

**Order of the President of the People's Republic of China**

No. 57

The Exit and Entry Administration Law of the People's Republic of China, adopted at the 27th meeting of the Standing Committee of the Eleventh National People's Congress of the People's Republic of China on June 30, 2012, and is hereby promulgated and shall come into force as of July 1, 2013.

Hu Jintao

President of the People's Republic of China

June 30, 2012

**Exit and Entry Administration Law of the People's Republic of China**

(Adopted at the 27th meeting of the Standing Committee of the Eleventh National People's Congress on June 30, 2012)

**Contents**

Chapter I General Provisions

Chapter II Exit and Entry of Chinese Citizens

Chapter III Entry and Exit of Foreigners

Section 1 Visa

Section 2 Entry and Exit

Chapter IV Stay and Residence of Foreigners

Section 1 Stay and Residence

Section 2 Permanent Residence

Chapter V Border Inspection of Transport Vehicles Exiting/Entering China

Chapter VI Investigation and Repatriation

Chapter VII Legal Liabilities

Chapter VIII Supplementary Provisions

**Chapter I**

## **General Provisions**

Article 1 In order to regulate exit/entry administration, safeguard the sovereignty, security and social order of the People's Republic of China, and promote foreign exchanges and opening to the outside world, this Law is hereby formulated.

Article 2 This Law is applicable to the administration of exit and entry of Chinese citizens, entry and exit of foreigners, stay and residence of foreigners in China, and the exit/entry border inspection of transport vehicles.

Article 3 The State protects Chinese citizens' legitimate rights and interests of exiting and entering the country.

The legitimate rights and interests of foreigners in China shall be protected by laws. Foreigners in China shall abide by the Chinese laws, and shall not endanger China's national security, harm public interests and disrupt social and public order.

Article 4 The Ministry of Public Security and the Ministry of Foreign Affairs shall, within the scope of their respective responsibilities, be responsible for administering exit/entry affairs.

Embassies and consulates of the People's Republic of China and other institutions stationed abroad entrusted by the Ministry of Foreign Affairs (hereinafter referred to as "the visa-issuing authorities abroad") shall be responsible for issuance of entry visas to foreigners. Exit/entry border inspection authorities shall be responsible for carrying out exit/entry border inspection. Public security organs under local people's governments at or above the county level and their exit/entry administrations shall be responsible for the administration of the stay and residence of foreigners.

The Ministry of Public Security and the Ministry of Foreign Affairs may, within the scope of their respective responsibilities, entrust exit/entry administrations of public security organs or foreign affairs departments under local people's governments at or above the county level to accept foreigners' applications for entry, stay and residence in China.

In the administration of exit/entry affairs, the Ministry of Public Security and the Ministry of Foreign Affairs shall strengthen communication and cooperation, cooperate closely with relevant departments under the State Council, and exercise functions and powers and bear liabilities within the scope of their respective responsibilities in accordance with the law.

Article 5 The State shall establish a uniform exit/entry administration information platform to share information among relevant administrative departments.

Article 6 The State shall establish exit/entry border inspection authorities at the ports open to foreign countries.

Chinese citizens, foreigners as well as transport vehicles shall exit or enter China via the ports open to foreign countries, or via the places approved by the State Council or by the departments authorized by the State Council under special circumstances. Personnel and transport vehicles that exit or enter China shall be subject to exit/entry border inspection.

Exit/entry border inspection authorities shall be responsible for relevant administration work in the restricted zones of ports. On the basis of the need for safeguarding national security and maintaining the

order of exit/entry administration, exit/entry border inspection authorities may conduct border inspection on the belongings of the persons who exit or enter China. When necessary, exit/entry border inspection authorities may conduct border inspection on the goods carried by transport vehicles that exit or enter China. However, exit/entry border inspection authorities shall notify the Customs of such inspections.

Article 7 Upon approval by the State Council, the Ministry of Public Security and the Ministry of Foreign Affairs may, on the basis of the need for exit/entry administration, set forth regulations on the collection and keep of fingerprints and other biometric identification information of the persons who exit or enter China.

Where foreign governments have special regulations on issuing visas to Chinese citizens or the exit/entry administration of Chinese citizens, the Chinese government may, as the circumstances require, take corresponding and equivalent measures.

Article 8 Departments and institutions that are responsible for the exit/entry administration shall take practical measures, constantly improve service and administration, enforce laws impartially, provide convenient and efficient service and ensure the security and conveyance of the exit/entry procedures.

## **Chapter II**

### **Exit and Entry of Chinese Citizens**

Article 9 Chinese citizens who exit or enter China shall, in accordance with the law, apply for passports or other travel documents.

Chinese citizens bound for other countries or regions shall obtain visas or other entry permits from destination countries, unless the Chinese government has signed visa exemption agreements with the governments of those countries, or otherwise stipulated by the Ministry of Public Security and the Ministry of Foreign Affairs.

Chinese citizens who exit or enter China as seamen or work on foreign ships shall apply for seamen's certificates in accordance with the law.

Article 10 Chinese citizens who travel between the Mainland and the Hong Kong Special Administrative Region, between the Mainland and the Macao Special Administrative Region, and between the Mainland and Taiwan Region, shall apply for exit/entry permits in accordance with the law, and abide by the relevant provisions of this Law. The specific administrative measures shall be stipulated by the State Council.

Article 11 Chinese citizens who exit or enter China shall submit their exit/entry documents such as passports or other travel documents to the exit/entry border inspection authorities for examination, go through the prescribed formalities, and may exit or enter upon examination and approval.

For ports that meet relevant conditions, exit/entry border inspection authorities shall provide convenience such as special lanes for the exit and entry of Chinese citizens.

Article 12 Under any of the following circumstances, Chinese citizens are not allowed to exit China:

- (1) Hold no valid exit/entry documents, or refuse or evade border inspection;

(2) Are sentenced to criminal punishments, the execution of which have not been completed, or are suspects or defendants in criminal cases;

(3) Are involved in unsettled civil cases and not allowed to exit China upon decision of the people's courts;

(4) Are subject to criminal punishment for impairing border administration, or are repatriated by other countries or regions due to illegal exit from China, illegal residence or illegal employment, and the No-Exit-from-China period has not expired;

(5) May endanger national security or interests, and are not allowed to exit China upon decision by competent departments under the State Council; or

(6) Other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations.

Article 13 Chinese citizens residing abroad who desire to return to China for permanent residence shall, prior to the entry, file applications with Chinese embassies or consulates or other institutions stationed abroad entrusted by the Ministry of Foreign Affairs. They may also file such applications to the overseas Chinese affairs departments under the local people's governments at or above the county level of the proposed places of permanent residence on their own or via their relatives in China.

Article 14 When handling financial affairs or affairs involving education, medical treatment, transportation, telecommunications, social insurance or property registration, where identity certificates are required, Chinese citizens residing abroad may provide their passports for proof of identity.

## **Chapter III**

### **Entry and Exit of Foreigners**

#### **Section 1**

##### **Visa**

Article 15 In order to entering China, foreigners shall apply to the visa-issuing authorities stationed abroad for a visa, except as otherwise provided for in this Law.

Article 16 Visas are categorized as diplomatic visa, courtesy visa, official visa and ordinary visa.

Diplomatic or official visas shall be issued to foreigners who enter China for diplomatic or official reasons; and courtesy visas shall be issued to foreigners who are given courtesy due to their special status. The scope and measures for issuing diplomatic, courtesy and official visas shall be stipulated by the Ministry of Foreign Affairs.

Appropriate types of ordinary visa shall be issued to foreigners who enter China due to non-diplomatic or official reasons including work, study, family visit, travel, business activities and talent introduction. The types of ordinary visa and relevant issuance measures shall be stipulated by the State Council.

Article 17 The registered items of a visa shall include visa type, name, sex, date of birth, number of allowed entries, validity period of entry and duration of stay of the holder, date and place of issuance, as well as passport number or other international travel documents number.

Article 18 Foreigners who apply for visas shall submit their passports or other international travel documents, as well as information of specific application matters, to the visa-issuing authorities stationed abroad. They shall go through relevant formalities and accept interviews in accordance with the requirements of the visa-issuing authorities stationed abroad.

Article 19 Where foreigners applying for visas need to provide written invitations issued by entities or individuals within China, the applicants shall provide such invitations in accordance with the requirements of the visa-issuing authorities abroad. Entities or individuals that issue written invitations shall be liable for the fidelity of the contents.

Article 20 Foreigners who need to enter China urgently for humanitarian reasons, or are invited to enter China for urgent business or rush repair work, or have other urgent needs, and hold materials that prove the competent departments' approval of their applying for visas at port, may apply for port visas with the visa-issuing authorities entrusted by the Ministry of Public Security at the ports (hereinafter referred to as "port visa authorities" ) which are approved to issue port visas by the State Council.

Travel agencies that organize inbound tourism in accordance with relevant State regulations may apply for group tourist visas from port visa authorities.

Foreigners who apply to port visa authorities for visas shall submit their passports or other international travel documents, as well as relevant information of specific application matters. They shall go through relevant formalities in accordance with the requirements of the port visa authorities, and enter China at the ports where they apply for visas.

