Exit and Entry Administration Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating exit and entry administration, safeguarding the sovereignty, security, and social order of the People's Republic of China, and promoting international exchanges and opening to the outside world.

Article 2 — This Law shall apply to the exit and entry administration of Chinese citizens leaving or entering the border of the PRC, the entry of foreigners into the border of the PRC, their stay and residence within the territory of the PRC, the exit of foreigners from the border of the PRC, and the exit and entry border inspection of means of transport. Where the exit and entry administration of Chinese citizens, foreigners, and means of transport involves diplomatic and consular matters, this Law shall apply, unless otherwise provided by law.

Article 3 — The State shall protect the lawful rights and interests of Chinese citizens in exit and entry. The lawful rights and interests of foreigners within the territory of the PRC shall be protected by law. Foreigners within the territory of the PRC shall abide by Chinese laws and shall not endanger the national security of China, harm public interests, or disrupt social and public order.

Article 4 — The Ministry of Public Security and the Ministry of Foreign Affairs shall, in accordance with their respective functions, be responsible for the administration of exit and entry affairs. Diplomatic missions, consular posts, and other institutions stationed abroad entrusted by the Ministry of Foreign Affairs (hereinafter referred to as "institutions stationed abroad") shall be responsible for the issuance of entry visas and other entry and exit documents to foreigners abroad. The exit and entry border inspection authorities shall be responsible for the implementation of exit and entry border inspections. The public security authorities and the relevant departments of local people's governments at or above the county level shall, within the scope of their functions, be responsible for the administration of foreigners' stay and residence.

Article 5 — The State shall establish a unified exit and entry administration information platform to achieve information sharing among relevant administrative departments. The specific measures shall be formulated by the State Council.

Article 6 — The State shall establish exit and entry ports at locations open to the outside world and shall mark border lines and boundary markers. Exit and entry border inspection authorities shall be set up at exit and entry ports. Where an exit and entry port is the port of departure or entry, the exit and entry border inspection authorities shall carry out border inspection; where it is not the port of departure or entry, the exit and entry border inspection authorities may carry out border inspection, unless otherwise provided by the State Council.

Article 7 — Upon approval by the State Council, the Ministry of Public Security and the Ministry of Foreign Affairs may, based on the needs of exit and entry administration, place restrictions on the retention and use of fingerprints and other biometric identification information of persons exiting and entering the border. Where the relevant authorities of the State Council need to use biometric identification information, such use shall be subject to the relevant provisions on the protection of citizens' personal information.

Article 8 — Exit and entry border inspection authorities, public security authorities, and institutions stationed abroad shall strengthen cooperation in the field of exit and entry administration and may enter into cooperation agreements with the relevant authorities of the relevant countries or regions, subject to approval by the State Council.

Chapter II — Exit of Chinese Citizens

Article 9 — Chinese citizens leaving or entering the border of the PRC shall apply for passports or other travel documents in accordance with the law. Chinese citizens traveling to other countries or regions shall

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also obtain visas or other entry permits from the countries of destination, unless the Chinese government has entered into agreements on mutual visa exemption with the governments of other countries or unless otherwise provided by the Ministry of Public Security and the Ministry of Foreign Affairs. Chinese citizens leaving or entering the border of the PRC as seamen or working on foreign-going ships shall apply for seamen's certificates in accordance with the law.

Article 10 — Chinese citizens traveling between the mainland and the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or Chinese citizens traveling between the mainland and the Taiwan region, shall apply for travel permits in accordance with the law and shall abide by the relevant provisions of this Law. The specific administrative measures shall be formulated by the State Council.

Article 11 — Chinese citizens leaving or entering the border shall present their passports, other travel documents, or other exit and entry documents to the exit and entry border inspection authorities for inspection, and shall exit or enter the border through the designated passages after the required procedures have been completed. Qualified persons may exit or enter the border through self-service inspection passages.

Article 12 — Under any of the following circumstances, Chinese citizens shall not be permitted to leave the country: they do not hold valid exit and entry documents, or they refuse or evade border inspection; they are serving a criminal sentence, or their cases have not been concluded by the judicial authorities, unless otherwise provided by law; they have been sentenced to a criminal penalty that has not been completely executed, unless they have been granted parole or have served their sentence; they are defendants in civil cases where the people's court has decided that they shall not leave the country; they have been subjected to criminal compulsory measures for suspected crimes; or other circumstances where the relevant competent authorities under the State Council decide that they shall not leave the country.

