

English Translation (unofficial)

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Exit-Entry Administration Law of the People's Republic of China

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Chapter 1. General Provisions

Article 1. This Law is formulated in order to standardize exit and entry at the border; safeguard sovereignty, safety and social order of the People's Republic of China; and promote diplomatic activities and opening to the outside world.

Article 2. This Law applies to the administration of exit and entry of Chinese citizens, entry and exit of aliens, stay and residence of aliens in China, as well as the frontier inspection of vehicles.

Article 3. The country protects the lawful rights and interests of Chinese citizens to enter and exit.

The lawful rights and interests of aliens on Chinese territory shall be protected by law. Aliens on Chinese territory shall observe Chinese laws, shall not endanger China's national security, harm the public interest, or destroy public order.

Article 4. The Ministry of Public Security and Ministry of Foreign Affairs shall administer exit and entry affairs in accordance with their respective responsibilities.

Resident embassies and consulates outside the People's Republic of China or other resident agencies abroad entrusted by the Ministry of Foreign Affairs (hereinafter referred to as the resident visa-granting offices abroad) are responsible for issuing entry visas for aliens abroad. Exit-Entry Frontier Inspection Station shall implement exit-entry frontier inspection. Public security organs and their exit and entry administration authorities of local people's governments at and above the county level shall control the stay and residence of aliens.

The Ministry of Public Security and Ministry of Foreign Affairs may entrust exit and entry administration authorities in public security organs of local people's governments at and above the county level, foreign affairs department of local people's governments at and above the county level to accept application of aliens for entry, stay and residence in China within their scope of responsibility.

The Ministry of Public Security and Ministry of Foreign Affairs shall strengthen communication and coordination in the control of exit and entry affairs, cooperate closely with relevant departments of the State Council, exercise the functions and powers according to law and their own functional assignments, and shall assume relevant responsibilities.

Article 5. The state shall establish a uniform exit and entry control information platform to share information among administrative departments.

Article 6. The state shall establish Exit-Entry Frontier Inspection Station at open ports.

For exit and entry, Chinese citizens, aliens and vehicles shall pass through open ports, and may pass through other places approved by the State Council or the competent departments empowered by the State Council under special conditions. Persons and vehicles shall be subject to inspection by the frontier inspection offices in case of exit and entry.

The Exit-Entry Frontier Inspection Station shall manage restricted areas of the ports. For purpose of safeguarding national security and controlling exit and entry order, the Exit-

Exit-Entry Frontier Inspection Station may inspect articles carried by persons leaving or entering the country. Exit-Entry Frontier Inspection Station may inspect the goods on vehicles leaving or entering the country if necessary, but customs should be notified.

Article 7. Upon approved by the State Council, the Ministry of Public Security and Ministry of Foreign Affairs may collect fingerprints and other biometric data of persons leaving or entering the country, as required for exit and entry control.

If a foreign government has special provisions for visa issuance, exit and, entry that apply to Chinese citizens, the Chinese government may take corresponding reciprocal measures.

Article 8. Departments and agencies that control exit and entry should take practical measures, enhance service and management level continuously, enforce laws impartially, provide convenience for the people with high efficiency, safeguard safe, convenient exit and entry order.

Chapter 2. Exit and Entry of Chinese Citizens

Article 9. Chinese citizens shall apply for passport or other travel certificates for their exit and entry according to law.

Chinese citizens must get visa or other entry permits before going to any other country or region. Unless visa exemption agreement is signed between the Chinese government and the government of any other country or otherwise specified by the Ministry of Public Security, Ministry of Foreign Affairs.

If any Chinese citizen leaves or enters China in the identity of a seaman or works on a foreign ship, he shall apply for seamen's papers according to law.

Article 10. Chinese citizens shall apply for pass for the travel between the mainland and Hong Kong Special Administrative Region, Macao Special Administrative Region, and for the travel between the mainland and Taiwan Region according to law, abide by relevant provisions in this Law. Specific administrative measures shall be stipulated by the State Council..

Article 11. For the exit and entry, Chinese citizens shall submit their passports or other travel certificates to the Exit-Entry Frontier Inspection Station, go through the specified procedures, may leave or enter China only after approved.

At properly qualified ports, the Exit-Entry Frontier Inspection Station shall provide private channels and other facilities for Chinese citizens to leave or enter the country.

Article 12. Chinese citizens shall not be allowed to leave China under any of the following circumstances:

(I) fail to hold valid exit or entry certificates or refuse, evade accepting frontier inspection;

(II) convicted persons serving their sentence or defendants or criminal suspects in criminal cases;

(III) persons who, as decided by a people's court, shall be denied exit owing to involvement in unresolved civil cases;

(IV) subject to criminal punishment due to impairing border control or repatriated by other countries or regions owing to illegal exit, illegal residence, illegal employment, when the specified period of no exit has not expired;

(V) not allowed to leave China by relevant authorities of the State Council because of possible endangerment on the national security and interests;

(VI) other situations that do not allow exit as specified in the laws, administrative rules and regulations.