Visas issued by port visa authorities shall be single entry and the duration of stay shall not exceed 30 days.

Article 21 Under any of the following circumstances, visas shall not be issued to foreigners:

(1) Was deported, or was repatriated upon decision, and the No-Entry-into-China period has not expired;

(2) Is suffering from serious mental disorders, infectious tuberculosis or other infectious diseases that may severely jeopardize the public health;

(3) May endanger China's national security or interests, or disrupt social and public order, or engage in other illegal or criminal activities;

(4) Resort to fraudulent acts in visa application or cannot guarantee expected expenditures during their stay in China;

(5) Fail to submit relevant information required by the visa-issuing authorities; or

(6) Other circumstances in which visa authorities consider a visa should not be issued.

The visa-issuing authorities are not required to give reasons for refusing the issuance of a visa.

Article 22 Under any of the following circumstances, foreigners may be exempt from applying for visas:

- (1) So exempted based on the visa exemption agreements signed by the Chinese government with the governments of other countries;
- (2) Hold valid foreigners' residence permits;
- (3) Hold connected passenger tickets and are in transit to a third country or region by an international aircraft, ship or train via China, will stay for not more than 24 hours in China without leaving the port of entry, or will stay in the specific zones approved by the State Council within the prescribed time limit; or
- (4) Other circumstances stipulated by the State Council in which visas may be exempted.

Article 23 Where foreigners under any of the following circumstances need to enter China temporarily, they shall apply to exit/entry border inspection agencies for going through the formalities for temporary entry:

- (1) Foreign seamen and their accompanying family members disembark at cities where the ports are located;
- (2) Persons specified in Subparagraph (3) of Article 22 of this Law need to leave ports; or
- (3) Foreigners need to enter China temporarily due to force majeure or for any other urgent reason.

The duration of stay for temporary entry shall not exceed 15 days.

For foreigners who apply for going through the formalities for temporary entry, exit/entry border inspection authorities may require such foreigners, the persons in charge of the transport vehicles used for such foreigners' entry or the agencies handling the exit/entry business for transport vehicles to provide necessary guaranty measures.

## **Section 2**

### **Entry and Exit**

Article 24 Foreigners who enter China shall submit their passports, other international travel documents, visas or other entry permits to the exit/entry border inspection authorities for examination, go through the prescribed formalities, and may enter upon examination and approval.

Article 25 Under any of the following circumstances, foreigners shall not be allowed to enter China:

- (1) Hold no valid exit/entry documents, or refuse or evade border inspection;
- (2) Are involved in any of the circumstances specified in Subparagraph (1) through (4) of the first paragraph of Article 21 of this Law;
- (3) May engage in activities not conform to the types of visa after entering China; or

(4) Other circumstances in which entry is not allowed in accordance with laws or administrative regulations.

Exit/entry border inspection authorities are not required to give reasons for denying an entry.

Article 26 Exit/entry border inspection authorities shall order foreigners who are denied entry in China to return, and shall force the return of those who refuse to do so. While waiting for return, those foreigners shall not leave the restricted zones.

Article 27 Foreigners who exit China shall submit their exit/entry documents including passports or other international travel documents to the exit/entry border inspection authorities for examination, go through prescribed formalities, and may exit upon examination and approval.

Article 28 Under any of the following circumstances, foreigners shall not be allowed to exit China:

(1) Are sentenced to criminal punishments, the execution of which are not completed, or suspects or defendants in criminal cases, except those who are sentenced and transferred under relevant agreements between China and foreign countries;

(2) Are involved in unsettled civil cases and are not allowed to exit China upon decision of the people's courts;

(3) Are in arrears of paying off labor remuneration and therefore are not allowed to exit by decision of the relevant departments under the State Council or of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government; or

(4) Other circumstances in which exit shall not be allowed in accordance with laws or administrative regulations.

## **Chapter IV**

### **Stay and Residence of Foreigners**

#### **Section 1**

##### **Stay and Residence**

Article 29 Where the duration of stay specified in a visa held by a foreigner does not exceed 180 days, the holder may stay in China within the duration specified therein.

Where the duration of stay needs to be extended, the visa holder shall file an application with the exit/entry administration of public security organ under the local people's government at or above the county level in the place of his stay seven days prior to the expiry of the duration specified in the visa, and shall submit information of specific application matters in accordance with relevant requirements. If upon examination, the reasons for extension are appropriate and sufficient, such extension shall be granted; if an extension is denied, the foreigner shall leave China on the expiry of the duration.

The accumulated length of extension shall not exceed the original duration of stay specified in the visa.

Article 30 Where visas held by foreigners specify that foreigners need to apply for residence permits after entry, such foreigners shall, within 30 days from the date of their entry, apply to the exit/entry administrations of public security organs under local people's governments at or above the county level in the proposed places of residence for foreigners' residence permits.

Applicants for foreigners' residence permits shall submit their passports or other international travel documents, as well as relevant information of specific application matters, and provide biometric identification information such as fingerprints. The exit/entry administrations of public security organs shall, within 15 days upon the date of receipt, conduct examination and make a decision thereupon. Based on the purpose of residence, those administrations shall issue the appropriate types of foreigners' residence permits with the duration.

The validity period of a foreigner's work-type residence permit shall be 90 days at the minimum and five years at the maximum; and the validity period of a non-work-type foreigner's residence permit shall be 180 days at the minimum and five years at the maximum.

Article 31 Under any of the following circumstances, a foreigner's residence permit shall not be issued:

- (1) The visa held does not belong to the type for which a foreigner's residence permit should be issued;
- (2) Resorts to fraudulent acts in application;
- (3) Fails to provide relevant supporting materials in accordance with relevant regulations;
- (4) Is not eligible to reside in China because of violation of relevant Chinese laws or administrative regulations; or
- (5) Other circumstances in which the issuing authority considers a foreigner's residence permit should not be issued.

Foreigners with expertise and foreign investors who conform to relevant State regulations or foreigners who need to change their status from stay to residence for humanitarian or other reasons, may undergo the formalities for obtaining foreigner's residence permits upon approval by the exit/entry administrations of public security organs under local people's governments at or above the city with districts.

Article 32 Foreigners residing in China who apply for the extension of the duration of residence shall, within 30 days prior to the expiry of the validity period on their residence permits, file applications with the exit/entry administrations of public security organs under local people's governments at or above the county level, and submit relevant information of specific application matters in accordance with relevant requirements. If upon examination, the reasons for extension are appropriate and sufficient, an extension shall be granted; if an extension is denied, the foreigner concerned shall leave China on the expiry of the validity period specified in their residence permits.

Article 33 The registered items of a foreign residence permit shall include name, sex, date of birth, reason for residence and duration of residence of the holder, date and place of issuance, passport number or other international travel documents number.

Where the registered item in a foreigner's residence permit has changed, the holder shall, within 10 days from the date of change, apply to the exit/entry administration of public security organ under the local



people's government at or above the county level in the place of residence for going through the formalities for alteration.

Article 34 Where visa-exempt foreigners need to stay in China longer than the visa-free period, or foreign seamen and their accompanying family members need to leave the cities where the ports are located, or under other circumstances in which foreigners' stay permits should be applied for, they shall apply for such permits in accordance with relevant regulations.

The maximum validity period of a foreigner's stay permit shall be 180 days.

Article 35 Where ordinary visas, stay or residence permits held by foreigners need to be reissued due to damage, loss, theft, robbery or other reasons in compliance with relevant State regulations after foreigners enter China, those foreigners shall apply for a reissue with the exit/entry administrations of public security organs under local people's governments at or above the county level in the places of stay or residence in accordance with relevant regulations.

Article 36 Decisions made by the exit/entry administration of public security organ on rejecting applications for visa extension or reissuance, or on not issuing foreigners' stay or residence permits or not extending the duration of residence shall be final.

Article 37 Foreigners who stay or reside in China shall not engage in activities not corresponding to the purpose of stay or residence, and shall leave China prior to the expiry of the prescribed duration of stay or residence.

Article 38 Foreigners having reached the age of 16 who stay or reside in China shall carry with them their passports or other international travel documents, or foreigners' stay or residence permits, and accept the inspection of public security organs.

Foreigners who reside in China shall, within the prescribed time limit, submit foreigners' residence permits to public security organs under local people's governments at or above the county level in the places of residence for examination.

Article 39 Where foreigners stay in hotels in China, the hotels shall register their accommodation in accordance with the regulations on the public security administration of the hotel industry, and submit foreigners' accommodation registration information to the public security organs in the places where the hotels are located.

For foreigners who reside or stay in domiciles other than hotels, they or the persons who accommodate them shall, within 24 hours after the foreigners' arrival, go through the registration formalities with the public security organs in the places of residence.

Article 40 For foreign infants born in China, their parents or agents shall, within 60 days after they are born, on the strength of the birth certificates, go through the formalities for stay or residence registration for them with the exit/entry administrations of public security organs under people's governments at or above the county level in the places of their parents' stay or residence.

For foreigners who decease in China, their relatives, guardians or agents shall, in accordance with relevant regulations, on the strength of the death certificates, report their death to the exit/entry administrations of the public security organs under local people's governments at or above the county level to cancel their stay or residence permits.