Article 13 — Chinese citizens residing abroad who wish to return to China for permanent residence shall, before entering the country, apply to the institutions of the PRC stationed abroad or to the public security authorities within the territory of China entrusted by the Ministry of Public Security. They may also apply through their relatives in China or the local overseas Chinese affairs authorities.

Chapter III — Entry of Foreigners

Article 14 — Foreigners entering the PRC shall apply for visas to the institutions stationed abroad, unless otherwise provided by this Law. Foreigners entering the PRC shall present their passports, other international travel documents, visas, or other entry permits to the exit and entry border inspection authorities for inspection, and shall enter the country through the designated passages after the required procedures have been completed.

Article 15 — Visas are divided into diplomatic visas, courtesy visas, service visas, and ordinary visas. Diplomatic visas and courtesy visas shall be issued to foreigners entering or transiting through China for diplomatic or official purposes. Service visas shall be issued to foreigners entering or transiting through China on service-related matters. Ordinary visas shall be issued to foreigners entering China for non-diplomatic or non-official purposes, which shall be divided into corresponding categories and marked with the corresponding letters of the alphabet.

Article 16 — Foreigners applying for visas shall submit their passports or other international travel documents, fill in visa application forms, and submit photographs and other relevant application materials. Where visas are not issued, the reasons shall be stated.

Article 17 — The visa application forms and the relevant application materials submitted by foreigners shall be truthful and valid. Foreigners who apply for visas using false application materials or by other fraudulent means shall have their visas revoked or be refused visas.

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Article 18 — The items stated on a visa include the type of visa, the name, date of birth, and passport number of the holder, the number of permitted entries, the period of stay, the date of issue, the issuing authority, and the signature, among others. The issuing authority shall be responsible for the correctness of the items on a visa. The period of stay of a visa means the period during which the holder is permitted to stay within the territory of China after each entry. The validity period of a visa means the period during which the holder may enter China with a valid visa.

Article 19 — Where a foreigner applying for a visa needs to provide a written invitation issued by an entity or individual within the territory of China, the inviting entity or individual shall be responsible for the truthfulness of the content of the invitation. Where a foreigner provides a false invitation letter or uses a false invitation letter, the visa-issuing authority shall refuse to issue the visa or revoke the visa already issued and may impose a fine on the inviting entity or individual.

Article 20 — Port visas may be issued to foreigners entering China at ports designated by the State Council under any of the following circumstances: they are invited for emergency business at an ad hoc basis; they are invited to engage in engineering projects, technological guidance, or equipment installation or repair on an emergency basis; or they urgently need to enter China for other humanitarian or emergency reasons. The measures for the administration of port visas shall be formulated by the State Council.

Article 21 — Under any of the following circumstances, visas shall not be issued to foreigners: they have been deported from China, or their repatriation decision has not yet been executed, and the period of prohibition on entry has not yet expired; they suffer from serious mental illness, infectious pulmonary tuberculosis, or other infectious diseases that may pose a serious threat to public health; they may endanger the national security or interests of China, or disrupt social and public order, or engage in other illegal or criminal activities; they use false application materials or resort to other fraudulent means in the course of visa application; they cannot guarantee the payment of expenses required during their stay in China; or other circumstances where visa-issuing authorities consider that visas shall not be issued. Visa-issuing authorities shall not be required to state the reasons for not issuing visas.

Article 22 — Foreigners shall not enter China under any of the following circumstances: they do not hold valid exit and entry documents, or they refuse or evade border inspection; the circumstances specified in Items 1 through 4 of the first paragraph of Article 21 of this Law; or they may engage in activities inconsistent with the type of visa after entry. Exit and entry border inspection authorities shall not be required to state the reasons for prohibiting entry.

Article 23 — Foreigners who need to temporarily enter China under any of the following circumstances may apply to the exit and entry border inspection authorities for a temporary entry permit: they are invited to China for temporary business activities, such as exhibitions, trade fairs, and negotiations; they enter China temporarily for non-profit cultural or sports exchange activities; their means of transport need to temporarily stay in China due to emergency circumstances such as danger or malfunction, or they need to temporarily enter China due to emergency reasons; or other circumstances that urgently require temporary entry. The period of stay for a temporary entry permit shall not exceed 15 days.

