

# *Immigration Guide*

## *China*

*PwC International Assignment Services*



*THIS ARTICLE IS FOR REFERENCE ONLY*

### *Entry Visa*

Citizens from Singapore, Japan and Brunei are able to enter into China for up to 15 days without obtaining a visa. Meanwhile, effective from 31 October 2013, citizens from Mauritius are able to enter into China for up to 30 days without a visa.

All other foreign nationals are required to obtain a visa in advance of entry into China. The type of visa required will depend on the purpose of the trip.

### *Visa Types Update*

The Legislative Affairs Office of the State Council released regulations relating to the new Exit-Entry Administration Law which became effective on 1 July 2013. The regulations took effect on 1 September 2013 which introduce various new visa types and provide clarity on the administrative procedures and supporting documents required.

The regulations expand the visa types from 9 to 16 categories. We summarise the significant changes regarding the common visa types applicable to foreigners coming to China below for your easy reference:-

<b>Visa Type</b>	<b>Applicable Before 1 September 2013</b>	<b>Applicable On or After 1 September 2013</b>
<b>F Visa</b>	Foreigners engaged in exchanges, visits, inspections, business or commercial related activities	Foreigners engaged in exchanges, visits, inspections and etc (non-commercial related activities)
<b>L Visa</b>	Foreigners coming to China for tourism, family visiting or other personal issues	Foreigners coming to China for tourism
<b>Z Visa</b>	Foreigners working in China and their accompanying family members	Foreigners working in China (excluding accompanying family members)

<b>R Visa</b>	N/A	High-level foreign experts who are urgently in need in China
<b>M Visa</b>	N/A	Foreigners engaged in commercial and trading purposes
<b>S Visa</b>	N/A	Visiting spouses, parents and parents in-law, children up to the age of 18 residing in China for purpose of work or study for 180 days or less (S2 Visa) or for more than 180 days (S1 Visa); or those who intend to come to China for other private matters
<b>Q Visa</b>	N/A	Visiting family members of Chinese citizens or foreigners with Chinese Permanent Residence who come to China for 180 days or less (Q2 Visa) or more than 180 days (Q1 Visa)

### *Talent Visa – R Visa*

An R Visa was introduced for those high-level foreign experts who are urgently in need in China effective from September 2013. As the definition of “high-level experts and with special skills urgently needed by China” varies from city to city, we suggest the Company to confirm with local in-charge authority before proceeding the R visa application, if necessary.

To facilitate the R visa application, a Foreign Expert Certificate (“FEC”) should be obtained from the designated authority in China. After obtaining the FEC, the foreigner could apply for the R visa directly from the home country Chinese Embassy or apply for a conversion of his current valid China visa into an R visa if they have arrived in mainland China. The maximum validity period of R visa is 5 years with multiple entries and the duration for each entry may be not more than 180 days.

In addition, in order to attract top talent, innovators and entrepreneurs into China, some cities have recently issued relevant new immigration policies and measures. For example, the Ministry of Public Security in Shanghai has recently announced 12 new exit-entry policies aimed at providing more convenient immigration arrangement, the best residence status for overseas talent and the most efficient immigration services (including relaxed criteria for applying permanent residence and long-term residence permit, fast track process, etc.). These new policies became effective on 1 July 2015. The Exit-Entry Administration Bureau of the Shanghai Public Security Bureau also issued the details to facilitate the implementation.

Similar to Shanghai, Beijing has also issued 20 new immigration policies and measures for foreign talents working in Z-Park (“Zhongguancun Science Park”) which were taken into effect from 1 March 2016.

## Business Visitor

A Business Visa to China is referred to either 'M' Visa or 'F' Visa.

Under the regulations effective from 1 September 2013, the F Visa will be applicable to those foreigners who visit China to participate in exchanges, visits, inspections and other non-commercial related activities. Those foreigners who come to China for business, trade or commercial purposes should apply for the M Visa.

On 6 November 2014, the Ministry of Human Resources and Social Security ("MHRSS"), Ministry of Foreign Affairs, Ministry of Public Security and Ministry of Culture jointly published a notice' (the Notice) to further regulate and clarify the visa requirements for certain short-term workers (including employees and contractors) coming to China. The Notice took effect on 1 January 2015. The Notice also clarifies the appropriate visa for other short-term arrangements in China for 90 days or less, including:

- M visa, which is granted for the purpose of commercial and trade activities, and
- F visa, which is granted for the purpose of exchange and visits.

For details on the application scope of M visa and F visa, please refer to the below table.

M Visa	F Visa
<ul style="list-style-type: none"><li>● providing machinery and equipment maintenance, installation, testing, debugging, disassembling, inspection and training</li><li>● providing guidance, supervision and inspection on successful bids</li><li>● working short-term in branches, subsidiaries and representative offices, and</li><li>● participating in athletic competitions (including athletes, coaches, doctors and assistants unless otherwise approved by the in-charge authorities as requested by the international athletic associations).</li></ul>	<ul style="list-style-type: none"><li>● performing volunteer work either receiving no pay or receiving pay from overseas, and</li><li>● conducting non-commercial performances.</li></ul>

Citizens from Singapore, Japan, Brunei and Mauritius who enter into China to participate in the above commercial or non-commercial activities will require M or F Visa if the duration of their visit exceeds 15 days (or 30 days for those from Mauritius).

Processing time is approximately three to five working days following submission of the application to the relevant Chinese Embassy or Consulate. The consular officer will decide on its validity, duration of stay and number of entries in light of specific conditions of the applicants.