Article 41 Foreigners who work in China shall obtain work permits and work-type residence permits in accordance with relevant regulations. No entities or individuals shall employ foreigners who have no work permits or work-type residence permits.

The administrative measures for foreigners working in China shall be stipulated by the State Council.

Article 42 The competent department of human resources and social security and the competent department in charge of foreign experts' affairs under the State Council shall, in conjunction with relevant departments under the State Council, formulate and regularly adjust the guiding catalogue for foreigners working in China based on the needs for economic and social development as well as the supply and demand of human resources.

The competent department of education under the State Council shall, in conjunction with relevant departments under the State Council, establish an administrative system for foreign students working to support their study in China and set forth regulations on the scope of jobs and the limit of work time for such foreign students.

Article 43 Any of the following acts of foreigners shall be deemed unlawful employment:

(1) Work in China without obtaining work permits or work-type residence permits in accordance with relevant regulations;

(2) Work in China beyond the scope prescribed in the work permits; or

(3) Foreign students work in violation of the regulations on the administration of foreign students working to support their study in China and work beyond the prescribed scope of jobs or prescribed time limit.

Article 44 On the basis of the need for maintaining national security and public security, public security organs and national security organs may impose restrictions on foreigners and foreign institutions from establishing places of residence or work in certain areas; and may order that established places of residence or work be relocated within a prescribed time limit.

Without approval, foreigners shall not access foreigner-restricted areas.

Article 45 Entities that employ foreigners or enroll foreign students shall report relevant information to local public security organs in accordance with relevant regulations.

Citizens, legal persons or other organizations who find foreigners illegal enter, reside or work in China shall duly report such matter to the local public security organs.

Article 46 Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs.

## **Section 2**

### **Permanent Residence**

Article 47 Foreigners who have made remarkable contribution to China's economic and social development or meet other conditions for permanent residence in China may obtain permanent residence status upon application approved by the Ministry of Public Security.

The administrative measures for examination and approval of foreigners' permanent residence in China shall be stipulated by the Ministry of Public Security and the Ministry of Foreign Affairs in conjunction with relevant departments under the State Council.

Article 48 Foreigners who have obtained permanent residence status may reside or work in China on the strength of permanent residence permits, and exit or enter China on the strength of their passports and permanent residence permits.

Article 49 Where foreigners fall under any of the following circumstances, the Ministry of Public Security shall decide to cancel their permanent residence status in China:

- (1) Endanger China's national security or interests;
- (2) Are deported;
- (3) Obtain permanent residence status in China by fraudulent acts;
- (4) Fail to reside in China for the prescribed time limit; or
- (5) Other circumstances in which foreigners are not eligible to reside in China permanently.

## **Chapter V**

### **Border Inspection of Transport Vehicles Exiting/Entering China**

Article 50 Transport vehicles that exit or enter China shall be subject to border inspection when leaving or arriving at ports. Border inspection of entering transport vehicles shall be conducted at the first arriving port in China; border inspection of exiting transport vehicles shall be conducted at the last port when they leave China. Under special circumstances, border inspection may be conducted in places designated by competent authorities.

Without the permission of exit/entry border inspection authorities in accordance with prescribed procedures, transport vehicles that exit China shall not embark or disembark passengers, or load and unload goods or articles between exit inspection and exit, and nor shall transport vehicles that enter China do so between entry and entry inspection.

Article 51 Persons in charge of transport vehicles or agencies handling the exit/entry business for transport vehicles shall, in accordance with relevant regulations, report to the exit/entry border inspection authorities in advance on the entering or exiting transport vehicles' time of arrival at or departure from the port and the places of stay, and truthfully declare information including staff, passengers, goods and articles.

Article 52 Persons in charge of transport vehicles or agencies handling the exit/entry business for transport vehicles shall provide cooperation in exit/entry border inspection, and shall immediately report any violations of this Law found thereby and give assistance in the investigation and handling of such violations.

Where transport vehicles that enter China carry persons who are not allowed to enter China, the persons in charge of the transport vehicles shall be responsible for their leaving.

Article 53 Exit/entry border inspection authorities shall supervise transport vehicles that exit or enter China under any of the following circumstances:

- (1) Between exit border inspection and exit for transport vehicles that exit China, and between entry and entry border inspection for transport vehicles that enter China;
- (2) When foreign ships navigate in China's inland waters; or
- (3) Other circumstances in which supervision is necessary.

Article 54 Persons who need to embark on or disembark from foreign ships for reasons such as goods loading or unloading, maintenance operations or visit shall apply to exit/entry border inspection authorities for boarding pass.

Where a Chinese ship needs to berth alongside a foreign ship, or a foreign ship needs to berth alongside another foreign ship, the captain or the agency handling the exit/entry business for relevant transport vehicles shall apply to the exit/entry border inspection authority for going through formalities for berth.

Article 55 Foreign ships and aircrafts shall navigate according to prescribed routes.

Ships and aircrafts that exit or enter China shall not access areas outside the ports open to foreign countries. The aforesaid ships or aircrafts that access such areas due to unforeseeable emergencies or force majeure shall immediately report to the nearest exit/entry border inspection authority or local public security organ, and accept supervision and administration.

Article 56 Under any of the following circumstances, transport vehicles shall be not allowed to exit or enter China; those that have left ports may be ordered to return:

- (1) Exit or enter China without examination and approval when leaving or arriving at port;
- (2) Change the port of exit or entry without approval;
- (3) Are suspected of carrying persons who are not allowed to exit or enter China and therefore need to be inspected and verified;
- (4) Are suspected of carrying articles endangering national security or interests or disrupting social or public order and therefore need to be inspected and verified; or
- (5) Other circumstances in which transport vehicles refuse to subject themselves to exit/entry border inspection authorities' administration.

After the circumstances specified in the preceding paragraph disappear, exit/entry border inspection authorities shall immediately release relevant transport vehicles.

Article 57 Agencies handling the exit/entry business for transport vehicles shall file records with exit/entry border inspection authorities. For agents engaging in such a business, the entities they work for shall file relevant records for them with exit/entry border inspection authorities.

## Chapter VI

### Investigation and Repatriation

Article 58 Measures for on-the-spot interrogation, continued interrogation, detention for investigation, movement restriction and repatriation prescribed in this Chapter shall be enforced by public security organs under local people's governments at or above the county level or by exit/entry border inspection authorities.

Article 59 Persons suspected of violating the regulations on exit/entry administration may be interrogated on the spot; upon on-the-spot interrogation, the aforesaid persons may be interrogated in continuation in accordance with the law under any of the following circumstances:

- (1) Are suspected of illegally exiting or entering China;
- (2) Are suspected of assisting others in illegally exiting or entering China;
- (3) Are foreigners suspected of illegally residing or working in China; or
- (4) Are suspected of endangering national security or interests, disrupting social or public order, or engaging in other illegal or criminal activities.

On-the-spot interrogation and continued interrogation shall be conducted in accordance with the procedures prescribed in the People's Police Law of the People's Republic of China.

Where public security organs under local people's governments at or above the county level or exit/entry border inspection authorities need to summon the persons suspected of violating the regulations on exit/entry administration, they shall handle the matter in accordance with the relevant regulations of the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 60 Where foreigners involved in any of the circumstances specified in the first paragraph of Article 59 of this Law cannot be cleared of suspicion after on-the-spot interrogation or continued interrogation and therefore need to be further investigated, he may be detained for investigation.

When detaining a foreigner for investigation, the authority concerned shall present a written decision on detention for investigation and shall interrogate the detained foreigner within 24 hours. Where the aforesaid organ finds that a foreigner should not be detained for investigation, it shall immediately release him from detention for investigation.

The period of detention for investigation shall not exceed 30 days; for complicated cases, the period may be extended to 60 days upon approval by the public security organs under the local people's governments at the next higher level or by the exit/entry border inspection authorities at the next higher level. For foreigners whose nationalities and identities are unknown, the period of detention for investigation shall be calculated from the date when their nationalities and identities are found out.

Article 61 Under any of the following circumstances, detention for investigation is not applicable to foreigners, however, their movements may be restricted:

- (1) Suffer from serious diseases;
- (2) Are pregnant or breast-feeding their own infants under one year of age;
- (3) Are under 16 years of age or have reached the age of 70; or
- (4) Other circumstances in which detention for investigation should not be applied.

Foreigners whose movements are restricted shall subject themselves to investigation as required, and shall not leave the restricted zones without approval of public security organs. The period of movement restriction shall not exceed 60 days. For foreigners whose nationalities and identities are unknown, the period of movement restriction shall be calculated from the date when their nationalities and identities are found out.

Article 62 Under any of the following circumstances, foreigners may be repatriated:

- (1) Are ordered to exit China within a prescribed time limit but fail to do so;
- (2) Are involved in circumstances in which they are not allowed to enter China;
- (3) Illegally reside or work in China; or
- (4) Need to be repatriated for violation of this Law or other laws or administrative regulations.

Other overseas personnel who fall under any of the circumstances prescribed in the preceding paragraph may be repatriated in accordance with the law.

Repatriated persons shall not be allowed to enter China for one to five years, calculating from the date of repatriation.

