

Law of the PRC on the Control of the Exit and Entry of Citizens

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress on November 22, 1985; amended in accordance with the Decision on Amending the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on April 24, 2009. Note: This Law was repealed on July 1, 2013 upon the entry into force of the Exit and Entry Administration Law of the People's Republic of China.
Effective: February 1, 1986; amendments effective April 24, 2009; repealed July 1, 2013

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding the lawful rights and interests of Chinese citizens exiting and entering the country, and promoting international exchange.

Article 2 — Chinese citizens shall be permitted to exit or enter the country on the strength of valid passports or other valid travel documents issued by the competent authorities of the People's Republic of China. They shall not be required to apply for visas for exit or entry.

Article 3 — For exit or entry, Chinese citizens shall pass through open ports or other designated ports and shall be subject to inspection by the frontier inspection authorities.

Article 4 — After exiting the country, Chinese citizens shall not commit any act prejudicial to the security, honour or interests of their country.

Chapter II — Exit from the Country

Article 5 — Chinese citizens leaving the country for private purposes shall apply to the public security authorities of the city or county in which their residence is registered. Approval shall be granted except in cases prescribed in Article 8 of this Law.

Chinese citizens leaving the country on official business shall use the official passports issued by the Ministry of Foreign Affairs or its authorised local foreign affairs offices or by other departments authorised by the State Council.

Article 6 — Crew members of Chinese vessels serving on international routes and of aircraft on international flights shall leave the country on the strength of their seamen's certificates or aircrew member certificates.

Article 7 — Frontier inspection authorities shall have the right to detain persons with respect to whom the competent authorities have communicated that they do not meet the conditions for leaving the country.

Article 8 — Approval for exit from the country shall not be granted to persons who fall under any of the following categories:

- (1) defendants in criminal cases or criminal suspects confirmed by the people's procuratorates or the people's courts;
- (2) persons serving criminal sentences, except those released on parole or serving their sentences outside prison;
- (3) persons still in the process of rehabilitation through labour;
- (4) persons whose exit from the country will, as announced by the relevant competent departments of the State Council, be harmful to State security or cause major losses to the national interests;
- (5) other persons in respect of whom laws or administrative regulations provide that exit from the country shall not be approved.

Chapter III — Entry into the Country

Article 9 — Chinese citizens residing abroad who desire to return to China for permanent residence shall go through the relevant procedures at the Chinese diplomatic missions, consular posts or other agencies stationed abroad authorised by the Ministry of Foreign Affairs, or at the public security authorities of the relevant provinces, autonomous regions or municipalities directly under the Central Government.

Article 10 — After their entry into China, Chinese citizens residing abroad shall be subject to residence administration conducted by the public security authorities in accordance with the law.

Chapter IV — Administrative Organs for Control

Article 11 — Passports and other travel documents for Chinese citizens leaving or entering the country shall be issued by the Ministry of Public Security, the Ministry of Foreign Affairs and their authorised local organs.

Chinese diplomatic missions, consular posts and other agencies stationed abroad authorised by the Ministry of Foreign Affairs shall issue passports and other travel documents to Chinese citizens abroad.

Article 12 — The Ministry of Public Security, the Ministry of Foreign Affairs, the Ministry of Transport and their authorised organs shall have the power to alter, revoke or confiscate passports and other travel documents that have been illegally obtained or used, or to declare them null and void.

Chapter V — Penalties

Article 13 — Persons who leave the country by illegal means such as fabricating, altering or fraudulently using others' certificates shall be dealt with by the public security authorities according to law; where the circumstances are serious enough to constitute a crime, criminal liability shall be investigated according to law.

Article 14 — Functionaries of the public security and frontier inspection authorities who, by taking advantage of their positions, extort or accept bribes shall be dealt with according to law; where the circumstances are serious enough to constitute a crime, criminal liability shall be investigated according to law.

Article 15 — The Ministry of Public Security shall formulate the measures for implementing this Law, which shall come into force upon approval by the State Council.

Chapter VI — Supplementary Provisions

Article 16 — This Law shall apply to Chinese citizens travelling between the mainland and the Hong Kong Special Administrative Region or the Macao Special Administrative Region, and to Chinese citizens travelling between the mainland and the Taiwan region, in accordance with the relevant provisions and measures separately formulated.

Article 17 — The exit and entry of Chinese citizens on official missions shall be governed by the administrative measures of the State Council.

Article 18 — The provisions governing the exit and entry of crew members of international trains and of aircraft on international flights shall be formulated by the State Council.

Article 19 — This Law shall come into force on February 1, 1986.

Disclaimer: This English translation is provided for informational and reference purposes only. It is not an official translation and has no legal effect. The original Chinese text of the law shall prevail in all legal and official matters. Note that this Law was repealed on July 1, 2013 and replaced by the Exit and Entry Administration Law of the People's Republic of China. This translation is provided for historical and legal research purposes. While every effort has been made to ensure accuracy, Dan Young Business Consultancy makes no warranties as to the completeness or accuracy of this translation and accepts no liability for any reliance placed upon it. Readers should consult qualified legal professionals for advice on specific legal matters.