

Rules for the Implementation of the Law of the People's Republic of China on the Control of Exit and Entry of Citizens

(Effective Date 26th December, 1986)

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CHAPTER I GENERAL PROVISIONS

Article 1. These Implementation Rules are formulated in accordance with the stipulations in article 19 of "The Law of the People's Republic of China on the Control of the Exit and Entry of Citizens".

Article 2. These Implementation Rules shall apply to cases concerning Chinese citizens entry into or exit from the country on private business. The term "private business" means residing, visiting relatives, visiting friends, inheriting properties, going abroad to study at one's own expense, obtaining employment, making a tour, and other private affairs.

CHAPTER II EXIT FROM THE COUNTRY

Article 3. Citizens residing in China that wish to leave the country on private business shall apply to the entry-exit control department of the municipal or county bureau of public security, answer relevant questions, and go through the following procedures:

- (1) To present, for examination, their residence booklets or other certificates of residence registration;
- (2) To fill in the exit application form;
- (3) To submit the written comments of the applicant's work unit on the applicant's exit from the country;
- (4) To present the certificates supporting the applicant's reasons for exit from the country.

Article 4. The certifying documents as mentioned in Item 4 of Article 3 in these Implementation Rules refer to the following:

- (1) Any applicant who wishes to leave China and reside in a foreign country must present documents of certification of consent by his/ her relative(s) residing in the foreign country the applicant is to reside in or the residence permit issued by the country of destination;
- (2) Any applicant who wishes to leave the country and pay a visit to his/ her friends or relatives present the written invitation sent by these friends or relatives;
- (3) Any applicant who wishes to leave the country and inherit properties must present certifying papers indicating that he/she has the legitimate right to inherit the properties;

Any applicant who wishes to leave the country and study abroad at own expense must present documents of certification indicating that an educational institution has admitted him/her and also a necessary financial affidavit;

- (5) Any applicant who wishes to leave the country and obtain employment abroad must present certifying papers indicating engagement or employment by a host/hiring institution or employer;
- (6) Any applicant who wishes to leave the country for a tour abroad must present certifying papers indicating that he/she has the foreign exchange needed for the tour.

Article 5. The municipal or county bureau of public security shall, within 30 days of receiving his/her exit application; or within 60 days for out-of-the-way and difficult-of-access places, make a decision on approving or disapproving the application, and notify the applicant about the decision.

In the event that the applicant does not receive the notification about the decision on the application within the prescribed time limit, he/she shall have the right to make an inquiry, and the department handling the application shall give a reply; in the event that the applicant holds that the decision about the disapproval of the exit application does not accord with the stipulations in "The Law of the People's Republic of China on the Control of the Exit and Entry of Citizens", he/she shall have the right to appeal to the public security department at a higher level, and the department handling the application shall make a decision and give a reply.

[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 6. Citizens residing in China whose exit applications have been approved shall obtain from the entry-exit control department of the public security bureau the passport of the People's Republic of China, together with the exit registration card.

Article 7. Citizens residing in China who have already obtained the visa or the entry permit for the country of destination shall go through the residence procedures before leaving the country. Those who are leaving to reside in a foreign country shall go to the local police station or the residence registration office to cancel their residence registration. Those who are leaving the country only for a short period of time shall go through the procedures of residence registration for a short-term absence from the country and, after returning to China, resume their regular residence registration at places of their original residence by presenting their passports.

Article 8. Chinese citizens residing in foreign countries who have returned to China for a visit may leave the country by producing valid visas or valid travel entry-exit certificates, without the need of visa applications.

CHAPTER III ENTRY INTO THE COUNTRY

Article 9. Chinese citizens residing in a foreign country, who wish to return to China for a short period of time to visit their relatives and friends, make investments, do business, or make a sightseeing tour, may enter the country by producing valid passports or valid travel certificates issued by the People's Republic of China, or by presenting other valid entry-exit certificates, without the need of visa applications.

Article 10. Chinese citizens residing in a foreign country who request to return to and reside in China shall before entering the country, apply to Chinese diplomatic missions, consulates or other resident agencies abroad authorized by the Ministry of Foreign Affairs; they, or through their relatives in China, may also apply to the municipal or county bureau of public security in the locality of their destination; and the public security department of the province, autonomous region, or municipality directly under the Central Government shall examine their cases and grant them residence certificates.

Article 11. Chinese citizens residing in a foreign country who request to return to China for employment shall apply to China's labour and personnel department or to host and employer units.

Article 12. Chinese citizens residing in a foreign country who have decided to return to reside or obtain employment in China shall, within 30 days of arrival at their destination, go through the procedures for regular residence registration at the local bureau of public security by presenting their certificates for residence in China or certificates of invitation and employment as approved by China's labour and personnel department.

Article 13. Chinese citizens residing in foreign countries who wish to return to and stay in China for a short period of time shall, in accordance with the stipulations of residence administration, go through the registration procedures for temporary lodging. Those who accommodate at such enterprises and institutions as guest houses, hotels, hostels and schools, or at state organs, public organizations or other institutions shall fill in temporary lodging registration forms; with respect to those who accommodate at their relatives' or friends' houses, they or their relatives or friends, shall, within 24 hours (within 72 hours in the countryside), go through the registration procedures for temporary lodging at the local police station or at the residence registration office.

CHAPTER IV EXIT AND ENTRY INSPECTION

Article 14. Chinese citizens shall enter or leave the country from designated ports or ports open to aliens, present to the border inspection office their passports issued by the People's Republic of China or other entry-exit certificates, fill in the entry-exit registration card, and accept inspection.