Article 63 Persons who are detained for investigation or who are to be repatriated upon decision but cannot be repatriated promptly shall be held in custody in detention houses or places of repatriation.

Article 64 Foreigners dissatisfied with the measure imposed on them in accordance with this Law, such as continued interrogation, detention for investigation, movement restriction or repatriation, may apply for administrative reconsideration in accordance with the law, and the administrative reconsideration decision shall be final.

Where other overseas personnel dissatisfied with the decision of repatriation imposed on them in accordance with this Law apply for administrative reconsideration, the provisions in the preceding paragraph are applicable.

Article 65 Where persons are not allowed to exit or enter China upon decisions made in accordance with the law, the decision-making authorities shall duly inform the exit/entry border inspection authorities of such decisions in accordance with relevant regulations; where the circumstances in which the persons are not allowed to exit or enter China disappear, the decision-making authorities shall duly cancel the aforesaid decisions and inform exit/entry border inspection authorities of the cancellation.

Article 66 On the basis of the need for safeguarding national security and maintaining the order of exit/entry administration, exit/entry border inspection authorities may, when necessary, search the persons entering and exiting the country. Personal Search shall be conducted by two border inspectors who are the same sex as the persons subject to the search.

Article 67 In such cases that the exit/entry documents such as visas or foreigners' stay or residence permits are damaged, lost or stolen, or that after the issuance of such documents, the holders are found not eligible for being issued such documents, the issuing authorities shall declare the aforesaid documents void.

Exit/entry documents which are forged, altered, obtained by fraudulent means or are declared void by issuing authorities shall be invalid.

Public security organs may cancel or confiscate the exit/entry documents prescribed in the preceding paragraph or used fraudulently by persons other than the specified holders.

Article 68 Public security organs may seize the transport vehicles used to organize, transport or assist others in illegally exiting or entering China as well as the articles needed as evidence in handling the cases.

Public security organs shall seize banned articles, documents and data involving state secrets, as well as tools used in activities violating the regulations on exit/entry administration, and handle them in accordance with relevant laws or administrative regulations.

Article 69 The authenticity of exit/entry documents shall be determined by the issuing authorities, the exit/entry border inspection authorities or the exit/entry administrations of public security organs.

## **Chapter VII**

### **Legal Liabilities**

Article 70 Unless otherwise provided for in this Chapter, the administrative penalties prescribed in this Chapter shall be decided by the public security organs under local people's governments at or above the county level or the exit/entry border inspection authorities. Penalties involving the imposition of warnings or fines of not more than RMB 5,000 yuan may be decided by the exit/entry administrations of public security organs under local people's governments at or above the county level.

Article 71 Persons who commit any of the following acts shall be fined not less than RMB 1,000 yuan but not more than RMB 5,000 yuan; where circumstances are serious, such persons shall be detained for not less than five days but not more ten days and may also be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan.

- (1) Exit or enter China with forged, altered or fraudulently obtained exit/entry documents;
- (2) Exit or enter China using others' exit/entry documents;
- (3) Evade exit/entry border inspection; or
- (4) Illegally exit or enter China in any other way.

Article 72 Persons who assist others in illegally exiting or entering China shall be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan; where circumstances are serious, they shall be

detained for not less than 10 days but not more than 15 days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan, and the illegal gains, if any, shall be confiscated.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, with the illegal gains confiscated if there are any; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 73 Persons who obtain exit/entry documents such as visas or stay or residence permits by resorting to fraudulent acts shall be fined not less than RMB 2,000 yuan but not more than RMB 5,000 yuan; where circumstances are serious, they shall be detained for not less than 10 days but not more than 15 days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 74 Persons who issue written invitations or other application materials to foreigners in violation of this Law shall be fined not less than RMB 5,000 yuan but not more than RMB 10,000 yuan, with the illegal gains confiscated if there are any, and shall also be ordered to bear exit expenses of the invited foreigners.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, with the illegal gains confiscated if there are any, and shall also be ordered to bear exit expenses of the invited foreigners; the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 75 Where Chinese citizens are repatriated due to illegally going to other countries or regions after exiting China, exit/entry border inspection authorities shall confiscate their exit/entry documents. Exit/entry document issuing authorities shall refuse to issue new exit/entry documents to such citizens for a period ranging from six months to three years calculating from the date of their repatriation.

Article 76 Under any of the following circumstances, a warning shall be given, and a fine of not more than RMB 2,000 yuan may also be imposed:

- (1) Foreigners refuse to accept examination of their exit/entry documents by public security organs;
- (2) Foreigners refuse to submit their residence permits for examination;
- (3) Persons concerned fail to go through the formalities for foreigners' birth registration or death declaration in accordance with relevant regulations;
- (4) Foreigners fail to go through the formalities for altering registration in accordance with the relevant regulations when there is any change in the registered items in their residence permits;
- (5) Foreigners in China use others' exit/entry documents; or



(6) Persons concerned fail to go through registration formalities in accordance with the provisions in the second paragraph of Article 39 of this Law.

Hotels that fail to process accommodation registration for foreigners shall be punished in accordance with the relevant provisions of the Law of the People's Republic of China on Penalties for Administration of Public Security; hotels that fail to submit foreigners' accommodation registration information to public security organs shall be given a warning; where circumstances are serious, such hotels shall be fined not less than RMB 1,000 yuan but not more than RMB 5,000 yuan.

Article 77 Foreigners accessing foreigner-restricted areas without approval shall be ordered to leave promptly; where circumstances are serious, such foreigners shall be detained for not less than five days but not more than ten days. The text records, audio-visual data, electronic data and other articles illegally obtained thereof by the foreigners shall be confiscated or destroyed, and the tools used for the aforementioned purposes shall be confiscated.

Foreigners or foreign institutions refusing to execute decisions made by public security organs or national security organs ordering them to relocate within a prescribed time limit shall be given a warning and be relocated mandatorily; where circumstances are serious, relevant responsible persons shall be detained for not less than five days but not more than fifteen days.

Article 78 Foreigners who reside in China illegally shall be given a warning; where circumstances are serious, they shall be imposed with a fine of RMB 500 yuan per day, with a cap of RMB 10,000 yuan in total, or be detained for not less than five days but not more than 15 days.

Where guardians or other persons responsible for guardianship fail to perform the guardian obligation and result in foreigners below 16 years of age residing in China illegally, the said guardians or other obligated persons shall be given a warning and may also be fined not more than RMB 1,000 yuan.

Article 79 Persons harboring or hiding foreigners who illegally enter or reside in China, or assisting such foreigners in evading inspection, or providing, in violation of the law, exit/entry documents for foreigners who illegally reside in China shall be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan; where circumstances are serious, such persons shall be detained for not less than five days but not more than fifteen days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan, with the illegal gains confiscated if there are any.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, with the illegal gains confiscated if there are any; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 80 Foreigners who work in China illegally shall be fined not less than RMB 5,000 but not more than RMB 20,000 yuan; where circumstances are serious, they shall be detained for not less than five days but not more than fifteen days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

Persons who introduce jobs to ineligible foreigners shall be fined RMB 5,000 yuan for each job illegally introduced to one foreigner, with a cap of not more than RMB 50,000 yuan in total; and entities that introduce jobs to ineligible foreigners shall be fined RMB 5,000 yuan for each job illegally introduced to one foreigner, with a cap of RMB 100,000 yuan in total; and the illegal gains, if any, shall be confiscated.

Individuals or entities that illegally employ foreigners shall be fined RMB 10,000 yuan for each illegally employed foreigner, with a cap of RMB 100,000 yuan in total; and the illegal gains, if any, shall be confiscated.

Article 81 Where foreigners engage in activities not corresponding to the purposes of stay or residence, or otherwise violate the laws or regulations of China, which makes them no longer eligible to stay or reside in China, they may be ordered to exit China within a time limit.

Where a foreigner's violation of this Law is serious but does not constitute a crime, the Ministry of Public Security may deport them. The penalty decision made by the Ministry of Public Security shall be final.

Deported foreigners shall not be allowed to enter China within 10 years calculating from the date of deportation.

Article 82 Under any of the following circumstances, relevant persons shall be given a warning and may also be fined not more than RMB 2,000 yuan:

(1) Disrupt the administrative order of the restricted zones of ports;

(2) Foreign seamen or their accompanying family members disembark without going through the formalities for temporary entry; or

(3) Embark on or disembark from foreign ships without obtaining boarding passes.

Persons who violate Subparagraph (1) of the preceding paragraph may be detained for not less than five days but not more than ten days if the circumstances are serious.

Article 83 Where transport vehicles fall under any of the following circumstances, the persons in charge of the transport vehicles shall be fined not less than RMB 5,000 yuan but not more than RMB 50,000 yuan:

(1) Exit or enter China without examination and approval, or change the ports of exit or entry without approval;

(2) Fail to truthfully declare information of staff, passengers, goods or articles, or refuse to assist in exit/entry border inspection; or

(3) Embark or disembark passengers, or load or unload goods or articles in violation of the regulations on exit/entry border inspection.

