

New Regulations on Exit and Entry of Foreigners

July 12, 2013.

On July 12, the State Council issued the PRC Administrative Regulation of Entry and Exit of Aliens (the "Administrative Regulation") which took effect on September 1, 2013. The promulgation of the Administrative Regulation aims to specify the exit and entry rules in the PRC Exit-Entry Administrative Law (the "Exit-Entry Administrative Law") which came into force on July 1, 2013, and facilitate the management of the exit and entry of foreigners in the practical areas.

Key Points of Administrative Regulation are as follows:

1. Category of Ordinary Visas of China

Exit-Entry Administrative Law regulates the ordinary visa as one kind of visas to China but no specific category is mentioned. Administrative Regulation specifies the category of the ordinary visas applicable to foreigners coming to China, which include 12 types as follows:

- a. C visa – for international transportation workers;
- b. D visa – for permanent residents (settlement);
- c. F visa – for person conducting exchange activities, visits and investigation;
- d. G visa – for transiting persons;
- e. J1 and J2 visas – for journalists;
- f. L visa – for tourists (travelling);
- g. M visa – for businessmen (commerce);
- h. Q1 and Q2 visas – for family members or relatives of Chinese citizens or foreigners with permanent residence permit in China;
- i. R visa – for high level foreign talents required by China;
- j. S1 and S2 visas – for family members and relatives of persons dealing with personal affairs in China;
- k. X1 and X2 visas – for persons studying in China (study);
- l. Z visa – for persons working in China (employment).

The Administrative Regulation expands the category of ordinary visas from 8 types to 12 types which include 4 new types – M, Q, R and S visas besides old 8 types regulated in the Exit-Entry Administrative Law.

The Administrative Regulation clarifies application documents required for different types of visas. For instance, i) for F and M visas, the applicant shall provide the invitation letters issued by the Chinese entities or partners, among others; ii) for Q and S visa, the applicant shall provide relationship proofs, among others; iii) for Z visa, the applicant shall provide the work permit, among others.

2. Management of Stay of Foreigners in China

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2.1 Renewal, Replacement or Reissuance of Visa

The Exit-Entry Administrative Law regulates that foreigners shall apply for the renewal, replacement or reissuance of his/her visa or for the issuance of a stay permit with the exit-entry department of the police station, and the Administrative Regulation reaffirm this rule. Moreover, the Administrative Regulation specifies the following two issues:

- a. Specify documents for renewal, replacement or reissuance of visa including application form, valid passport, photo, statement and other relevant documents.
- b. Specify the time limit for the review of the application – 7 days.

2.2 Residence Permit

Besides different types of visas, foreigners can also apply for the residence permits which are valid for at least 90 days (maximum of 5 years). Comparing to visas, residence permits have a long period of effective periods.

The Administrative Regulation specifies the following issues regarding residence permits:

- a. Types of Residence Permits
 - i. Residence permit for employment;
 - ii. Residence permit for study;
 - iii. Residence permit for journalists;
 - iv. Residence permit for family members and relatives;
 - v. Residence permit for personal affairs.
- b. Documents for Application of Residence Permit

The Administrative Regulation also clarifies application documents required for different types of residence permits. For instance, i) for employment residence permit, the applicant shall provide work permit, among others; ii) for residence permit for family members and relatives, the applicant shall provide relationship proofs, among others; iii) for study residence permit, the applicant shall provide the letter with study period issued by institution recruiting him/her, among others. If the applicant applies for a residence permit valid for one year or more, he/she shall submit a health certificate as required. Such a health certificate is valid for six months as of the date of issuance.

- c. Feedback of Application of Residence Permit

The Administrative Regulation specifies the time limit for the review of the application by the exit and entry department of police – 15 days.

3. Management of International Students

According to the Administrative Regulation, international students are permitted for off-campus work or internships in China. When a foreign student holding a residence permit for study works or interns off-campus, besides the approval of his/her school in advance, he/she must apply for the filing of working/internship place and specific period in his/her residence permit with the entry-exit department of the police in China. Otherwise, the foreign student may not take a part-time job or internship off-campus.

Summary

The Administrative Regulation specifies many rules of the Exit-Entry Administrative Law with respect to main issues mentioned above. Compared with the old regulations, the Administrative Regulation together with the Exit-Entry Administrative Law stipulates more complete and practical regulations in details in order to provide a clear guideline for the visa/residence permit application of foreigners.