Article 24 — Foreigners transiting through China without leaving the port, or transiting through China for a stay not exceeding the prescribed period in designated areas, may be exempted from visa requirements. Where a foreign crew member of an international navigation ship or aircraft and their accompanying family members need to leave the port city where the ship or aircraft docks, or a foreigner who has been granted a temporary entry permit leaves the area where the temporary entry is permitted, an application for a visa shall be made to the exit and entry border inspection authorities.

Chapter IV — Stay and Residence of Foreigners

Section 1 — Stay

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Article 25 — Where the period of stay of a foreigner in China as stated on the visa exceeds 180 days, the foreigner shall, within 30 days from the date of entry, 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 for a foreigner's residence permit. Where the period of stay stated on the visa does not exceed 180 days, the foreigner shall register with the exit and entry administration authority of the public security organ at their place of stay in accordance with the provisions.

Article 26 — A foreigner's residence permit shall be divided into the following types: a residence permit for work, issued to foreigners who work in China; a residence permit for study, issued to foreigners who study in China for a long term; a residence permit for journalists, issued to resident foreign journalists of foreign news agencies stationed in China; a residence permit for family reunion, issued to family members of Chinese citizens or foreigners holding permanent residence permits in China who need to reside in China for family reunion, and to foreigners who need to reside in China for foster care or other reasons; and a residence permit for personal matters, issued to foreigners who stay in China for a long term due to personal matters such as medical treatment or care for the elderly.

Article 27 — A foreigner applying for a residence permit shall submit their passport or other international travel documents, fill in the application form, submit their biometric identification information, and provide relevant certification materials. The exit and entry administration authority of the public security organ shall, within 15 days from the date of accepting the application, complete the examination and make a decision. Based on the purpose of residence, the authority shall issue the corresponding type of foreigner's residence permit in accordance with the provisions.

Article 28 — The validity period of a foreigner's residence permit for work shall be not less than 90 days and not more than five years. The validity period of a foreigner's residence permit for study shall be determined based on the period of study at the educational institution. The validity period of a foreigner's residence permit for family reunion shall be not less than 180 days and not more than five years. The validity period of a foreigner's residence permit for personal matters shall be not less than 180 days and not more than five years, unless otherwise provided by law or administrative regulations.

Article 29 — Where a foreigner holding a foreigner's residence permit changes their passport number, reason for residence, or other matters stated on the residence permit, they shall apply to the exit and entry administration authority of the public security organ at their place of residence for a change within 10 days from the date of the change. Where a foreigner's residence permit is damaged, lost, or stolen, stolen or lost, the foreigner shall apply to the exit and entry administration authority of the public security organ at their place of residence for a replacement or re-issuance.

Section 2 — Permanent Residence

Article 30 — Foreigners who have made outstanding contributions to China's economic and social development or who meet other conditions for permanent residence in China may apply for permanent residence upon their own application. The measures for the examination and approval of foreigners' permanent residence in China shall be formulated by the Ministry of Public Security in conjunction with the Ministry of Foreign Affairs and other relevant departments under the State Council.

Article 31 — The permanent residence permit for foreigners is a legal identity document for foreigners residing in China permanently. A foreigner holding a permanent residence permit may reside or work in China without the need to apply for a foreigner's residence permit or a foreigner's work permit. A foreigner holding a permanent residence permit shall abide by Chinese laws when entering or leaving the border of China, and their lawful rights and interests shall be protected by Chinese laws.

Section 3 — Reporting of Accommodation

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Article 32 — Where a foreigner stays at a hotel within the territory of China, the hotel shall register their accommodation in accordance with the provisions on the public security administration of the hotel industry and report the information on the foreigner's accommodation registration to the local public security organ. Where a foreigner resides or stays at a residence other than a hotel, they or the person providing the accommodation shall, within 24 hours after the foreigner's arrival at the place of residence or stay, register with the public security organ of the place of residence or stay.

Section 4 — Work of Foreigners

Article 33 — A foreigner working within the territory of China shall obtain a work permit and a work-type residence permit in accordance with the provisions. No entity or individual may employ a foreigner who has not obtained a work permit and a work-type residence permit. The measures for the administration of foreigners working in China shall be formulated by the State Council.

Article 34 — Foreigners in China shall not engage in any activity inconsistent with the purpose of their stay or residence as stated on their visa or residence permit. Foreigners in China shall present their passports or other international travel documents or foreigner's residence permits for inspection when so required by the public security authorities or other competent authorities.

Article 35 — Foreigners in China shall abide by Chinese laws and regulations and shall not endanger national security, harm public interests, or disrupt social and public order. Foreigners in China shall not engage in political activities, religious activities, or other activities that are inconsistent with their status as foreigners.