Transport vehicles that exit or enter China carrying persons who are not allowed to exit or enter China shall be fined not less than RMB 5,000 yuan but not more than RMB 10,000 yuan for each aforesaid person carried. Where the persons in charge of the transport vehicles prove that they have taken reasonable preventative measures, they may be given mitigated penalties or be exempt from penalties.

Article 84 Where transport vehicles fall under any of the following circumstances, the persons in charge of the transport vehicles shall be fined not less than RMB 2,000 yuan but not more than RMB 20,000 yuan:

- (1) Chinese or foreign ships berth alongside foreign ships without approval;
- (2) Foreign ships or aircrafts fail to navigate according to the prescribed routes in China; or
- (3) Ships and aircrafts that exit or enter China access areas outside the ports open to foreign countries.

Article 85 Where staff members performing the duty of exit/entry administration commit any of the following acts, they shall be given disciplinary sanctions in accordance with the law:

- (1) In violation of laws or administrative regulations, issue exit/entry documents such as visas or stay or residence permits to foreigners who do not meet the prescribed conditions;
- (2) In violation of laws or administrative regulations, examine and allow the exit or entry of persons or transport vehicles that do not meet the prescribed conditions;
- (3) Divulge personal information gained in exit/entry administration work and infringing the legitimate rights and interests of relevant parties;
- (4) Fail to turn over in accordance with relevant regulations to the State Treasury the fees, fines or illegal gains or property that are collected or confiscated in accordance with the law;
- (5) Privately share, encroach on or misappropriate the funds or articles confiscated or seized or the fees collected; or
- (6) Other failures in performing statutory duties in accordance with the law, such as abuse of power, dereliction of duty, or resorting to malpractice for personal gain.

Article 86 In the case of violation of regulations on exit/entry administration and that a fine of not more than RMB 500 yuan should be imposed, the exit/entry border inspection authorities may make a penalty decision on the spot.

Article 87 Persons or entities that are fined for violation of regulations on exit/entry administration shall pay their fines in the designated banks within 15 days from the date of receiving the written decision on penalty. Where it is difficult to collect fines after a fine is imposed because the person or entity subject to penalty has no fixed domicile in the place where the fine is imposed or it is difficult to pay fine to the designated bank at the port, the fine may be collected on the spot.

Article 88 Where a violation of this Law constitutes a crime, criminal liabilities shall be investigated in accordance with the law.

## **Chapter VIII**

### **Supplementary Provisions**

Article 89 Definitions of the following terms mentioned in this Law:

Exit refers to leaving the Chinese mainland for other countries or regions, for the Hong Kong Special Administrative Region or the Macao

Special Administrative Region, or for Taiwan Region.

Entry refers to entering the Chinese mainland from other countries or regions, from the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or from Taiwan Region.

Foreigners refer to persons without Chinese nationality.

Article 90 Upon approval by the State Council, provinces and autonomous regions bordering on neighboring countries may, in accordance with the boundary administration agreements signed by China with relevant countries, formulate local regulations or local government rules to regulate the association of residents in border areas of the two countries.

Article 91 Where there are other regulations on the administration of the entry/exit, stay or residence of the members of foreign diplomatic and consular missions in China, or the entry/exit, stay or residence of other foreigners who enjoy diplomatic privileges and immunities, these regulations shall prevail.

Article 92 Foreigners who apply for exit/entry documents such as visas or foreigner stay or residence permits or apply for document extension or alteration shall pay visa fees or document fees in accordance with relevant regulations.

Article 93 This Law shall come into force as of July 1, 2013. The Law of the People's Republic of China on the Entry and Exit Administration of Foreigners and the Law of the People's Republic of China on the Entry and Exit Administration of Chinese Citizens shall be annulled simultaneously.

## 《中华人民共和国出境入境管理法》（中英文）

中华人民共和国主席令

第五十七号

《中华人民共和国出境入境管理法》已由中华人民共和国第十一届全国人民代表大会常务委员会第二十七次会议于2012年6月30日通过，现予公布，自2013年7月1日起施行。

中华人民共和国主席 胡锦涛

2012年6月30日

### 中华人民共和国出境入境管理法

#### 目录

#### 第一章 总则



BUSINESS CHINA

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## 第二章 中国公民出境入境

### 第三章 外国人入境出境

#### 第一节 签证

#### 第二节 入境出境

### 第四章 外国人停留居留

#### 第一节 停留居留

#### 第二节 永久居留

## 第五章 交通运输工具出境入境边防检查

### 第六章 调查和遣返

### 第七章 法律责任

### 第八章 附则

## 第一章 总则

第一条 为了规范出境入境管理，维护中华人民共和国的主权、安全和社会秩序，促进对外交往和对外开放，制定本法。

第二条 中国公民出境入境、外国人入境出境、外国人在中国境内停留居留的管理，以及交通运输工具出境入境的边防检查，适用本法。

第三条 国家保护中国公民出境入境合法权益。

在中国境内的外国人的合法权益受法律保护。在中国境内的外国人应当遵守中国法律，不得危害中国国家安全、损害社会公共利益、破坏社会公共秩序。

第四条 公安部、外交部按照各自职责负责有关出境入境事务的管理。

中华人民共和国驻外使馆、领馆或者外交部委托的其他驻外机构（以下称驻外签证机关）负责在境外签发外国人入境签证。出入境边防检查机关负责实施出境入境边防检查。县级以上地方人民政府公安机关及其出入境管理机构负责外国人停留居留管理。

公安部、外交部可以在各自职责范围内委托县级以上地方人民政府公安机关出入境管理机构、县级以上地方人民政府外事部门受理外国人入境、停留居留申请。

公安部、外交部在出境入境事务管理中，应当加强沟通配合，并与国务院有关部门密切合作，按照各自职责分工，依法行使职权，承担责任。

第五条 国家建立统一的出境入境管理信息平台，实现有关管理部门信息共享。

第六条 国家在对外开放的口岸设立出入境边防检查机关。

中国公民、外国人以及交通运输工具应当从对外开放的口岸出境入境，特殊情况下，可以从国务院或者国务院授权的部门批准的地点出境入境。出境入境人员和交通运输工具应当接受出境入境边防检查。

出入境边防检查机关负责对口岸限定区域实施管理。根据维护国家安全和出境入境管理秩序的需要，出入境边防检查机关可以对出境入境人员携带的物品实施边防检查。必要时，出入境边防检查机关可以对出境入境交通运输工具载运的货物实施边防检查，但是应当通知海关。

第七条 经国务院批准，公安部、外交部根据出境入境管理的需要，可以对留存出境入境人员的指纹等人体生物识别信息作出规定。

外国政府对中国公民签发签证、出境入境管理有特别规定的，中国政府可以根据情况采取相应的对等措施。

第八条 履行出境入境管理职责的部门和机构应当切实采取措施，不断提升服务和管理水平，公正执法，便民高效，维护安全、便捷的出境入境秩序。

## 第二章 中国公民出境入境

第九条 中国公民出境入境，应当依法申请办理护照或者其他旅行证件。

中国公民前往其他国家或者地区，还需要取得前往国签证或者其他入境许可证明。但是，中国政府与其他国家政府签订互免签证协议或者公安部、外交部另有规定的除外。

中国公民以海员身份出境入境和在国外船舶上从事工作的，应当依法申请办理海员证。

第十条 中国公民往来内地与香港特别行政区、澳门特别行政区，中国公民往来大陆与台湾地区，应当依法申请办理通行证件，并遵守本法有关规定。具体管理办法由国务院规定。

第十一条 中国公民出境入境，应当向出入境边防检查机关交验本人的护照或者其他旅行证件等出境入境证件，履行规定的手续，经查验准许，方可出境入境。

具备条件的口岸，出入境边防检查机关应当为中国公民出境入境提供专用通道等便利措施。

第十二条 中国公民有下列情形之一的，不准出境：

- (一) 未持有效出境入境证件或者拒绝、逃避接受边防检查的；
- (二) 被判处刑罚尚未执行完毕或者属于刑事案件被告人、犯罪嫌疑人的；
- (三) 有未了结的民事案件，人民法院决定不准出境的；
- (四) 因妨害国(边)境管理受到刑事处罚或者因非法出境、非法居留、非法就业被其他国家或者地区遣返，未满不准出境规定年限的；
- (五) 可能危害国家安全和利益，国务院有关主管部门决定不准出境的；
- (六) 法律、行政法规规定不准出境的其他情形。

第十三条 定居国外的中国公民要求回国定居的，应当在入境前向中华人民共和国驻外使馆、领馆或者外交部委托的其他驻外机构提出申请，也可以由本人或者经由国内亲属向拟定居地的县级以上地方人民政府侨务部门提出申请。

第十四条 定居国外的中国公民在中国境内办理金融、教育、医疗、交通、电信、社会保险、财产登记等事务需要提供身份证明的，可以凭本人的护照证明其身份。

## 第三章 外国人入境出境

### 第一节 签证

第十五条 外国人入境，应当向驻外签证机关申请办理签证，但是本法另有规定的除外。

第十六条 签证分为外交签证、礼遇签证、公务签证、普通签证。

对因外交、公务事由入境的外国人，签发外交、公务签证；对因身份特殊需要给予礼遇的外国人，签发礼遇签证。外交签证、礼遇签证、公务签证的签发范围和签发办法由外交部规定。

