

Law of the People's Republic of China on Entry and Exit of Aliens

(Adopted by the Standing Committee of the Sixth National People's Congress at its Thirteenth Session on 22 November 1985.)

CHAPTER I

General Provisions

Article 1 The present law is enacted for the purpose of safeguarding the sovereignty and maintaining the security and public order of the People's Republic of China and facilitating international exchanges.

The present Law shall apply to aliens entering, leaving or passing through the territory of the People's Republic of China and to aliens residing or traveling in China.

Article 2 Permission must be obtained from the competent authorities of the Chinese Government by aliens for their entry, transit and residence in China.

Article 3 For entry, exit and transit, aliens shall pass through the ports open to aliens or other designated ports and shall be subject to inspection at border check-posts.

For entry, exit and transit, aliens' means of transport shall pass through the ports open to aliens or other designated ports and shall be subject to inspection and supervision at border check-posts.

Article 4 The Chinese Government protects the legitimate rights and interests of aliens within Chinese territory.

The personal freedom of aliens shall be inviolable. Aliens shall not be liable to arrest unless a warrant or decision is made by a people's procuratorate or a decision is made by a people's court and such a warrant or decision is executed by a public security organ or state security organ.

Article 5 Aliens in China shall abide by Chinese law and shall not endanger the national security of China, harm its public interests or disturb its public order.

CHAPTER II

Entry

Article 6 For entry into China, aliens shall apply for visas to the Chinese diplomatic missions or consular posts or other agencies abroad authorized by the Ministry of Foreign Affairs of the P.R.China. In specific situations and in compliance with the stipulation of the State Council, aliens may also apply for visas to visa offices at the ports designated by the competent authorities of the Chinese Government.

The entry of nationals of a country having visa agreement with the Chinese Government shall be dealt with in accordance with the said agreement.

In case where a country has special regulations regarding the entry and transit of Chinese citizens, the competent authorities of the Chinese Government may take corresponding measures contingent on the circumstances.

Visas are not required for aliens in immediate transit on continued international flights, who stay not more than 24 hours within the airport in China. Permission may be obtained from the border check-posts for aliens wishing to leave the airport temporarily.

Article 7 In applying for visas, aliens shall present valid passports and, if necessary, provide pertinent certificates.

Article 8 Aliens invited or employed to work in China shall, in applying for visas, produce letter of invitation or employment.

Article 9 Aliens wishing to reside in China permanently shall, in applying for visas, present residence confirmation forms, which may be obtained upon application from the public security organs at the intended places of residence.

Article 10 The competent authorities of the Chinese Government shall issue appropriate visas to aliens wishing to enter China in the light of each case of application.

Article 11 When an aircraft or a vessel operating international services arrives at a Chinese port, the captain or his agent must submit a passenger list to the border check-post, and, in the case of a foreign aircraft or vessel, must provide a list of crew members as well.

Article 12 An alien considered a potential threat to China's national security and public order shall not be permitted to enter China.

CHAPTER III

Residence

[Unofficial English translation, original Chinese] (In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail.) 1

Article 13 Aliens residing in China shall possess identity cards or residence certificates issued by the competent authorities of the Chinese Government.

The term of validity of an identity card or residence certificate shall be decided in the light of each case of entry.

Aliens residing in China shall submit certificates for examination to the local public security organs within the prescribed period of time.

Article 14 Aliens who, in compliance with Chinese law, wish to have long-term residence in China for the purpose of investing in China or engaging in cooperative projects with Chinese enterprises or institutions in the economic, scientific-technological and cultural fields or for other purposes may be granted the status of long-term or permanent residence upon approval by the competent authorities of the Chinese Government.

Article 15 An alien who seeks asylum for political reasons shall be permitted to reside in China upon approval by the competent authorities of the Chinese Government.

Article 16 In the case of an alien who fails to abide by Chinese law, his period of stay in China may be shortened or his status of residence in China annulled by the competent authorities of the Chinese Government.

Article 17 Aliens wishing to make temporary overnight stay in China shall complete registration procedures pursuant to the relevant stipulations.