Article 13. Chinese citizens residing abroad who desire to return to China for permanent residence shall complete the relevant procedures at the resident embassies and consulates of the People's Republic of China abroad or put forward application to other resident agencies abroad entrusted by the Ministry of Foreign Affairs before entry, or submit an application to the Overseas Chinese Affairs Department of local people's governments at or above the county level at the place where they intend to reside by themselves or via their domestic relatives.

Article 14 . Chinese citizens residing abroad may prove their identity with personal passport when transacting financial, education, medical treatment, transport, telecommunication, social insurance, property registration and other affairs in China where identification is required.

Chapter 3. Entry and Exit of Aliens

Section 1. Visa

Article 15. To enter China, an aliens shall apply for a visa from an overseas visa office, unless otherwise specified in this Law.

Article 16. Visas may be categorized as diplomatic visas, courtesy visas, business visas and ordinary visas.

Diplomatic and business visas will be issued to the aliens who enter China for diplomatic and public affairs; courtesy visa will be issued to aliens with special identity, to whom courteous reception should be offered. The scope and methods of issuing diplomatic visas, courtesy visas, and business visas shall be specified by the Ministry of Foreign Affairs.

Ordinary visa of corresponding type will be issued to the aliens who enter China for the purpose of work, study, family visit, tourism, business activities, talent introduction and other purposes besides diplomatic or public affairs. Type and issuing methods of ordinary visa shall be stipulated by the State Council.

Article 17. The registered items on visas include: visa type, name, gender, birth date of the holder, number of entries, validity period of entry, stay period, issue date, place, passport number or other international travel certificate number, and so on.

Article 18. To apply for a visa, an alien shall submit his or her personal passport or other international travel certificate, relevant written application reasons to an overseas visa office, undergo relevant procedures of the overseas visa office, and submit to an interview.

Article 19. Aliens who apply for visas shall provide invitation letters issued by organizations or individuals in China. Applicants shall provide all materials required by the overseas visa office. Organizations or individuals who issue invitation letters are responsible for authenticity of the contents.

Article 20. Aliens who apply for emergency entry for humanitarian reasons, emergency business, emergency engineering repair in China on invitation or for other emergency entry requirements, and hold evidentiary materials of relevant authorities to agree the issuance of port visa, may apply for port visa at the port visa agencies entrusted by the Ministry of Public Security (hereinafter referred to as the port visa agencies) at ports approved by the State Council to transact port visa.

Travel agencies that organize inbound tourism may apply for group visitor visas at port visa agencies in accordance with relevant provisions of the State.

An aliens who applies for a visa at a port visa agency shall submit a personal passport or other international travel certificate, relevant written application reasons according to the requirements of port visa agencies, and enter China from the port where the visa application is submitted.

A visa issued by a port visa agency is valid for one entry. The period of stay on the visa should not exceed 30 days.

Article 21. Visas will not be issued to aliens under any of the following circumstances:

(I) if an alien has been deported or expelled but not fulfilled the required number of years abroad before seeking readmission;

(II) infectious tuberculosis or other infectious diseases that might endanger public health seriously;

(III) might endanger China's national security and interests, destroy social public order or might be engaged in other illegal criminal activities;

(IV) practise fraud in visa application process or could not afford the required cost in China;

(V) could not submit relevant materials required by the visa-granting office;

(VI) other conditions under which the visa office thinks inappropriate to issue visa.

Visa-granting office may not give reasons for rejection to visa application.

Article 22. Visa is not required for aliens under any of the following circumstances:

(I) persons who are exempted from visa application according to the visa exemption agreement signed between the Chinese government and governments of other countries;

(II) aliens who hold valid residence certificate;

(III) aliens who hold connected international tickets of international flights, vessels, trains to a third country or region through China, stay in China does not exceed 24 hours, without leaving the port, or stay in specific areas approved by the State Council does not exceed the specified time limit;

(IV) other conditions specified by the State Council for exemption of visa.

Article 23. Aliens who intend to enter China temporarily under any of the following circumstances, shall apply for temporary entry procedures at Exit-Entry Frontier Inspection Station:

(I) foreign seamen and accompanying family members land in the city where the port is located;

(II) persons should leave the port as specified in Item 3, Article 22 of this Law

(III) temporary entry is required due to force majeure or other emergency reasons.

Temporary entry period should not exceed 15 days.