对因工作、学习、探亲、旅游、商务活动、人才引进等非外交、公务事由入境的外国人，签发相应类别的普通签证。普通签证的类别和签发办法由国务院规定。

第十七条 签证的登记项目包括：签证种类，持有人姓名、性别、出生日期、入境次数、入境有效期、停留期限，签发日期、地点，护照或者其他国际旅行证件号码等。

第十八条 外国人申请办理签证，应当向驻外签证机关提交本人的护照或者其他国际旅行证件，以及申请事由的相关材料，按照驻外签证机关的要求办理相关手续、接受面谈。

第十九条 外国人申请办理签证需要提供中国境内的单位或者个人出具的邀请函件的，申请人应当按照驻外签证机关的要求提供。出具邀请函件的单位或者个人应当对邀请内容的真实性负责。

第二十条 出于人道原因需要紧急入境，应邀入境从事紧急商务、工程抢修或者具有其他紧急入境需要并持有有关主管部门同意在口岸申办签证的证明材料的外国人，可以在国务院批准办理口岸签证业务的口岸，向公安部委托的口岸签证机关（以下简称口岸签证机关）申请办理口岸签证。

旅行社按照国家有关规定组织入境旅游的，可以向口岸签证机关申请办理团体旅游签证。

外国人向口岸签证机关申请办理签证，应当提交本人的护照或者其他国际旅行证件，以及申请事由的相关材料，按照口岸签证机关的要求办理相关手续，并从申请签证的口岸入境。

口岸签证机关签发的签证一次入境有效，签证注明的停留期限不得超过三十日。

第二十一条 外国人有下列情形之一的，不予签发签证：

- （一）被处驱逐出境或者被决定遣送出境，未满不准入境规定年限的；
- （二）患有严重精神障碍、传染性肺结核病或者有可能对公共卫生造成重大危害的其他传染病的；
- （三）可能危害中国国家安全和利益、破坏社会公共秩序或者从事其他违法犯罪活动的；



BUSINESS CHINA

(四) 在申请签证过程中弄虚作假或者不能保障在中国境内期间所需费用的;

(五) 不能提交签证机关要求提交的相关材料的;

(六) 签证机关认为不宜签发签证的其他情形。

对不予签发签证的, 签证机关可以不说明理由。

第二十二条 外国人有下列情形之一的, 可以免办签证:

(一) 根据中国政府与其他国家政府签订的互免签证协议, 属于免办签证人员的;

(二) 持有效的外国人居留证件的;

(三) 持联程客票搭乘国际航行的航空器、船舶、列车从中国过境前往第三国或者地区, 在中国境内停留不超过二十四小时且不离开口岸, 或者在国务院批准的特定区域内停留不超过规定时限的;

(四) 国务院规定的可以免办签证的其他情形。

第二十三条 有下列情形之一的外国人需要临时入境的, 应当向出入境边防检查机关申请办理临时入境手续:

(一) 外国船员及其随行家属登陆港口所在城市的;

(二) 本法第二十二条第三项规定的人员需要离开口岸的;

(三) 因不可抗力或者其他紧急原因需要临时入境的。

临时入境的期限不得超过十五日。

对申请办理临时入境手续的外国人, 出入境边防检查机关可以要求外国人本人、载运其入境的交通运输工具的负责人或者交通运输工具出境入境业务代理单位提供必要的保证措施。

## 第二节 入境出境

第二十四条 外国人入境, 应当向出入境边防检查机关交验本人的护照或者其他国际旅行证件、签证或者其他入境许可证明, 履行规定的手续, 经查验准许, 方可入境。

第二十五条 外国人有下列情形之一的, 不准入境:

(一) 未持有效出境入境证件或者拒绝、逃避接受边防检查的;

(二) 具有本法第二十一条第一款第一项至第四项规定情形的;

(三) 入境后可能从事与签证种类不符的活动的;

(四) 法律、行政法规规定不准入境的其他情形。

对不准入境的, 出入境边防检查机关可以不说明理由。



第二十六条 对未被准许入境的外国人，出入境边防检查机关应当责令其返回；对拒不返回的，强制其返回。外国人等待返回期间，不得离开限定的区域。

第二十七条 外国人出境，应当向出入境边防检查机关交验本人的护照或者其他国际旅行证件等出境入境证件，履行规定的手续，经查验准许，方可出境。

第二十八条 外国人有下列情形之一的，不准出境：

（一）被判处刑罚尚未执行完毕或者属于刑事案件被告人、犯罪嫌疑人的，但是按照中国与外国签订的有关协议，移管被判刑人的除外；

（二）有未了结的民事案件，人民法院决定不准出境的；

（三）拖欠劳动者的劳动报酬，经国务院有关部门或者省、自治区、直辖市人民政府决定不准出境的；

（四）法律、行政法规规定不准出境的其他情形。

## 第四章 外国人停留居留

### 第一节 停留居留

第二十九条 外国人所持签证注明的停留期限不超过一百八十日的，持证人凭签证并按照签证注明的停留期限在中国境内停留。

需要延长签证停留期限的，应当在签证注明的停留期限届满七日前向停留地县级以上地方人民政府公安机关出入境管理机构申请，按照要求提交申请事由的相关材料。经审查，延期理由合理、充分的，准予延长停留期限；不予延长停留期限的，应当按期离境。

延长签证停留期限，累计不得超过签证原注明的停留期限。

第三十条 外国人所持签证注明入境后需要办理居留证件的，应当自入境之日起三十日内，向拟居留地县级以上地方人民政府公安机关出入境管理机构申请办理外国人居留证件。

申请办理外国人居留证件，应当提交本人的护照或者其他国际旅行证件，以及申请事由的相关材料，并留存指纹等人体生物识别信息。公安机关出入境管理机构应当自收到申请材料之日起十五日内进行审查并作出审查决定，根据居留事由签发相应类别和期限的外国人居留证件。

外国人工作类居留证件的有效期最短为九十日，最长为五年；非工作类居留证件的有效期最短为一百八十日，最长为五年。

第三十一条 外国人有下列情形之一的，不予签发外国人居留证件：

（一）所持签证类别属于不应办理外国人居留证件的；

（二）在申请过程中弄虚作假的；

（三）不能按照规定提供相关证明材料的；

（四）违反中国有关法律、行政法规，不适合在中国境内居留的；

(五) 签发机关认为不宜签发外国人居留证件的其他情形。

符合国家规定的专门人才、投资者或者出于人道等原因确需由停留变更为居留的外国人，经设区的市级以上地方人民政府公安机关出入境管理机构批准可以办理外国人居留证件。

第三十二条 在中国境内居留的外国人申请延长居留期限的，应当在居留证件有效期限届满三十日前向居留地县级以上地方人民政府公安机关出入境管理机构提出申请，按照要求提交申请事由的相关材料。经审查，延期理由合理、充分的，准予延长居留期限；不予延长居留期限的，应当按期离境。

第三十三条 外国人居留证件的登记项目包括：持有人姓名、性别、出生日期、居留事由、居留期限，签发日期、地点，护照或者其他国际旅行证件号码等。

外国人居留证件登记事项发生变更的，持证件人应当自登记事项发生变更之日起十日内向居留地县级以上地方人民政府公安机关出入境管理机构申请办理变更。

第三十四条 免办签证入境的外国人需要超过免签期限在中国境内停留的，外国船员及其随行家属在中国境内停留需要离开港口所在城市，或者具有需要办理外国人停留证件其他情形的，应当按照规定办理外国人停留证件。

外国人停留证件的有效期最长为一百八十日。

第三十五条 外国人入境后，所持的普通签证、停留居留证件损毁、遗失、被盗抢或者有符合国家规定的事由需要换发、补发的，应当按照规定向停留居留地县级以上地方人民政府公安机关出入境管理机构提出申请。

第三十六条 公安机关出入境管理机构作出的不予办理普通签证延期、换发、补发，不予办理外国人停留居留证件、不予延长居留期限的决定为最终决定。

第三十七条 外国人在中国境内停留居留，不得从事与停留居留事由不相符的活动，并应当在规定的停留居留期限届满前离境。

第三十八条 年满十六周岁的外国人在中国境内停留居留，应当随身携带本人的护照或者其他国际旅行证件，或者外国人停留居留证件，接受公安机关的查验。

在中国境内居留的外国人，应当在规定的时间内到居留地县级以上地方人民政府公安机关交验外国人居留证件。

第三十九条 外国人在中国境内旅馆住宿的，旅馆应当按照旅馆业治安管理的有关规定为其办理住宿登记，并向所在地公安机关报送外国人住宿登记信息。

外国人在旅馆以外的其他住所居住或者住宿的，应当在入住后二十四小时内由本人或者留宿人，向居住地的公安机关办理登记。

第四十条 在中国境内出生的外国婴儿，其父母或者代理人应当在婴儿出生六十日内，持该婴儿的出生证明到父母停留居留地县级以上地方人民政府公安机关出入境管理机构为其办理停留或者居留登记。