### *Long Term Assignees*

All foreign nationals (including those residents from Hong Kong, Macau and Taiwan) must obtain an Employment Permit in order to work in China. If the foreigner obtains the FEC as mentioned in R Visa above, the applicant may be also benefited to be granted a China Employment Permit with the same validity period as the R visa.

A single-entry Z Visa (for the first entry to China) and Resident Permit (to be applied within 30 days after arriving China) must also be obtained to enable the individual to reside and work in China. Residents from Hong Kong, Macau and Taiwan are not subjected to this visa requirement and are able to travel and reside in China as holders of the Home Return Pass.

In assessing an application, the authorities will consider factors including:

- Whether the applicant is employed by an establishment of a foreign company in China;
- Whether the applicant possesses adequate competencies, including work experience and academic credentials required for the post in China; and
- Whether the position can easily be filled by a local individual.

### *Short Term Assignees*

With the effect of the Notice, Multinational companies (MNCs) sending their short-term workers to work in China should be aware of the new visa requirements and the possible impact to their short-term workers and business partners.

Under the new requirements of the Notice, short-term workers coming to China for 90 days or less for the following reasons should apply for a Z visa:

- working with the business partners for technical knowhow, research, management and supervisory work
- conducting training (including coaches and athletes) for sports clubs
- filming (including advertisements and documentaries)
- performing in fashion shows (including car exhibitions and print ads)
- participating in commercial performances, and
- other situations as identified by the MHRSS.

If the short-term workers obtaining the Z visa need to stay in China for over 30 days, they would also need to obtain residence permits from the local public security bureaus upon their arrival. Unlike the Z visa for those taking up employment or long-term secondment in China, the Z visa for short-term workers is not renewable upon expiry. As the Z visa for short-term workers is not renewable upon expiry, employers and short-term workers should plan and monitor their short-term assignments carefully; otherwise, they may need to re-apply for the Z visa and other permits when the assignment runs over 90 days.

### *Family Members*

The spouse, parents and parents in-law, children up to the age of 18 of the applicants who are working or studying in China are eligible to apply for S1 Visa and Residence Permit if they intend to stay in China exceeding 180 days. If the stay duration is no more than 180 days, family members as mentioned above are eligible to apply for S2 Visa.

For the family members of Chinese citizens or foreigners with Chinese Permanent Residence who intend to come to China for family reunion or for foster care, they can apply for the Q Visa.

The persons holding S or Q Visa are not authorised to work unless they first obtain an Employment Permits.

### *Application Process*

Employment permit is city specific. The applicant must work in the same location as the sponsoring company.

The key stages in the application process to obtain the work visa in China are:

1. Application by the employer for an Employment Licence (if the employee will be working for a Foreign Investment Enterprise) or Working Card (for a Foreign Representative Office).
2. Invitation Letter issued by the local commercial bureau and addressed to the relevant Chinese Embassy or Consulate.
3. Application for a (single entry) Z visa prior to entering China.
4. Medical Examination.  
In order to be considered eligible to obtain an Employment Permit, the foreign national must undergo a medical examination at an authorised hospital.

5. **Employment Permit**  
The applicant must apply for an Employment Permit within 30 days of arrival in China, following successful completion of a medical examination.
6. **Application for Foreigner Residence Permit**  
Once an Employment Permit has been granted, the applicant must then apply for a Foreigner Residence Permit which must also be applied for within 30 days of arrival in China. Therefore stages five and six must be completed within the same time frame.

Although the application process is similar national-wide, the local practice may vary from cities to cities. For example, Beijing has implemented a new online system effective 4 January 2016 for processing applications of employment license, employment permit and expert permit submitted by local entities for their employing of foreign individuals. On-site submission can only be arranged after the online approval has been obtained.

### *Supporting Documents*

Supporting documents usually include a resume, academic and professional qualification certificates, Employment Licence or Working Card and Invitation Letter. Documents must be in Chinese and display the local entity's company stamp.

As a kind reminder, the consular officer may require the applicant to provide other proof documents or supplementary materials, or require an interview with the applicant.

### *Timeline*

The processing time for completion of all stages for a standard application is approximately ten weeks. This may vary depending on the supporting documents required by the relevant authority.

For Beijing, due to the additional online pre-approval process, it will take another two to four weeks in aggregate for application of employment license and employment permit / expert permit.

### *Additional Point to Note*

Holders of Q1 Visa or S1 Visa, they should apply the residence permits within 30 days from the date of their entry.

*Both the Employment Permit and Foreigner Residence Permit application review and approval are administered on a local level, which is usually by the relevant local authorities. Therefore, the intended place of residence and work is critical. If an employee is relocated from one city to another during his or her assignment in China, he or she must update his or her work papers with the local labour bureau and local public security bureau of the new employment location.*

*The processes will vary according to the regulations and requirements of the specific location of the application.*

### **Non-Compliance**

*If foreigners commence work in China without obtaining approval from the relevant authorities, it may lead to penalties for both the individual and the employer. In addition, the latest regulation specifically define foreign individual being employed illegally as:*

- Working in China without a valid work permit and residence permit;
- Working outside the location or scope of responsibilities stated in a work permit;  
or
- Overseas students working outside the scope or timeframe, breaching the administrative regulations by taking part-time jobs while studying in China.

### **Contact**

This Guide is intended to provide a general overview of the immigration requirements and options for foreigners seeking to reside and work in China. For advice relating to a specific immigration matter please contact:

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