Passport Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating the application, issuance, and administration of passports of the People's Republic of China, safeguarding the rights of citizens of the People's Republic of China to enter and exit the country, and promoting international exchanges.

Article 2 — A passport of the People's Republic of China is a legal document issued by the People's Republic of China to a citizen for the purpose of entering or exiting the national territory and certifying the citizen's nationality and identity abroad. No organization or individual may forge, alter, transfer, intentionally damage, or destroy a passport. Unless otherwise provided for by law, no organization or individual may seize or confiscate a passport.

Article 3 — Passports are divided into diplomatic passports, official passports, and ordinary passports. Ordinary passports are divided into ordinary passports for public affairs and ordinary passports for private affairs. Diplomatic passports shall be issued by the Ministry of Foreign Affairs to diplomatic personnel, consular officers, and their accompanying spouses and minor children, as well as to personnel sent abroad

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by diplomatic missions. Official passports shall be issued by the Ministry of Foreign Affairs, the foreign affairs offices of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and the foreign affairs offices of the people's governments of cities divided into districts to personnel of Party and government organs, public institutions, and state-owned enterprises assigned to work abroad. Ordinary passports for public affairs shall be issued by the Ministry of Foreign Affairs, the foreign affairs offices of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and the foreign affairs offices of the people's governments of cities divided into districts to personnel of government departments at or below the county level and other entities assigned to work abroad on public affairs. Ordinary passports for private affairs shall be issued by the exit-entry administration authorities of public security organs to citizens who travel abroad for non-official purposes, including settlement, visiting relatives, study, employment, travel, or business activities.

Chapter II — Types and Issuance of Passports

Article 4 — An ordinary passport shall be issued by the exit-entry administration authority of the public security organ of the people's government at or above the county level where the applicant's domicile is registered. Citizens who settle abroad may apply for an ordinary passport at the embassy, consulate, or other overseas institution authorized by the Ministry of Foreign Affairs of the People's Republic of China in the country or region where they reside.

Article 5 — A diplomatic passport or an official passport shall be issued by the Ministry of Foreign Affairs, the foreign affairs offices of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and the foreign affairs offices of the people's governments of cities divided into districts. An ordinary passport for public affairs shall be issued by the Ministry of Foreign Affairs, the foreign affairs offices of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and the foreign affairs offices of the people's governments of cities divided into districts.

Article 6 — Public security organs shall issue an ordinary passport within 15 days from the date of receiving the application materials; in remote areas or areas with difficult transportation, the issuance period may be extended to 30 days upon approval by the person in charge of the passport-issuing authority. Where the applicant has urgent reasons, including going abroad for funeral arrangements, visiting a critically ill relative, starting a course of study abroad in a short period, or other urgent matters, the passport-issuing authority shall handle the application as a matter of priority.

Article 7 — The registration items of an ordinary passport shall include: the name, gender, date of birth, and place of birth of the passport holder; the date of issue, period of validity, issuing authority, and place of issue of the passport. The period of validity of an ordinary passport is: five years for a passport holder under 16 years of age; ten years for a passport holder aged 16 years or above. The specific measures for the period of validity of diplomatic passports and official passports shall be prescribed by the Ministry of Foreign Affairs.

Article 8 — Where any of the following circumstances occurs, the holder of the passport may apply for a replacement or reissuance of the ordinary passport in accordance with relevant regulations: (1) the period of validity of the passport is about to expire; (2) the visa pages of the passport are about to be used up; (3) the passport is defaced and can no longer be used; (4) the passport is lost or stolen; (5) where there is some other justified reason that warrants replacement or reissuance of the passport. The replacement or reissuance of an ordinary passport within the territory of China shall be handled by the exit-entry administration authority of the public security organ of the people's government at or above the county level where the applicant's domicile is registered. The replacement or reissuance of an ordinary passport outside the territory of China shall be handled by the embassy, consulate, or other overseas institution authorized by the Ministry of Foreign Affairs of the People's Republic of China. The replacement or reissuance of a diplomatic passport or official passport abroad shall be handled by the Ministry of Foreign Affairs,

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embassies, consulates, or other overseas institutions authorized by the Ministry of Foreign Affairs; these matters within China shall be handled by the Ministry of Foreign Affairs and the foreign affairs offices of the relevant local people's governments.

Article 9 — Where the issuing authority finds that any of the following circumstances applies, it shall not issue a passport: (1) the applicant does not have the nationality of the People's Republic of China; (2) the applicant is prohibited from leaving the country because of a criminal case, a case that has been filed by the people's court, or a case that involves a national security matter; (3) the applicant is prohibited from leaving the country because of a civil case that has not been concluded and the people's court has decided that prohibition; (4) the applicant is sentenced to a criminal penalty and the term has not been completed; (5) the applicant is being reeducated through labor, and the relevant competent authority has decided that the applicant may not leave the country; (6) the applicant falls under any other circumstance under which the relevant laws or administrative regulations prohibit leaving the country.

