

Measures on the Administration of Work Permits for Foreigners of the PRC

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

Promulgated by the Ministry of Human Resources and Social Security of the People's Republic of China

Effective as promulgated

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Article 1 — These Measures are formulated in accordance with the Exit and Entry Administration Law of the People's Republic of China, the Administrative Licensing Law of the People's Republic of China, and other relevant laws and regulations for the purposes of regulating the administration of work permits for foreigners working in China, and promoting the lawful and orderly employment of foreigners in China.

Article 2 — For the purposes of these Measures, "foreigners" means persons who do not have Chinese nationality and who are employed within the territory of China in accordance with the law.

Article 3 — A foreigner who intends to work in China shall apply for and obtain a work permit as required. Without a valid work permit, no foreigner may work in China.

Article 4 — The work permits for foreigners working in China shall be classified into three categories based on a points-based system:

(1) Category A: foreign high-end talents, including scientists, leading scientific and technological talents, international entrepreneurs, special talents, and other foreign high-end talents urgently needed for China's economic and social development;

(2) Category B: foreign professionals, including foreign professionals who meet the guidance catalogue for foreigners working in China and the needs of China's economic and social development; and

(3) Category C: other foreign personnel, including foreign personnel who meet the needs of the domestic labor market and comply with State policies and regulations.

Article 5 — The points-based system for the classification of foreign workers shall be implemented in accordance with the relevant State provisions, and points shall be assessed based on criteria such as salary level, educational background, Chinese language proficiency, age, and work experience.

Article 6 — To apply for a work permit for a foreigner, the employer shall meet the following basic conditions:

(1) being duly established in accordance with the law, having actual business operations, having no record of serious violations of laws or breach of trust, and having a fixed business premises and the relevant supporting materials;

(2) the position for which the foreigner is to be employed being a position with special needs, for which there is a temporary shortage of suitable candidates in China, and the position not violating the relevant State provisions; and

(3) the wages and remuneration paid to the foreigner to be employed being not lower than the local minimum wage standard.

Article 7 — A foreigner applying for a work permit in China shall meet the following basic conditions:

- (1) having reached the age of 18, being in good health, and having no criminal record;
- (2) having a definite employer within the territory of China and possessing the necessary professional skills or appropriate level of knowledge required for the job;
- (3) the work for which the foreigner is to be employed conforming to the needs of China's economic and social development and falling within the category of urgently needed professionals; and
- (4) other conditions provided for by laws and regulations.

Article 8 — The employer shall submit an application for a work permit for a foreigner to the administrative department of foreign experts affairs or the administrative department of human resources and social security at or above the provincial level, or to the relevant department authorized by the State Council.

Article 9 — The following materials shall be submitted when applying for a work permit for a foreigner:

- (1) the application form for a work permit for a foreigner;
- (2) proof of the applicant's work qualifications, such as educational degree certificates or professional qualification certificates;
- (3) the applicant's certificate of no criminal record;
- (4) the applicant's physical examination certificate;
- (5) the employment contract or certificate of employment (dispatch letter); and
- (6) other materials as required by the approval authority.

Article 10 — Foreign high-end talents (Category A) shall be subject to a "green channel" for approval, with the principle of no physical examination paper materials required and the approval process completed within five working days.

Article 11 — Foreign professionals (Category B) shall have their applications processed within ten working days.

Article 12 — Other foreign personnel (Category C) shall have their applications processed within fifteen working days.

Article 13 — The term of validity of a work permit for a foreigner shall be determined on the basis of the term of the employment contract or the period of employment, and shall generally not exceed five years.

Article 14 — Where a work permit for a foreigner needs to be extended upon expiration, the employer shall submit an application for extension to the approval authority 30 days prior to the expiration of the permit.

Article 15 — Where the information on a work permit for a foreigner changes, the employer shall apply to the approval authority for modification within ten working days from the date of the change.

Article 16 — Where a work permit for a foreigner is lost or damaged, the employer shall apply to the approval authority for a replacement in a timely manner.

Article 17 — A work permit for a foreigner shall be canceled under any of the following circumstances:

- (1) the employment contract is terminated or dissolved;
- (2) the term of validity of the work permit has expired and no application for extension has been made;
- (3) the foreigner has reached the statutory retirement age;
- (4) the foreigner has died or has been declared missing or dead;
- (5) the employer is deregistered or its registration is revoked in accordance with the law; or
- (6) the relevant approval is revoked in accordance with the law.

Article 18 — After obtaining the work permit, the foreigner shall apply for a work-type residence permit from the exit and entry administration authority of the public security organ at the place where the employer is located on the strength of the work permit and other relevant materials.

Article 19 — The employer and the foreigner shall enter into an employment contract in accordance with the law. The term of the employment contract shall not exceed the term of validity of the work permit.

Article 20 — The employer shall pay the foreign worker wages and social insurance premiums in accordance with the law, and shall ensure the foreign worker's working conditions, living environment, and other lawful rights and interests.

Article 21 — Foreigners working in China shall comply with Chinese laws and regulations and shall not engage in activities inconsistent with the purpose of their work permits.

Article 22 — Where an employer or a foreigner violates the provisions of these Measures by working without a valid work permit, the approval authority shall order it or the foreigner to make corrections, and shall impose penalties in accordance with the relevant laws and regulations.

Article 23 — Where a foreigner fraudulently obtains a work permit by providing false materials or by other improper means, the approval authority shall revoke the work permit and shall include such conduct in the foreigner's credit record. The foreigner shall not apply for a work permit in China within a certain period.

Article 24 — These Measures shall come into force on the date of promulgation.

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