For aliens who apply for temporary entry procedures, the Exit-Entry Frontier Inspection Station may ask the aliens themselves, the responsible person of the vehicle that carries the aliens to enter China or exit and entry agency of the vehicle to provide necessary assurance measures.

Section 2. Entry and Exit

Article 24. To enter China, aliens shall submit personal passport or other international travel certificates, visa or other entry permits to the Exit-Entry Frontier Inspection Station, go through all specified procedures, may enter China only after approved.

Article 25. Aliens shall not be permitted to enter China under any of the following circumstances:

(I) without valid exit, entry certificates or reject, evade frontier inspection;

(II) under the conditions specified in Items 1-4 in Article 21 of this Law;

(III) who might be engaged in activities inconsistent with their visa types after entering China;

(IV) other conditions under which entry is not allowed as specified in the laws, administrative rules and regulations.

Exit-Entry Frontier Inspection Station may not give any reason for the rejection to entry.

Article 26. For aliens who are not permitted for entry, the Exit-Entry Frontier Inspection Station shall order them to return; and shall force them to return if they refuse to do so. Aliens shall not leave the restricted area while waiting for return.

Article 27. To leave China, aliens shall submit personal passport or other international travel certificates to the Exit-Entry Frontier Inspection Station, go through all specified procedures, may leave China only after approved.

Article 28. Aliens shall not be allowed to leave China under any of the following circumstances:

(I) convicted persons serving their sentences or defendants or criminal suspects in criminal cases, except the transfer of sentenced persons according to the agreement signed between China and any other country;

(II) persons who, as decided by a people's court, shall be denied exit owing to involvement in unresolved civil cases;

(III) persons who defaulted on the payment of remuneration to laborers, shall not be allowed to leave China if so decided by relevant departments of the State Council or the people's governments of provinces, autonomous regions or municipalities directly under the Central Government;

(IV) other conditions under which exit is not allowed according to the laws, administrative rules and regulations.

Chapter 4. Stay and Residence of Aliens

Section 1. Stay and Residence

Article 29. Aliens with visas for stay no more than 180 days shall stay in China according to the stay period on their visas.

To extend stay period on visa, aliens shall apply to local exit and entry administration authorities in public security organs of local people's governments at and above the county level seven days before the stay period on visa expires, submit application materials as required. Extension of stay period will be permitted if the postpone reasons are examined as reasonable and sufficient; if extension of stay period is rejected, aliens shall leave China on time.

The accumulated extension of stay period on visa, should not exceed the original stay period on visa.

Article 30. If residence certificate is required for visas of the aliens after entering China, the aliens shall apply for residence certificate for aliens at the exit and entry administration authorities in public security organs of local people's governments at and above the county level in the intended residence place within thirty days since the date of entry.

Aliens who apply for residence certificate shall submit personal passport or other international travel certificates, as well as relevant written application reasons, leave biometric information such as fingerprint. Exit and entry administration authorities in public security organs shall examine and give decision within fifteen days after receiving the application materials, issue residence certificate of corresponding type and period for the aliens according to the residence reasons.

The shortest validity period for an alien's employment-based residence certificate is 90 days; the longest is 5 years. The shortest validity period for of non-employment-based residence certificates is 180 days; the longest is 5 years.

Article 31. Residence certificate will not be issued to aliens under any of the following circumstances:

- (I) the visa type does not permit residence certificate for aliens;
- (II) practise fraud in the application process;
- (III) fail to submit relevant evidentiary materials according to the provisions;
- (IV) in violation of relevant Chinese laws and administrative regulations, unsuitable for residence in China;
- (V) other conditions under which the issuing authority thinks inappropriate to issue residence certificate for aliens.

Residence certificates may be issued to the aliens who are special talent, investors according to national provisions or stay needs to be changed to residence due to humanitarian and other reasons, after approved by exit and entry administration

authorities in public security organs of local people's governments at and above municipal level with districts.

Article 32. To extend residence period, the aliens in China shall submit application at exit and entry administration authorities in public security organs of local people's governments at and above the county level 30 days before validity period of the residence certificate expires, submit relevant written application reasons as required. Residence period may be extended if the postpone reasons are examined as reasonable and sufficient; if residence period is not extended, the aliens shall leave China on time.

Article 33. Registered items on the residence certificate for aliens include: name, gender, birth date of the holder, residence reasons, residence period, issue date, place, passport or other international travel certificate number, etc.

If any registered item on the residence certificate for aliens is changed, the certificate holder shall apply for change at exit and entry administration authorities in public security organs of local people's governments at and above the county level within ten days after the registered item is changed.

Article 34. Stay certificate for aliens should be issued according to the provisions if aliens who are exempted from visa for entry need to stay in China beyond the visa-free period, foreign seamen and accompanying family members need to leave the port city during their stay in China, or other conditions under which stay certificate for aliens is required.