Article 10 — Under any of the following circumstances, the passport holder's passport shall be revoked or declared invalid by the issuing authority or the authority at a higher level: (1) the issuing authority discovers that the passport holder meets the circumstances under which a passport shall not be issued as provided for in Article 9 hereof; (2) the passport holder has been sentenced to a criminal penalty or has been reeducated through labor; (3) the passport holder has lost Chinese nationality; (4) the passport holder has obtained a passport by illegal means or has altered the passport. Under any of the following circumstances, the issuing authority shall declare the passport invalid: (1) the passport is lost or stolen; (2) the passport is defaced and cannot be used; (3) the passport holder passes away.

Article 11 — The Ministry of Foreign Affairs and the Ministry of Public Security shall be responsible for designating the form of passports, for formulating the measures for the production of passports, and for prescribing specific measures for the issuance of diplomatic passports, official passports, and ordinary passports for public affairs.

Chapter III — Application and Issuance of Passports

Article 12 — When applying for an ordinary passport, a citizen shall submit the following materials: (1) an application form for an ordinary passport; (2) a resident identity card and the household registration booklet; (3) recent bareheaded color photographs conforming to the prescribed standards. Where an application for an ordinary passport is submitted by a citizen who settles abroad, the citizen shall submit an application form for an ordinary passport, the certificate of settlement abroad, a certificate of continued residence abroad, and the application fee to the embassy, consulate, or other overseas institution authorized by the Ministry of Foreign Affairs of the People's Republic of China.

Article 13 — Where any registration item of an ordinary passport is to be changed, the passport holder shall submit an application to the exit-entry administration authority of the public security organ of the people's government at or above the county level where the holder's domicile is registered. The applicant shall submit an application form for the change of passport registration items, relevant certification materials, and the ordinary passport.

Article 14 — Where it is discovered that the name, gender, date of birth, place of birth, or other registration items recorded on a passport have been incorrectly recorded, the issuing authority shall correct the error within 7 working days from the date of receipt of the relevant materials.

Article 15 — The specific measures for the replacement and reissuance of ordinary passports abroad and for the application, issuance, replacement, and reissuance of diplomatic passports and official passports shall be prescribed by the Ministry of Foreign Affairs and the Ministry of Public Security in accordance with the law.

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Article 16 — An application fee and a endorsement fee shall be charged for passports. The fee rates shall be set by the competent pricing department of the State Council in conjunction with the Ministry of Finance and the Ministry of Public Security.

Chapter IV — Supervision and Administration of Passports

Article 17 — The Ministry of Foreign Affairs and the Ministry of Public Security shall, in accordance with their respective functions and duties, exercise supervision over and administrate the issuance of passports.

Article 18 — Passport issuing authorities may, where necessary, verify the identity and other relevant information of applicants for passports, and the relevant entities and individuals shall provide cooperation.

Article 19 — The issuing authority shall check the identity of an applicant for renewal or reissuance of a passport against the records in the passport administration information database. Where the records are consistent, the authority shall process the application as a matter of priority within the prescribed time limit.

Article 20 — Passport issuing authorities shall establish and improve passport administration information systems and shall share passport administration information with relevant departments in accordance with the law. The exit-entry frontier inspection authorities and the relevant administrative law-enforcement authorities shall have the right to consult passport administration information in the course of performing their duties.

Chapter V — Legal Liability

Article 21 — Where a person obtains a passport by fraud, by fabricating certification materials, or by presenting false certification materials, the passport-issuing authority shall impose a fine of not less than RMB 2,000 but not more than RMB 5,000, and shall revoke the passport or declare it invalid. Where the circumstances are serious, the person shall be detained for not less than five days but not more than ten days by the public security organ and shall be fined not less than RMB 2,000 but not more than RMB 5,000.

Article 22 — Where a person forges, alters, or transfers a passport, the public security organ shall confiscate the illegal gains and the passport, and shall impose a fine of not less than RMB 2,000 but not more than RMB 10,000. Where the circumstances are serious, the person shall be detained for not less than five days but not more than ten days, and a fine of not less than RMB 2,000 but not more than RMB 10,000 shall be imposed.

Article 23 — Where the passport holder loses the passport and fails to report the loss to the issuing authority within a reasonable period of time, or where the passport holder intentionally damages or destroys the passport, the issuing authority may impose a fine of not more than RMB 1,000.

Article 24 — Where a staff member of a passport-issuing authority commits any of the following acts, the authority or the competent department at a higher level shall impose an administrative sanction in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law: (1) issuing a passport to a person who should not be issued a passport; (2) refusing to issue a passport to a person who should be issued a passport without justified reasons; (3) divulging personal information obtained in the course of passport administration that is not to be disclosed; (4) committing other acts of abuse of power, neglect of duty, or malpractice for personal gain in the course of passport administration.

Chapter VI — Supplementary Provisions

Article 25 — The travel documents issued by the People’s Republic of China to its citizens in place of passports shall be governed, mutatis mutandis, by the relevant provisions of this Law.

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Article 26 — This Law shall come into effect as of January 1, 2007. The Passport Law of the People's Republic of China adopted at the 12th Meeting of the Standing Committee of the Eighth National People's Congress on December 28, 1995 shall be repealed simultaneously.

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