Chapter V — Border Inspection

Article 36 — Exit and entry border inspection authorities shall carry out border inspection on persons, means of transport, and articles exiting and entering the border. Border inspection includes examination of documents, inspection of means of transport, inspection of articles, and monitoring of restricted areas. Exit and entry border inspection authorities shall carry out border inspection in accordance with the law to prevent illegal exit and entry.

Article 37 — After a means of transport leaving or entering the border of the PRC arrives at or departs from the port, the person in charge of the means of transport shall truthfully declare to the exit and entry border inspection authorities the information on the staff and passengers of the means of transport and submit the list of staff and passengers for inspection. Where the exit and entry border inspection authorities need to board the means of transport for inspection or supervision, the person in charge of the means of transport shall provide the necessary assistance. Before a means of transport leaving the border departs from the port, the exit and entry border inspection authorities shall inspect the relevant information of the means of transport. After the means of transport enters the port, if it is necessary to leave the port before completing the inspection, the person in charge of the means of transport shall first apply to the exit and entry border inspection authorities for permission.

Article 38 — Where a means of transport needs to change its route or make an unscheduled stop during navigation, or where a means of transport leaving the border needs to make a temporary stop, dock, or board or disembark passengers or load or unload articles before departing from the country, the person in charge of the means of transport shall report to the exit and entry border inspection authorities.

Article 39 — Persons exiting or entering the border shall present their exit and entry documents to the exit and entry border inspection authorities for inspection in accordance with the provisions. The exit and entry border inspection authorities shall examine the documents of persons exiting or entering the border, and may conduct interviews and inquiries as necessary. Under any of the following circumstances, the exit and entry border inspection authorities may, in accordance with the law, temporarily detain exit and entry

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documents: persons holding forged, altered, or fraudulently obtained exit and entry documents; or persons who are prohibited from exiting or entering the country. Where the decision to temporarily detain exit and entry documents is not supported by the facts, the documents shall be promptly returned.

Article 40 — Exit and entry border inspection authorities may take necessary measures, such as restricting the scope of activities, conducting investigations, and transferring to public security authorities, against persons who are suspected of violating laws and regulations on exit and entry administration.

Chapter VI — Investigation and Repatriation

Article 41 — The public security authorities may lawfully summon persons suspected of violating laws and regulations on exit and entry administration. Where such persons cannot be summoned on the spot, with the approval of the responsible person of the public security organ at or above the county level, they may be summoned by compulsory means. The duration of interrogation upon summons shall not exceed 12 hours; where the circumstances are complex and administrative detention or other administrative penalties may be imposed in accordance with the law, the duration of interrogation upon summons shall not exceed 24 hours.

Article 42 — The public security authorities may lawfully inspect the residences or business premises of foreigners suspected of violating laws and regulations on exit and entry administration. When conducting inspections, the public security personnel shall present their work credentials and an inspection certificate issued by the public security organ at or above the county level. Without such certificate, foreigners have the right to refuse the inspection.

Article 43 — Where public security authorities need to make a decision on deportation or repatriation, they shall inform the parties of the facts, reasons, and basis for making the decision and the rights enjoyed by the parties in accordance with the law. Where the parties make a statement or defense, the public security authorities shall review the facts, reasons, and evidence presented by the parties. Where the reasons presented by the parties are established, the public security authorities shall accept them.

Article 44 — Foreigners may be deported under any of the following circumstances: they enter, stay, or reside in China illegally; they violate the provisions of this Law or other laws or administrative regulations and need to be deported; they engage in activities inconsistent with their status as foreigners; or it is not appropriate for them to continue staying in China. Foreigners who are deported shall not be permitted to enter China within 10 years from the date of deportation. The specific measures for the administration of deportation shall be formulated by the State Council.

Article 45 — Foreigners subject to deportation or repatriation shall leave China within the prescribed time limit. Where foreigners who are deported are not deported within the prescribed time limit, the public security authorities may take compulsory deportation measures. The expenses incurred during the period of repatriation or deportation shall be borne by the foreigner concerned or their guarantor. Where the foreigner concerned is unable to pay such expenses, they may be borne by the State treasury, unless otherwise provided by international treaties.

Article 46 — Where a foreigner has submitted an application for administrative reconsideration or filed an administrative lawsuit against the measure of deportation in accordance with the law, the execution of the deportation shall not be suspended during the reconsideration or lawsuit period, except as otherwise provided by law.