Article 15. The border inspection office shall have the right to forbid any of the following categories of persons to enter or leave the country;

- (1) Those who hold no passports issued by the People's Republic of China or other entry-exit certificates;
- (2) Holders of invalid passports or other invalid entry-exit certificates;
- (3) Holders of forged, altered and other than their own passports and certificates;
- (4) Those who refuse to produce their certificates for examination.

Persons who fall under the circumstances as stipulated in the preceding Items (2) and (3) shall be dealt with in accordance with the provisions in Article 23 of these Implementation Rules.

CHAPTER V ADMINISTRATION OF CERTIFICATES

Article 16. The passport and the travel certificate issued by the People's Republic of China, the principal certificates used by Chinese citizens for entering and leaving the country, shall be kept and used by the bearer. No state organs or public organizations, no enterprises, institutions or individuals shall have the authorization to withhold these certificates, excepting that the public security department and the original issuing department which shall have the power to revoke and take over the certificates, and that the people's procuratorate and people's court which shall have the power to withhold the certificates according to law.

Article 17. Passports issued by the People's Republic of China are valid for 5 years, and they may be extended twice, each time not exceeding 5 years. The application for extension shall be made before the passport's term of validity expires.

In places outside China, the extension of passports shall be handled by Chinese diplomatic missions, consulates or other resident agencies abroad authorized by the Ministry of Foreign Affairs. In China, the extension of passports held by Chinese citizens residing abroad shall be handled by the public security bureau of the province, autonomous region, or municipality directly under the Central Government, and also by the entry-exit control department of the public security department authorized by the aforesaid public security bureau; the extension of passports held by citizens residing in China shall be handled, before the holders leave the country, by the original issuing department of public security, or by the entry-exit control department of the public security department in the locality where the holders have their residence registration.

Article 18. Travel certificates issued by the People's Republic of China are classified into two categories: one category is valid for 1 year and one trip only; the other category is valid for 2 years and multiple trips; these two categories of travel certificates are issued by Chinese diplomatic missions, consulates and other resident agencies abroad authorized by the Ministry of Foreign Affairs.

Article 19. The entry-exit passes of the People's Republic of China are passes for entering or leaving China, and are issued by the public security bureau of the province, autonomous region, or the municipality directly under the Central Government, and also by the public security department authorized by the aforesaid public security bureau. Such entry-exit passes, during their term of validity, may be used for one trip or multiple trips. The passes that are valid for one trip shall be taken over by the border inspection office when the holders leave the country.

Article 20. When necessity arises for making changes or remarks in the entries of passports and certificates as a result of the changes in the holders' conditions, the holders of passports issued by the People's Republic of China or other entry-exit certificates shall apply separately to the entry-exit control department of the municipal or county bureau of public security, or to China's diplomatic missions, the consulates or other resident agencies abroad authorized by the Ministry of Foreign Affairs, and submit to them certificates supporting the changes or remarks or other explanatory materials.

Article 21. In the event that the passports of the People's Republic of China and other entry-exit certificates, as held by Chinese citizens, will expire soon, or that the attached pages for visas have been used up so that the term of validity cannot be extended, or that the passports have been seriously damaged and can no longer be used, the holders may apply for a reissue of the passports, and at the same time return the old passports they hold; in the event that the holders request to keep the old passports, the old passports may be bound up with the new ones for use. In the event that a passport or an entry-exit certificate has been lost, the holder should report the case to China's competent department, and publish a statement in a newspaper announcing its loss before applying for reissuance. The change or reissuance of passports and entry-exit certificates shall be handled, in places other than China, by Chinese diplomatic missions, consulates or other resident agencies abroad authorized by the Ministry of Foreign Affairs, and, in China, by the public security bureau of the province, autonomous region, or municipality directly under the Central Government, or by the entry-exit control department of public security department authorized by the aforesaid public security bureau.

Article 22. Passports of the People's Republic of China and other entry-exit certificates shall be revoked or declared invalid if their holders are in any of the following circumstances:

- (1) The holder has been sent back to China because he/she entered, resided or stayed in the country of destination illegally;
- (2) Citizen residing in China has used his/her passport for swindling and bluffing.

The decision to revoke passports and other entry-exit certificates or to declare them invalid shall be made by the original issuing department or by its higher authorities.

CHAPTER VI PENALTIES

Article 23. Persons who have used forged, altered, or other persons' certificates for entering or leaving the country may, in addition to taking over their certificates, be given a warning, or held in detention for up to 5 days, depending on the seriousness of the cases.

Article 24. Persons who have forged, altered or transferred the possession of entry-exit certificates shall be held in detention for up to 10 days; if the case is serious and a crime is constituted, the criminal responsibilities of the offenders shall be investigated in accordance with the relevant provisions of "The Criminal Law of the People's Republic of China".

Article 25. Persons who have given fabricated accounts and presented forged certificates, or have resorted to bribery, to obtain the entry-exit certificates, shall be given a warning, or held in detention for up to 5 days if the circumstances are minor; if the case is serious, and a crime is constituted, the criminal responsibilities of the offenders shall be investigated in accordance with the relevant provisions of "The Criminal Law of the People's Republic of China".

Article 26. In the event that personnel of public security departments are discovered to have taken advantage of their position and power, while executing "The Law of the People's Republic of China on the Control of the Exit and Entry of Citizens" and these Implementation Rules, to demand or accept bribes or to have committed other acts of dereliction of duty, a disciplinary sanction shall be imposed on them by the competent authorities at their discretion, if the circumstances are minor; if the case

is serious and a crime is constituted, the criminal responsibilities of the offenders shall be investigated in accordance with the relevant provisions of "The Criminal Law of the People's Republic of China".

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 27. Procedures for the control of Chinese citizens leaving the country on official business and of Chinese ship's crew leaving the country for executing tasks shall be formulated separately.

Article 28. These Implementation Rules shall go into effect on the day of their promulgation