Article 18 Aliens holding residence certificates who wish to change places of residence in China shall complete removal formalities pursuant to the relevant stipulations.

Article 19 Aliens who have no residence certificates or are on a study program in China shall not be employed in China without permission of the competent authorities of the Chinese Government.

CHAPTER IV

Travel

Article 20 Aliens who hold valid visas or residence certificates may travel to places declared open to aliens by the Chinese Government.

Article 21 Aliens wishing to travel to places not open to aliens shall apply to the local public security organs for travel permits.

CHAPTER V

Exit

Article 22 For exit from China, aliens shall present their valid passports or any other valid certificates.

Article 23 Aliens shall not be allowed to leave China if they come under any of the following categories:

- (1) a defendant in a criminal procedure or a criminal suspect listed by a public security organ or people's procuratorate or people's court.
- (2) a person under notice by a people's court to be denied exit for an unsettled civil procedure.
- (3) a person awaiting decision for any other violation of Chinese law, whose case, in the opinion of the competent authorities, calls for investigation.

Article 24 Border check-posts have the power to withhold exit of aliens coming under any of the following categories and to subject them to rules of the law:

- (1) a holder of invalid exit certificate;
- (2) a holder of an exit certificate other than his own;
- (3) a holder of a forged or altered exit certificate.

CHAPTER VI

Administrative Organs

Article 25 China's diplomatic missions and consular posts and other agencies abroad authorized by the Ministry of Foreign Affairs are the agencies of the Chinese Government abroad to handle aliens' applications for entry and transit.

The Ministry of Public Security, its authorized local public security organ, the Ministry of Foreign Affairs and its authorized local foreign affairs offices are the agencies of the Chinese Government at home to handle aliens' applications for entry, transit, residence and travel.

Article 26 The authorities handling aliens' applications for entry, transit, residence and travel have the power to decline issuing visas and certificates or to cancel or annul visas and certificates already issued.

The Ministry of Public Security and the Ministry of Foreign Affairs may, if necessary, alter decisions made by their respectively authorized organs.

Article 27 An alien illegally entering or residing in China may be detained for investigation or subjected to residence supervision or deportation by public security organs at the above county level.

Article 28 Police in charge of aliens' affairs in the public security organs at and above county level have, in performing their duties, the power to examine aliens' passports and other certificates. When conducting such examinations, the said police shall produce their own service cards, and the organizations or individuals concerned are obliged to assist.

CHAPTER VII

Penalties

Article 29 Whoever illegally enters, leaves, resides or stops over in China, or travels to places not open to aliens without valid travel permit or forges, alters, misuses or negotiates entry or exit certificate in contravention of the provisions of the present Law may be subjected to such penalties as warning, fine or detention for not more than ten days, by the public security organs at and above county level. Offenders whose violations are serious enough to constitute crimes shall be prosecuted in accordance with law.

If an alien being fined or detained by a public security organ refuses to accept a penalty, he may, within fifteen days of receiving notification, appeal to the next higher public security organ, which shall make the final judgment, and/or may file a suit directly in a local people's court.

Article 30 The Ministry of Public Security may order serious offenders as listed in Article 29 of the present Law to leave the country within a time limit or may expel them.

CHAPTER VIII

Ancillary Provisions

Article 31 The term "alien" used in this Law refers to any person not having Chinese nationality under the National Law of the People's Republic of China.

Article 32 Transitory entry into and exit from China by aliens who are nationals of countries adjacent to China and reside in contiguous areas between the two countries shall be handled pursuant to agreements between the two countries; in absence of such agreement, transitory entry and exit shall be handled in accordance with the relevant stipulations of the Chinese Government.

Article 33 Rules for implementation of the present Law shall be formulated according to the Law by the Ministry of Public Security and the Ministry of Foreign Affairs and shall come into force upon approval by the State Council.

Article 34 Matters concerning the members of foreign diplomatic missions and consular posts in the People's Republic of China and other aliens who enjoy privileges and immunities, after their entry into China, shall be dealt with in accordance with the relevant stipulations of the State Council and its competent authorities.

Article 35 This law shall come into force as from 1 February 1986.