The longest validity period of stay certificate for aliens is 180 days.

Article 35. After entering China, if ordinary visa, stay/residence certificates of aliens need to be replaced, reissued due to damage, loss, stealing, robbery or for reasons stipulated by the state, the aliens shall put forward application at exit and entry administration authorities in public security organs of local people's governments at and above the county level according to the provisions.

Article 36. The decision of exit and entry administration authorities in public security organs not to extend validity period, not to replace, reissue ordinary visa, not to issue stay/residence certificates for aliens, not to extend residence period shall be final decision.

Article 37. The aliens who stay and reside in China, shall not be engaged in any activity inconsistent with the reasons of stay and residence, and shall leave China before expiration of the specified stay and residence period.

Article 38. Aliens of 16 years old and above shall bring their personal passports or other international travel certificates, or stay/residence certificates for aliens with them to accept inspection of public security organs during their stay and residence in China.

Aliens who stay in China shall submit their residence certificate for aliens to public security organs of local people's governments at and above the county level within the specified time.

Article 39. If aliens stay in hotels in China, the hotels shall register their accommodation according to public security management provisions for hotels, report accommodation registration information of the aliens to local public security organs.

If aliens live or reside in domiciles other than hotels, the aliens themselves or the receivers shall register at local public security organs within 24 hours after residence.

Article 40. For foreign infants born in China, their parents or agents shall take birth certificate of the infants to register their stay or residence at exit and entry administration authorities in public security organs of local people's governments at and above the county level where their parents reside within 60 days after birth of the infants.

If any alien dies in China, his (her) family members, guardian or agent shall take death certificate of the alien, declare to the exit and entry administration authorities in public security organs of local people's governments at and above the county level according to the provisions, cancel his (her) stay/residence certificate for aliens.

Article 41. Aliens who work in China shall get work permit and work residence certificate according to the provisions. Any organization or individual shall not hire any alien without work permit and work residence certificate.

Administrative measures for aliens working in China shall be stipulated by the State Council..

Article 42. Human resource and social security authorities, foreign expert authorities under the State Council shall formulate guidance list for aliens working in China and make adjustment periodically together with relevant departments of the State Council according to the economic and social development requirements, supply and demand status of human resources.

Education authorities under the State Council shall establish part-work and part-study management system for overseas students together with relevant departments of the State Council, specify the post scope and time limit of part-work and part-study for overseas students.

Article 43. The aliens will be deemed as illegal employment if they have one of the following behaviors:

- (I) working in China without the specified work permit and work residence certificate;
- (II) working in China out of the scope restricted by the work permit;

(III) overseas students violate administrative provisions for part-work and part-study, work in China beyond the specified post scope or time limit.

Article 44. In order to maintain national security and in accordance with public safety needs, public security organs and national security organs may restrict aliens and foreign institutions from establishing residences or offices in certain locations; if already established, a deadline may be set for them to vacate.

Without approval, aliens shall not enter any location that where aliens' entry is restricted.

Article 45. Work units that employ aliens or recruit overseas students must report relevant information to local public security organs in accordance with regulations.

Citizens, legal persons or other organizations shall report to local public security organs timely if they discover the illegal entry, illegal residence, or illegal employment of aliens.

Article 46. Aliens who apply for status of refugees may stay in China with temporary ID certificate issued by the public security organs during the discrimination for status of refugees; aliens who are assessed as refugees may stay and reside in China with refugee identity certificate issued by the public security organs.

Section 2. Permanent Residence

Article 47. Aliens who have made outstanding contributions to China's economic and social development or meet other permanent residence conditions in China, may get permanent residence qualifications after personal application is submitted to and approved by the Ministry of Public Security.

Administrative measures for the approval of permanent residence of aliens in China shall be stipulated by the Ministry of Public Security, Ministry of Foreign Affairs together with relevant departments under the State Council.

Article 48. Aliens with permanent residence qualifications may reside and work in China with their permanent residence certificates, may leave or enter China with their personal passports and permanent residence certificates.

Article 49. The Ministry of Public Security may decide to cancel permanent residence qualifications of aliens in China under any of the following circumstances:

- (I) endanger China's national security and interests;
- (II) subject to banishment;

- (III) practise fraud to get permanent residence qualifications in China;
- (IV) residence in China does not meet the specified period;
- (V) other conditions that are unsuitable for permanent residence in China.

Chapter 5. Exit-Entry Frontier Inspection of Vehicles

Article 50. When vehicles leave or arrive at ports for exit and entry, they shall submit to frontier inspection. Entry frontier inspection for vehicles shall be carried out at the first arrival port; exit frontier inspection for vehicles shall be carried out at the final departure port. Frontier inspection may be carried out in places designated by competent authorities under special conditions.