Chapter VII — Legal Liability

Article 47 — Whoever exits or enters the border of China illegally shall be fined not less than 1,000 yuan but not more than 5,000 yuan; where the circumstances are serious, they shall be detained for not less than five days but not more than 10 days and may also be fined not less than 2,000 yuan but not more than 10,000 yuan. Whoever assists another person in illegally exiting or entering the border shall be fined not less than

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2,000 yuan but not more than 10,000 yuan; where the circumstances are serious, they shall be detained for not less than 10 days but not more than 15 days and fined not less than 5,000 yuan but not more than 20,000 yuan, and the illegal gains shall be confiscated. Where an entity commits any of the acts in the preceding paragraph, it shall be fined not less than 10,000 yuan but not more than 50,000 yuan, the illegal gains shall be confiscated, and the persons directly in charge and other persons directly responsible shall be punished in accordance with the provisions of the preceding paragraph.

Article 48 — Where a foreigner engages in activities inconsistent with the purpose of their stay or residence, or otherwise violates the laws or regulations of China, making it inappropriate for them to continue staying in China, they may be ordered to leave the country within a specified time limit. Where a foreigner enters, stays, or resides in China illegally, the public security authorities may detain them for investigation. Where the investigation confirms the illegal entry, stay, or residence, the foreigner shall be deported. Where a foreigner has any other violation of this Law and the circumstances are serious, they may be deported.

Article 49 — Where an entity or individual employs a foreigner who has not obtained a work permit or a work-type residence permit in accordance with the provisions, the entity or individual shall be fined not less than 5,000 yuan but not more than 20,000 yuan for each illegally employed foreigner, with the total fine not exceeding 100,000 yuan, and the illegal gains shall be confiscated. Where the circumstances are serious, the relevant department may order the entity to suspend business for rectification. Where an entity or individual introduces jobs to foreigners who have not obtained work permits, a fine shall be imposed in accordance with the provisions of the preceding paragraph.

Article 50 — Where a foreigner fails to register their accommodation or report their accommodation registration in accordance with the provisions, they shall be given a warning and may be fined not more than 2,000 yuan. Where the person providing accommodation fails to report the accommodation registration in accordance with the provisions, they shall be given a warning and may be fined not more than 2,000 yuan.

Article 51 — Where the person in charge of a means of transport fails to fulfill their obligations as provided in this Law, the means of transport shall be ordered to make corrections and shall be fined not less than 5,000 yuan but not more than 20,000 yuan for each case. Where a person in charge of a means of transport assists another person in illegally exiting or entering the border, or illegally carrying articles, they shall be fined not less than 5,000 yuan but not more than 10,000 yuan. Where the circumstances are serious, they shall be detained for not less than five days but not more than 15 days.

Article 52 — Where a foreigner is given an administrative penalty, the relevant information shall be recorded in the exit and entry administration information system. Where the circumstances are serious, the foreigner may be included in the list of persons not permitted to enter China.

Article 53 — Where public security authorities or other competent authorities in the field of exit and entry administration and their staff commit any of the following acts, the persons directly in charge and other persons directly responsible shall be given sanctions in accordance with the law: failing to issue exit and entry documents within the statutory time limit in violation of laws or administrative regulations; charging fees in violation of the provisions; disclosing personal information of citizens obtained in the course of performing duties; or other acts of neglecting duties, abusing powers, or engaging in malpractice for personal gain. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 54 — The terms used in this Law shall be defined as follows: “Exit” means leaving the border of the PRC for another country, region, or territory; “Entry” means entering the border of the PRC from another country, region, or territory; “Foreigner” means a person who does not possess Chinese nationality; “Means of transport” means ships, aircraft, trains, motor vehicles, and other vehicles used for exit and entry.

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Article 55 — Foreigners who need to apply for visas, foreigner's residence permits, or other exit and entry documents, or need to extend or change their documents, shall pay visa fees, document fees, or other fees in accordance with the provisions. The fee items and fee standards shall be prescribed by the State Council.

Article 56 — Matters relating to the exit and entry administration of diplomatic personnel, consular officers, and personnel of international organizations who enjoy diplomatic privileges and immunities shall be governed by the relevant laws and the international treaties to which the PRC is a party or has acceded.

Article 57 — This Law shall come into force on July 1, 2013. The Law of the People's Republic of China on the Control of the Entry and Exit of Foreigners and the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens, adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress on November 22, 1985, shall be repealed simultaneously.

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