外国人在中国境内死亡的，其家属、监护人或者代理人，应当按照规定，持该外国人的死亡证明向县级以上地方人民政府公安机关出入境管理机构申报，注销外国人停留居留证件。

第四十一条 外国人在中国境内工作，应当按照规定取得工作许可和工作类居留证件。任何单位和个人不得聘用未取得工作许可和工作类居留证件的外国人。

外国人在中国境内工作管理办法由国务院规定。

第四十二条 国务院人力资源社会保障主管部门、外国专家主管部门会同国务院有关部门根据经济社会发展需要和人力资源供求状况制定并定期调整外国人在中国境内工作指导目录。

国务院教育主管部门会同国务院有关部门建立外国留学生勤工助学管理制度，对外国留学生勤工助学的岗位范围和时限作出规定。

第四十三条 外国人有下列行为之一的，属于非法就业：

- （一）未按照规定取得工作许可和工作类居留证件在中国境内工作的；
- （二）超出工作许可限定范围在中国境内工作的；
- （三）外国留学生违反勤工助学管理规定，超出规定的岗位范围或者时限在中国境内工作的。

第四十四条 根据维护国家安全、公共安全的需要，公安机关、国家安全机关可以限制外国人、外国机构在某些地区设立居住或者办公场所；对已经设立的，可以限期迁离。

未经批准，外国人不得进入限制外国人进入的区域。

第四十五条 聘用外国人工作或者招收外国留学生的单位，应当按照规定向所在地公安机关报告有关信息。

公民、法人或者其他组织发现外国人有非法入境、非法居留、非法就业情形的，应当及时向所在地公安机关报告。

第四十六条 申请难民地位的外国人，在难民地位甄别期间，可以凭公安机关签发的临时身份证明在中国境内停留；被认定为难民的外国人，可以凭公安机关签发的难民身份证件在中国境内停留居留。

## 第二节 永久居留

第四十七条 对中国经济社会发展作出突出贡献或者符合其他在中国境内永久居留条件的外国人，经本人申请和公安部批准，取得永久居留资格。

外国人在中国境内永久居留的审批管理办法由公安部、外交部会同国务院有关部门规定。

第四十八条 取得永久居留资格的外国人，凭永久居留证件在中国境内居留和工作，凭本人的护照和永久居留证件出境入境。

第四十九条 外国人有下列情形之一的，由公安部决定取消其在中国境内永久居留资格：

- （一）对中国国家安全和利益造成危害的；
- （二）被处驱逐出境的；
- （三）弄虚作假骗取在中国境内永久居留资格的；

(四) 在中国境内居留未达到规定时限的;

(五) 不适宜在中国境内永久居留的其他情形。

## 第五章 交通运输工具出境入境边防检查

第五十条 出境入境交通运输工具离开、抵达口岸时,应当接受边防检查。对交通运输工具的入境边防检查,在其最先抵达的口岸进行;对交通运输工具的出境边防检查,在其最后离开的口岸进行。特殊情况下,可以在有关主管机关指定的地点进行。

出境的交通运输工具自出境检查后至出境前,入境的交通运输工具自入境后至入境检查前,未经出入境边防检查机关按照规定程序许可,不得上下人员、装卸货物或者物品。

第五十一条 交通运输工具负责人或者交通运输工具出境入境业务代理单位应当按照规定提前向出入境边防检查机关报告入境、出境的交通运输工具抵达、离开口岸的时间和停留地点,如实申报员工、旅客、货物或者物品等信息。

第五十二条 交通运输工具负责人、交通运输工具出境入境业务代理单位应当配合出境入境边防检查,发现违反本法规定行为的,应当立即报告并协助调查处理。

入境交通运输工具载运不准入境人员的,交通运输工具负责人应当负责载离。

第五十三条 出入境边防检查机关按照规定对处于下列情形之一的出境入境交通运输工具进行监护:

(一) 出境的交通运输工具在出境边防检查开始后至出境前、入境的交通运输工具在入境后至入境边防检查完成前;

(二) 外国船舶在中国内河航行期间;

(三) 有必要进行监护的其他情形。

第五十四条 因装卸物品、维修作业、参观访问等事由需要上下外国船舶的人员,应当向出入境边防检查机关申请办理登轮证件。

中国船舶与外国船舶或者外国船舶之间需要搭靠作业的,应当由船长或者交通运输工具出境入境业务代理单位向出入境边防检查机关申请办理船舶搭靠手续。

第五十五条 外国船舶、航空器在中国境内应当按照规定的路线、航线行驶。

出境入境的船舶、航空器不得驶入对外开放口岸以外地区。因不可预见的紧急情况或者不可抗力驶入的,应当立即向就近的出入境边防检查机关或者当地公安机关报告,并接受监护和管理。

第五十六条 交通运输工具有下列情形之一的,不准出境入境;已经驶离口岸的,可以责令返回:

(一) 离开、抵达口岸时,未经查验准许擅自出境入境的;

(二) 未经批准擅自改变出境入境口岸的;

(三) 涉嫌载有不准出境入境人员,需要查验核实的;

(四) 涉嫌载有危害国家安全、利益和社会公共秩序的物品，需要查验核实的；

(五) 拒绝接受出入境边防检查机关管理的其他情形。

前款所列情形消失后，出入境边防检查机关对有关交通运输工具应当立即放行。

第五十七条 从事交通运输工具出境入境业务代理的单位，应当向出入境边防检查机关备案。从事业务代理的人员，由所在单位向出入境边防检查机关办理备案手续。

## 第六章 调查和遣返

第五十八条 本章规定的当场盘问、继续盘问、拘留审查、限制活动范围、遣送出境措施，由县级以上地方人民政府公安机关或者出入境边防检查机关实施。

第五十九条 对涉嫌违反出境入境管理的人员，可以当场盘问；经当场盘问，有下列情形之一的，可以依法继续盘问：

- (一) 有非法出境入境嫌疑的；
- (二) 有协助他人非法出境入境嫌疑的；
- (三) 外国人有非法居留、非法就业嫌疑的；
- (四) 有危害国家安全和利益，破坏社会公共秩序或者从事其他违法犯罪活动嫌疑的。

当场盘问和继续盘问应当依据《中华人民共和国人民警察法》规定的程序进行。

县级以上地方人民政府公安机关或者出入境边防检查机关需要传唤涉嫌违反出境入境管理的人员的，依照《中华人民共和国治安管理处罚法》的有关规定执行。

第六十条 外国人有本法第五十九条第一款规定情形之一的，经当场盘问或者继续盘问后仍不能排除嫌疑，需要作进一步调查的，可以拘留审查。

实施拘留审查，应当出示拘留审查决定书，并在二十四小时内进行询问。发现不应当拘留审查的，应当立即解除拘留审查。

拘留审查的期限不得超过三十日；案情复杂的，经上一级地方人民政府公安机关或者出入境边防检查机关批准可以延长至六十日。对国籍、身份不明的外国人，拘留审查期限自查清其国籍、身份之日起计算。

第六十一条 外国人有下列情形之一的，不适用拘留审查，可以限制其活动范围：

- (一) 患有严重疾病的；
- (二) 怀孕或者哺乳自己不满一周岁婴儿的；
- (三) 未满十六周岁或者已满七十周岁的；
- (四) 不宜适用拘留审查的其他情形。



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被限制活动范围的外国人，应当按照要求接受审查，未经公安机关批准，不得离开限定的区域。限制活动范围的期限不得超过六十日。对国籍、身份不明的外国人，限制活动范围期限自查清其国籍、身份之日起计算。

第六十二条 外国人有下列情形之一的，可以遣送出境：

- （一）被处限期出境，未在规定期限内离境的；
- （二）有不准入境情形的；
- （三）非法居留、非法就业的；
- （四）违反本法或者其他法律、行政法规需要遣送出境的。

其他境外人员有前款所列情形之一的，可以依法遣送出境。

被遣送出境的人员，自被遣送出境之日起一至五年内不准入境。

第六十三条 被拘留审查或者被决定遣送出境但不能立即执行的人员，应当羁押在拘留所或者遣返场所。

第六十四条 外国人对依照本法规定对其实施的继续盘问、拘留审查、限制活动范围、遣送出境措施不服的，可以依法申请行政复议，该行政复议决定为最终决定。

其他境外人员对依照本法规定对其实施的遣送出境措施不服，申请行政复议的，适用前款规定。

第六十五条 对依法决定不准出境或者不准入境的人员，决定机关应当按照规定及时通知出入境边防检查机关；不准出境、入境情形消失的，决定机关应当及时撤销不准出境、入境决定，并通知出入境边防检查机关。

第六十六条 根据维护国家安全和出境入境管理秩序的需要，必要时，出入境边防检查机关可以对出境入境的人员进行人身检查。人身检查应当由两名与受检查人同性别的边防检查人员进行。