No persons, cargoes or articles may be taken on board or discharged from vehicles without approval of the Exit-Entry Frontier Inspection Station according to the specified procedures after exit inspection of vehicles and before exit, as well as after entry of vehicles until entry inspection.

Article 51. The responsible person for vehicles or exit-entry agencies for vehicles shall report the arrival, departure time at the port and stay place of the vehicles for entry, exit to the Exit-Entry Frontier Inspection Station in advance according to the provisions, declare employees, passengers, goods or articles faithfully.

Article 52. The responsible persons for vehicles and exit-entry agencies for vehicles shall coordinate with exit-entry frontier inspection, shall report and assist investigation and handling immediately if any behavior violates the provisions of this Law.

If any vehicle carries any person who is not permitted to enter China, the responsible person of the vehicle shall take him (her) away.

Article 53. Exit-Entry Frontier Inspection Station shall supervise vehicles for exit and entry in any of the following conditions:

- (I) after exit frontier inspection of vehicles begins, before actual exit, as well as after the entry of vehicles, before the entry frontier inspection is completed;
- (II) during navigation of foreign ships in Chinese inland rivers;
- (III) other conditions that require supervision.

Article 54. The persons who need to embark, disembark foreign ships owing to handling of articles, repair job, visits and other reasons shall, apply for board card from the Exit-Entry Frontier Inspection Station.

Where Chinese ships need to make fast to foreign ships or making fast is required between foreign ships, the captains or their agencies shall apply to go through making fast formalities at the Exit-Entry Frontier Inspection Station.

Article 55. Foreign ships, aircrafts shall move in the specified routes, courses in China.

Ships, aircrafts for exit and entry shall not move out of the open port. Always report to nearby Exit-Entry Frontier Inspection Station or local public security organs immediately, and accept supervision and management if moving into unpermitted locations due to unforeseeable emergency or force majeure.

Article 56. Vehicles shall not be allowed to leave or enter China under any of the following circumstances; if already departed from the port, order them to return:

(I) to leave or enter China without approval and authorization, when leaving, arriving at the port;

(II) change the port of exit/entry without authorization;

(III) suspected to carry with persons who are not allowed to leave or enter China, so inspection is required for verification;

(IV) suspected to carry with articles that might endanger national security, interests and social public order, so inspection is required for verification;

(V) other conditions of rejecting control by the Exit-Entry Frontier Inspection Station.

After the conditions listed above disappear, the Exit-Entry Frontier Inspection Station shall release relevant vehicles immediately.

Article 57. Organizations that are engaged in exit and entry agency of vehicles shall report to the Exit-Entry Frontier Inspection Station for archiving. Persons who are engaged in agency shall be reported to the Exit-Entry Frontier Inspection Station for archiving by their organizations.

Chapter 6. Investigation and Repatriation

Article 58. On-the-spot interrogation, continued interrogation, detention for investigation, restriction of activity scope, deportation measures specified in this chapter shall be implemented by public security organs of local people's governments at and above the county level or Exit-Entry Frontier Inspection Station.

Article 59. On-the-spot interrogation may be carried out for person who are suspected to violate the control of the exit and entry; after on-the-spot interrogation, continued interrogation may be carried out according to law under any of the following circumstances:

- (I) suspected illegal exit/entry;
- (II) suspected to assist others for illegal exit/entry;
- (III) aliens are suspected of illegal residence, illegal employment;
- (IV) suspected to endanger national security and interests, destroy social public order or engaged in other illegal criminal activities.

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

Public security organs of local people's governments at and above the county level or Exit-Entry Frontier Inspection Station shall summon the persons suspected in violation of exit/entry control in accordance with the Law of the People's Republic of China on Public Security Administration Punishments.

Article 60. If any alien could not be excluded from suspect after on-the-spot interrogation or continued interrogation under any of the conditions specified in Clause 1 of Article 59 in this Law, he (she) may be detained for further investigation.

If detention for investigation is implemented, the decision of detention for investigation shall be presented, and query shall be carried out within 24 hours. If the detention for investigation is found improper, the detention for investigation shall be cancelled immediately.

Period of detention for investigation shall not exceed 30 days; and may be extended to 60 days for complicated cases after approved by public security organs of local people's governments at the next higher level or the Exit-Entry Frontier Inspection Station. For aliens whose nationality, identity are unknown, period of detention for investigation shall be counted from the date when their nationality, identity are ascertained.

Article 61. Detention for investigation is inapplicable to the aliens under any of the following circumstances, their activity scope may be restricted:

- (I) suffered from serious diseases;
- (II) during pregnancy or breast-feeding of her own infant under 1 year old;
- (III) under 16 full years old or above 70 full years old;
- (IV) other conditions under which detention for investigation is inapplicable.

