall submit their passports or other international travel documents and relevant documents of application, and undergo a physical examination at a public health institution. The exit-entry administration department of the public security authority shall issue a residence permit for foreigners within 15 days from the date of receipt of the application.

The validity period of a residence permit for foreigners shall be between 90 days and five years, to be determined by the exit-entry administration department of the public security authority based on the purpose of residence.

Article 20 — Where foreigners staying within the territory of China register their accommodation, they shall complete the registration formalities in accordance with the provisions.

Where foreigners reside or stay in hotels, the hotels shall register their accommodation.

Where foreigners reside or stay in places other than hotels, they or the persons with whom they stay shall, within 24 hours after arrival, register with the public security station in the place of residence.

Article 21 — Foreigners holding a residence permit for foreigners may reside in China for the validity period of the permit.

Foreigners holding a residence permit for foreigners who change the purpose of their residence, or who need to stay in China beyond the period allowed by their residence permit, shall apply for extension or change in accordance with the provisions.

Article 22 — Where foreigners holding a study-type residence permit for foreigners need to engage in off-campus work-study or internship, they shall obtain approval from the exit-entry administration department of the public security authority, and an annotation shall be added to their residence permit.

Article 23 — Where the passport or other international travel document of a foreigner holding a residence permit for foreigners is lost, damaged, stolen or robbed, the holder shall report to the exit-entry administration department of the public security authority and apply for reissuance.

Article 24 — Foreigners shall not be permitted to stay or reside in China under any of the following circumstances:

(1) having been expelled or repatriated before the expiration of the period during which entry is not permitted; (2) suffering from a serious mental illness, infectious pulmonary tuberculosis, or any other infectious disease that may seriously endanger public health; (3) being unable to cover the costs of their stay in China; (4) other circumstances where stay or residence shall not be permitted as prescribed by laws or administrative regulations.

Chapter V — Border Inspection

Article 25 — Conveyances exiting or entering China shall be subject to border inspection when they arrive at or depart from ports open to the outside world.

Article 26 — An operator of a conveyance that exits or enters China shall accurately declare to the exit-entry border inspection authorities the information on the crew members and passengers, and the conveyance's exit-entry itinerary. Where there are changes before the conveyance exits or enters China, the operator shall report the changes in a timely manner.

Article 27 — The person in charge of a conveyance that exits or enters China shall be the agent responsible for matters relating to exit-entry border inspection.

Article 28 — Where, after a conveyance that exits or enters China has completed border inspection for exit and before it actually exits, or after it has arrived at an entry port and before it completes border inspection for entry, a person enters or exits the conveyance or loads or unloads goods or articles without authorization, the person in charge shall report to the exit-entry border inspection authorities.

Chapter VI — Investigation and Repatriation

Article 29 — The public security authority may conduct face-to-face interviews with foreigners under any of the following circumstances:

(1) where there is reason to suspect that the applicant has committed any illegal or criminal act when applying for entry; (2) where there is reason to suspect that the applicant or the inviting entity or individual provides false information when applying for a visa or other exit-entry documents; (3) where the applicant

has a record of illegal entry, stay, residence, or illegal work in China; (4) other circumstances where an interview is necessary.

Article 30 — Where a foreigner engages in activities inconsistent with the purpose of stay or residence, or otherwise violates Chinese laws or regulations and is no longer suitable to stay or reside in China, the public security authority may order the foreigner to leave China within a specified time limit or repatriate the foreigner.

Article 31 — Where a foreigner is suspected of violating exit-entry administration laws and regulations, the public security authority may continue the investigation after detaining and questioning the foreigner in accordance with the law.

Where the exit-entry border inspection authorities discover that a foreigner falls under the circumstances specified in Article 12 or Article 24 of this Law, they may detain and question the foreigner in accordance with the law.

Article 32 — Where a foreigner has illegally entered, stayed, resided, or illegally worked in China, the public security authority may repatriate the foreigner, and the foreigner shall not be permitted to enter China for one to five years from the date of repatriation.

Article 33 — Where a foreigner who is repatriated fails to pay the costs of repatriation, the costs shall be borne by:

(1) the entity or individual that invited or guaranteed the foreigner if the insufficiency of funds results from the fault of such entity or individual; (2) the transport operator if the foreigner entered China by means of transport and the circumstances of illegal entry occurred during carriage.

Where repatriation expenses cannot be borne under the manners specified in the preceding paragraph, or cannot be paid in a timely manner, the government at the level at which the decision on repatriation is made shall bear the expenses.

Chapter VII — Legal Liability

Article 34 — Where a foreigner illegally enters China, the public security authority shall impose a fine of not less than 1,000 RMB and not more than 10,000 RMB; where the circumstances are serious, the foreigner shall be detained for not less than five days and not more than fifteen days, and may also be fined not less than 5,000 RMB and not more than 20,000 RMB.

Article 35 — Where a foreigner illegally stays or resides in China, a warning shall be given; where the circumstances are serious, a fine of 500 RMB for each day of illegal stay or residence shall be imposed, with the total amount not exceeding 10,000 RMB, or the foreigner shall be detained for not less than five days and not more than fifteen days.

Article 36 — Where a foreigner illegally works in China, a fine of not less than 5,000 RMB and not more than 20,000 RMB shall be imposed; where the circumstances are serious, the foreigner shall be detained for not less than five days and not more than fifteen days, and may also be fined not less than 5,000 RMB and not more than 20,000 RMB.

Where an entity or individual illegally employs a foreigner, a fine of 10,000 RMB for each illegally employed foreigner shall be imposed, with the total amount not exceeding 100,000 RMB. Illegal gains, if any, shall be confiscated.

Article 37 — Where a foreigner engaged in activities not corresponding to the purpose of stay or residence, the public security authority may impose a fine of not more than 2,000 RMB; where the circumstances are serious, the foreigner shall be ordered to leave China within a specified time limit or be repatriated.

Article 38 — Administrative penalties imposed in accordance with this Law may include an order to leave China within a specified time limit, repatriation, confiscation of illegal gains, and may also include a prohibition on entry.

Where a foreigner is repatriated, or is sentenced to a criminal punishment and has completed the sentence, and the period during which entry is not permitted has not expired, the foreigner shall not be permitted to enter China.

Article 39 — Where a Chinese citizen exits or enters China by fraudulently using another person's exit-entry documents, or by other fraudulent means, the public security authority may impose a fine of not more than 5,000 RMB; where the circumstances are serious, the citizen shall be detained for not less than five days and not more than ten days, and may also be fined not more than 5,000 RMB.

Article 40 — Where a transport operator fails to declare information in accordance with the provisions, the exit-entry border inspection authorities may impose a fine of not less than 10,000 RMB and not more than 50,000 RMB.

Chapter VIII — Supplementary Provisions

Article 41 — For the purposes of this Law:

(1) "Exit" means leaving the Chinese mainland for other countries or regions, or for the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or for the Taiwan region; (2) "Entry" means entering the Chinese mainland from other countries or regions, or from the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or from the Taiwan region; (3) "Foreigners" means persons who do not possess Chinese nationality.

Article 42 — The State Council shall formulate implementation regulations in accordance with this Law.

Article 43 — This Law shall take effect as of July 1, 2013. The Law of the People's Republic of China on the Administration of the Exit and Entry of Citizens adopted at the 13th Session of the Standing Committee of the Sixth National People's Congress on November 22, 1985, and the Law of the People's Republic of China on the Administration of the Entry and Exit of Foreigners adopted at the 13th Session of the Standing Committee of the Sixth National People's Congress on November 22, 1985, shall be repealed simultaneously.

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