第六十七条 签证、外国人停留居留证件等出境入境证件发生损毁、遗失、被盗抢或者签发后发现持证人不符合签发条件等情形的，由签发机关宣布该出境入境证件作废。

伪造、变造、骗取或者被证件签发机关宣布作废的出境入境证件无效。

公安机关可以对前款规定的或被他人冒用的出境入境证件予以注销或者收缴。

第六十八条 对用于组织、运送、协助他人非法出境入境的交通运输工具，以及需要作为办案证据的物品，公安机关可以扣押。

对查获的违禁物品，涉及国家秘密的文件、资料以及用于实施违反出境入境管理活动的工具等，公安机关应当予以扣押，并依照相关法律、行政法规规定处理。

第六十九条 出境入境证件的真伪由签发机关、出入境边防检查机关或者公安机关出入境管理机构认定。

## 第七章 法律责任

第七十条 本章规定的行政处罚，除本章另有规定外，由县级以上地方人民政府公安机关或者出入境边防检查机关决定；其中警告或者五千元以下罚款，可以由县级以上地方人民政府公安机关出入境管理机构决定。

第七十一条 有下列行为之一的，处一千元以上五千元以下罚款；情节严重的，处五日以上十日以下拘留，可以并处二千元以上一万元以下罚款：

- (一) 持用伪造、变造、骗取的出境入境证件出境入境的；
- (二) 冒用他人出境入境证件出境入境的；
- (三) 逃避出境入境边防检查的；
- (四) 以其他方式非法出境入境的。

第七十二条 协助他人非法出境入境的，处二千元以上一万元以下罚款；情节严重的，处十日以上十五日以下拘留，并处五千元以上二万元以下罚款，有违法所得的，没收违法所得。

单位有前款行为的，处一万元以上五万元以下罚款，有违法所得的，没收违法所得，并对其直接负责的主管人员和其他直接责任人员依照前款规定予以处罚。

第七十三条 弄虚作假骗取签证、停留居留证件等出境入境证件的，处二千元以上五千元以下罚款；情节严重的，处十日以上十五日以下拘留，并处五千元以上二万元以下罚款。

单位有前款行为的，处一万元以上五万元以下罚款，并对其直接负责的主管人员和其他直接责任人员依照前款规定予以处罚。

第七十四条 违反本法规定，为外国人出具邀请函件或者其他申请材料的，处五千元以上一万元以下罚款，有违法所得的，没收违法所得，并责令其承担所邀请外国人的出境费用。

单位有前款行为的，处一万元以上五万元以下罚款，有违法所得的，没收违法所得，并责令其承担所邀请外国人的出境费用，对其直接负责的主管人员和其他直接责任人员依照前款规定予以处罚。

第七十五条 中国公民出境后非法前往其他国家或者地区被遣返的，出入境边防检查机关应当收缴其出境入境证件，出境入境证件签发机关自其被遣返之日起六个月至三年以内不予签发出境入境证件。

第七十六条 有下列情形之一的，给予警告，可以并处二千元以下罚款：

- (一) 外国人拒不接受公安机关查验其出境入境证件的；
- (二) 外国人拒不交验居留证件的；
- (三) 未按照规定办理外国人出生登记、死亡申报的；
- (四) 外国人居留证件登记事项发生变更，未按照规定办理变更的；
- (五) 在中国境内的外国人冒用他人出境入境证件的；
- (六) 未按照本法第三十九条第二款规定办理登记的。

旅馆未按照规定办理外国人住宿登记的，依照《中华人民共和国治安管理处罚法》的有关规定予以处罚；未按照规定向公安机关报送外国人住宿登记信息的，给予警告；情节严重的，处一千元以上五千元以下罚款。

第七十七条 外国人未经批准，擅自进入限制外国人进入的区域，责令立即离开；情节严重的，处五日以上十日以下拘留。对外国人非法获取的文字记录、音像资料、电子数据和其他物品，予以收缴或者销毁，所用工具予以收缴。

外国人、外国机构违反本法规定，拒不执行公安机关、国家安全机关限期迁离决定的，给予警告并强制迁离；情节严重的，对有关责任人员处五日以上十五日以下拘留。

第七十八条 外国人非法居留的，给予警告；情节严重的，处每非法居留一日五百元，总额不超过一万元的罚款或者五日以上十五日以下拘留。

因监护人或者其他负有监护责任的人未尽到监护义务，致使未满十六周岁的外国人非法居留的，对监护人或者其他负有监护责任的人给予警告，可以并处一千元以下罚款。

第七十九条 容留、藏匿非法入境、非法居留的外国人，协助非法入境、非法居留的外国人逃避检查，或者为非法居留的外国人违法提供出境入境证件的，处二千元以上一万元以下罚款；情节严重的，处五日以上十五日以下拘留，并处五千元以上二万元以下罚款，有违法所得的，没收违法所得。

单位有前款行为的，处一万元以上五万元以下罚款，有违法所得的，没收违法所得，并对其直接负责的主管人员和其他直接责任人员依照前款规定予以处罚。

第八十条 外国人非法就业的，处五千元以上二万元以下罚款；情节严重的，处五日以上十五日以下拘留，并处五千元以上二万元以下罚款。

介绍外国人非法就业的，对个人处每非法介绍一人五千元，总额不超过五万元的罚款；对单位处每非法介绍一人五千元，总额不超过十万元的罚款；有违法所得的，没收违法所得。

非法聘用外国人的，处每非法聘用一人一万元，总额不超过十万元的罚款；有违法所得的，没收违法所得。

第八十一条 外国人从事与停留居留事由不相符的活动，或者有其他违反中国法律、法规规定，不适宜在中国境内继续停留居留情形的，可以处限期出境。

外国人违反本法规定，情节严重，尚不构成犯罪的，公安部可以处驱逐出境。公安部的处罚决定为最终决定。

被驱逐出境的外国人，自被驱逐出境之日起十年内不准入境。

第八十二条 有下列情形之一的，给予警告，可以并处二千元以下罚款：

- （一）扰乱口岸限定区域管理秩序的；
- （二）外国船员及其随行家属未办理临时入境手续登陆的；
- （三）未办理登轮证件上下外国船舶的。

违反前款第一项规定，情节严重的，可以并处五日以上十日以下拘留。

第八十三条 交通运输工具有下列情形之一的，对其负责人处五千元以上五万元以下罚款：

- （一）未经查验准许擅自出境入境或者未经批准擅自改变出境入境口岸的；



(二) 未按照规定如实申报员工、旅客、货物或者物品等信息，或者拒绝协助出境入境边防检查的；

(三) 违反出境入境边防检查规定上下人员、装卸货物或者物品的。

出境入境交通运输工具载运不准出境入境人员出境入境的，处每载运一人五千元以上一万元以下罚款。交通运输工具负责人证明其已经采取合理预防措施的，可以减轻或者免于处罚。

第八十四条 交通运输工具有下列情形之一的，对其负责人处二千元以上二万元以下罚款：

(一) 中国或者外国船舶未经批准擅自搭靠外国船舶的；

(二) 外国船舶、航空器在中国境内未按照规定的路线、航线行驶的；

(三) 出境入境的船舶、航空器违反规定驶入对外开放口岸以外地区的。

第八十五条 履行出境入境管理职责的工作人员，有下列行为之一的，依法给予处分：

(一) 违反法律、行政法规，为不符合规定条件的外国人签发签证、外国人停留居留证件等出境入境证件的；

(二) 违反法律、行政法规，审核验放不符合规定条件的人员或者交通运输工具出境入境的；

(三) 泄露在出境入境管理工作中知悉的个人信息，侵害当事人合法权益的；

(四) 不按照规定将依法收取的费用、收缴的罚款及没收的违法所得、非法财物上缴国库的；

(五) 私分、侵占、挪用罚没、扣押的款物或者收取的费用的；

(六) 滥用职权、玩忽职守、徇私舞弊，不依法履行法定职责的其他行为。

第八十六条 对违反出境入境管理行为处五百元以下罚款的，出入境边防检查机关可以当场作出处罚决定。

第八十七条 对违反出境入境管理行为处罚款的，被处罚人应当自收到处罚决定书之日起十五日内，到指定的银行缴纳罚款。被处罚人在所在地没有固定住所，不当场收缴罚款事后难以执行或者在口岸向指定银行缴纳罚款确有困难的，可以当场收缴。

第八十八条 违反本法规定，构成犯罪的，依法追究刑事责任。

## 第八章 附则

第八十九条 本法下列用语的含义：

出境，是指由中国内地前往其他国家或者地区，由中国内地前往香港特别行政区、澳门特别行政区，由中国大陆前往台湾地区。

入境，是指由其他国家或者地区进入中国内地，由香港特别行政区、澳门特别行政区进入中国内地，由台湾地区进入中国大陆。

外国人，是指不具有中国国籍的人。



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第九十条 经国务院批准，同毗邻国家接壤的省、自治区可以根据中国与有关国家签订的边界管理协定制定地方性法规、地方政府规章，对两国边境接壤地区的居民往来作出规定。

第九十一条 外国驻中国的外交代表机构、领事机构成员以及享有特权和豁免的其他外国人，其入境出境及停留居留管理，其他法律另有规定的，依照其规定。

第九十二条 外国人申请办理签证、外国人停留居留证件等出境入境证件或者申请办理证件延期、变更的，应当按照规定缴纳签证费、证件费。

第九十三条 本法自 2013 年 7 月 1 日起施行。《中华人民共和国外国人入境出境管理法》和《中华人民共和国公民出境入境管理法》同时废止。

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