The aliens whose activity scope is restricted shall accept examination as required, shall not leave the restricted locations without approval of the public security organs. Period for restricting activity scope shall not exceed 60 days. For aliens whose nationality, identity are unknown, period for restricting activity scope shall be counted from the date when their nationality, identity are ascertained.

Article 62. Aliens may be deported under any of the following circumstances:

- (I) sentenced to leave the country before a deadline, yet failed to leave before the deadline;
- (II) other conditions under which entry into China is not permitted;
- (III) illegal residence, illegal employment;
- (IV) deportation shall be performed due to violation of this Law or other laws, administrative rules and regulations.

Other overseas persons may be deported according to law under one of the above-mentioned conditions.

Persons who are deported shall not be permitted to enter China again within one to five years after the date of deportation.

Article 63. Persons who are detained for investigation or decided for deportation, yet could not be executed immediately, shall be detained in detention house or repatriation place.

Article 64. Aliens who refuse to accept the continued interrogation, detention for investigation, restriction of activity scope, deportation measures according to this law, may apply for administrative reconsideration according to law, decision of the administrative reconsideration shall be final decision.

The above-mentioned provisions are also applicable to other overseas persons, who refuse to accept the deportation measures according to this law, and apply for administrative reconsideration.

Article 65. For the persons who are not allowed to leave or enter China according to law, the decision-making authority shall notify Exit-Entry Frontier Inspection Station timely according to the provisions; if conditions of no exit, entry disappear, the decision-making authority shall cancel the decision of no exit, entry timely, and notify the Exit-Entry Frontier Inspection Station.

Article 66. Exit-Entry Frontier Inspection Stations may perform body searches of persons exiting or entering China, in accordance with needs for national security and for preserving an orderly exit-entry process. Body searches shall be carried out by two frontier inspectors of the same sex as the person to be searched.

Article 67. If visa, stay/residence certificates for aliens and other exit, entry certificates are damaged, lost, stolen, robbed or any certificate holder is found incompliant with the issue conditions after issued, the issuing authority shall declare such exit and entry certificates invalid.

Falsified, altered, cheated exit, entry certificates or exit, entry certificates that are cancelled by the certificate issuing authority shall be invalid.

Public security organs may cancel or confiscate the above-mentioned exit and entry certificates or exit and entry certificates that are used by others instead.

Article 68. Public security organs may detain vehicles that are used to organize, transfer, assist others for illegal exit/entry, as well as articles that may serve as evidences in case handling.

If prohibited articles, documents, data involving state secrets, tools for implementing activities in violation of exit and entry control are seized, public security organs shall distrain them, and handle the cases according to relevant laws, administrative rules and regulations.

Article 69. Authenticity of the exit and entry certificates shall be determined by the issuing authority, Exit-Entry Frontier Inspection Station or exit and entry administration authorities in public security organs.

Chapter 7. Legal Liabilities

Article 70. Administrative penalty specified in this chapter shall be decided by public security organs of local people's governments at and above the county level or Exit-Entry Frontier Inspection Station, unless otherwise specified in this chapter; in which warning or penalty below RMB 5,000 Yuan may be decided by exit and entry administration authorities in public security organs of local people's governments at and above the county level.

Article 71. A penalty for one of the following behaviors shall be between RMB 1,000 Yuan and 5,000 Yuan; in serious cases, detention period should be between 5 days and 10 days, a penalty between RMB 2,000 Yuan and 10,000 Yuan may also be imposed concurrently:

- (I) hold falsified, altered, cheated exit, entry certificates for exit and entry;
- (II) use the exit, entry certificates of others to leave or enter China;
- (III) evade exit-entry frontier inspection;
- (IV) illegal exit/entry in other ways.

Article 72. If assisting others for illegal exit/entry, a penalty between RMB 2,000 Yuan and 10,000 Yuan shall be imposed; in serious cases, detention period shall be between 10 days and 15 days, a penalty between RMB 5,000 Yuan and 20,000 Yuan may be imposed concurrently, if there is any illegal gain, the illegal gain shall be confiscated.

If any organization conducts the above-mentioned behaviors, a penalty between RMB 10,000 Yuan and 50,000 Yuan shall be imposed, if there is any illegal gain, the illegal gain shall be confiscated, and a penalty shall be imposed on the directly responsible supervisor and other directly responsible persons according to the above-mentioned provisions.

Article 73. If visa, stay/residence certificates and other exit and entry certificates are defrauded, a penalty between RMB 2,000 Yuan and 5,000 Yuan shall be imposed; in serious cases, detention period shall be between 10 days and 15 days, a penalty between RMB 5,000 Yuan and 20,000 Yuan may also be imposed concurrently.

If any organization conducts the above-mentioned behaviors, a penalty between RMB 10,000 Yuan and 50,000 Yuan shall be imposed, and a penalty shall be imposed on the directly responsible supervisor and other directly responsible persons according to the above-mentioned provisions.

Article 74. If any person issues invitation letter or other application materials for aliens in violation of the provisions of this Law, a penalty between RMB 5,000 Yuan and 10,000 Yuan shall be imposed, if there is any illegal gain, the illegal gain shall be confiscated, he (she) shall also assume exit cost of the invited aliens.

If any organization conducts the above-mentioned behaviors, a penalty between RMB 10,000 Yuan and 50,000 Yuan shall be imposed, if there is any illegal gain, the illegal gain shall be confiscated, he (she) shall also assume exit cost of the invited aliens, and a penalty shall be imposed on the directly responsible supervisor and other directly responsible persons according to the above-mentioned provisions.

Article 75. If Chinese citizens leave China, go to other countries or regions illegally and are repatriated, the Exit-Entry Frontier Inspection Station shall confiscate their exit and entry certificates, issuing authority of the exit, entry certificates shall not issue exit and entry certificates to them within six months to three years after the date of repatriation.

Article 76. Warning will be given under any of the following circumstances, a penalty below RMB 2,000 Yuan may also be imposed concurrently:

(I) aliens who do not accept public security organs to check their exit and entry certificates;

(II) aliens who refuse to submit their residence certificates;

(III) birth registration, death declaration are not transacted for aliens according to the provisions;

(IV) the registered items on the residence certificate for aliens are changed, yet change formalities are not transacted according to the provisions;

(V) aliens on Chinese territory use the exit and entry certificates of others instead;

(VI) registration is not transacted according to Clause 2, Article 39 of this Law.

If any hotel does not register accommodation information of aliens according to the provisions, a penalty shall be imposed according to the Law of the People's Republic of China on Public Security Administration Punishments; if failed to report accommodation registration information of aliens to public security organs according to the provisions, warning shall be given; in serious cases, a penalty between RMB 1,000 Yuan and 5,000 Yuan shall be imposed.

Article 77. Aliens shall be ordered to leave immediately if they enter any location in which aliens are prohibited without authorization; in serious cases, detention period shall be between 5 days and 10 days. Written records, acoustic image data, electronic data and other articles acquired by aliens in illegal ways shall be confiscated or destroyed, tools shall be confiscated.

If aliens, foreign agencies violate the provisions of this Law, refuse to move away according to the decision of public security organs, national security organs before the deadline, warning shall be given, forced movement away shall be implemented; detention period of relevant responsible persons shall be between 5 days and 15 days in serious cases.

Article 78. For illegal residence of aliens, warning shall be given; in serious cases, a penalty of 500 yuan per day shall be imposed on illegal residence, not to exceed a total of 10,000 yuan, or detention period shall be between five and 15 days.

For illegal residence of aliens under 16 full years old because their guardians or other persons with responsibility of guardianship do not fulfill their guardian obligations, warning shall be given to the guardians or other persons with responsibility of guardianship, a penalty below RMB 1,000 Yuan may also be imposed concurrently.

Article 79. For the behaviors of accomodating, hiding aliens for illegal entry, illegal residence, assisting aliens in illegal entry, illegal residence to evade inspection, or provide exit and entry certificates for aliens of illegal residence in violation of laws, a penalty between RMB 2,000 Yuan and 10,000 Yuan shall be imposed; in serious cases, detention period shall be between 5 days and 15 days, a penalty between RMB 5,000 Yuan and 20,000 Yuan may also be imposed concurrently, if there is any illegal gain, the illegal gain shall be confiscated.

If any organization conducts the above-mentioned behaviors, a penalty between RMB 10,000 Yuan and 50,000 Yuan shall be imposed. If there is any illegal gain, the illegal gain shall be confiscated, and a penalty shall be imposed on the directly responsible supervisor and other directly responsible persons according to the above-mentioned provisions.

Article 80. A fine of 5000 to 20,000 yuan will be imposed on an alien who works illegally. In serious circumstances, detention of five to 15 days, as well as a fine of 5000 to 20,000 yuan will be imposed.

A person who introduces aliens to illegal work will be subject to a fine of 5000 yuan per alien, not to exceed a total fine shall of 50,000 yuan. A work unit that introduces aliens to illegal work will be subject to a fine of 5000 yuan per alien, not to exceed a total fine of 50,000 yuan. If there are illegal earnings, such earnings will be confiscated.

A person who employs aliens illegally is subject to a fine of 10,000 RMB per alien, not to exceed a total fine of 100,000 RMB. If there are illegal earnings, such earnings will be confiscated.

Article 81. If an alien is engaged in activities that are not consistent with the terms of their authorized stay or residence, or that violate provisions of other Chinese laws or regulations, the alien may be required to depart the country within a specified period, if it is not appropriate for the alien to continue staying or residing in China.

The Public Security Bureau may deport an alien who violates this Law seriously, even if no crime has been committed. The Public Security Bureau's decision regarding such penalty is the final decision.

An alien who has been deported may not be readmitted for 10 years from the date of deportation.

Article 82. In any of the following circumstances, a warning shall be given, and a fine under 2000 yuan may be imposed:

(I) disturbing the operation order within the restricted areas of the ports.

(II) an foreign seaman and his accompanying relatives who disembark without undergoing temporary admission procedures.

(III) boarding or disembarking from a foreign vessel without any boarding documents.

Violation of Article 82 (I) under severe circumstances will result in detention of more than 5 days but up to 10 days.

Article 83. In any of the following circumstances for vehicles, the responsible person may be fined for over 5,000 yuan but not more than 50,000 yuan:

(I) exit and enter the border without inspection and permission, or change the exit and entry port without approval;

(II) failure to truthfully report the information of employees, passengers, cargos or goods, or refuse to cooperate with the exit-entry border inspection according to the regulation.

(III) boarding, or loading/unloading cargos or goods in violation of the stipulations of the exit-entry border inspection.

Using exit-entry vehicles to transport persons who are not allowed to exit or enter the border will result in a fine of over 5,000 yuan but up to 10,000 yuan for each person being transported. In the event that the responsible person of the transportation vehicles can prove that he/she has taken reasonable preventive measures, the punishment can be relieved or exempted.

Article 84. In any of the following circumstances on vehicles, a fine of over 2,000 yuan but up to under 20,000 yuan may be imposed on the responsible person:

(I) a Chinese or foreign vessel which approaches a foreign vessel without authorization.

(II) any foreign vessel or aircraft which fails to travel along the stipulated sea route or air route within the territory of China.

(III) any exit-entry vessel or aircraft which travels to any areas other than the opening ports in violation of the regulation.

Article 85. In any of the following circumstances, punishment will be imposed on the exit-entry administration staff:

(1) issuing exit-entry documents including visas or resident documents, etc. to unqualified foreigners in violation of the law and administrative regulations.

(2) inspecting and approving unqualified persons or vehicles to exit or enter the border in violation of the law and administrative regulations.

(3) disclosing personal information received during the course of exit-entry administration, infringing the party's lawful rights and interests.

(4) failure of turning over to the State Treasury the payment legally received, fines paid, and the illegal gains and properties confiscated according to the regulation.

(5) illegal sharing, possession or defalcation of the fees or goods which are fined, confiscated or seized or the payments received..

(6) abusing authority, derelicting duty, committing favoritism and irregularities, and any other non-performance of statutory duties according to the laws.

Article 86. The exit-entry border inspection authorities may make the punishment decision on the spot for any fines under 500 yuan for violation of the exit-entry administration law.

Article 87. A person who is fined for violation of the exit-entry administration law shall pay the fine at the designated bank within 15 days upon receiving the fine notice. If this

person has no fixed residence, or it is difficult to either collect the fine thereafter or pay the fine to the designated bank at the port, the fine can be collected on the spot.

Article 88. Any violation of the the provisions of the law which constitutes a crime shall be subject to criminal liabilities.

Chapter 8. Supplementary Provisions

Article 89. Definition of the following terms under this law:

Exit, meaning travel from mainland China to other countries or regions; or from mainland China to Hong Kong SAR or Macau SAR; or from mainland China to Taiwan.

Entry, meaning travel from other countries or regions to mainland China, or from Hong Kong SAR or Macau SAR to mainland China; or from Taiwan to mainland China.

Foreigner, meaning people who are not Chinese nationals.

Article 90. Upon approval by State Council, provinces and autonomous regions adjacent to neighbour countries may formulate local regulations or governmental provisions to stipulate the visits of the residents who live in the adjacent areas of the border of the two countries according to the border administration convention executed by China and the relevant country.

Article 91. The exit-entry and residence administration of diplomatic representative authorities and members from consular agencies of foreign countries in China as well as other foreigners who enjoy privileges and exemptions shall be governed by other regulations if any.

Article 92. Foreigners who apply for exit-entry documents including visas, resident documents etc., or apply for extension or change of the documents shall pay visa application fees and document fees according to the regulation.

Article 93. This law will be effective on July 1, 2013. The Law of The People's Republic of China on Control of the Entry and Exit of Aliens and the Law of The People's Republic of China on Control of the Entry and Exit of Citizens will be abolished at the same time.