

Decree of the State Council of the People's Republic of China

No. 637

The Regulations of the People's Republic of China on Administration of the Entry and Exit of Foreigners, adopted at the 15th Executive Meeting of the State Council on July 3, 2013, are hereby promulgated and shall be effective from and after September 1, 2013.

Premier, Li Keqiang

July 12, 2013

**Regulations of the People's Republic of China on Administration
of the Entry and Exit of Foreigners**

Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the Exit and Entry Administration Law of the People's Republic of China (hereinafter referred to as the Exit and Entry Administration Law), for the purpose of regulating the issuance of visas and provision of services to, and administration of affairs of, foreigners who stay or reside within the territory of China.

Article 2 The State establishes a mechanism for coordinating the services and administration in respect of the entry and exit of foreigners, in order to improve the overall arrangement, coordination and cooperation in this field.

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may, where necessary, establish mechanisms for coordinating the services and administration in respect of the entry and exit of foreigners, in order to increase exchange of information and facilitate coordination and cooperation, and provide services and administration within their respective administrative regions.

Article 3 The Ministry of Public Security shall, in conjunction with the relevant departments of the State Council, establish a platform of information concerning the services and administration in respect of the entry and exit of foreigners in order to share information in this field.

Article 4 In issuing visas and in administering the stay and residence of foreigners within the territory of China, the Ministry of Foreign Affairs, the Ministry of Public Security and other departments of the State Council shall, on their portals and websites and at the places where exit or entry applications are accepted, make available the laws and regulations on the administration of the entry and exit of foreigners and other information that foreigners need to know.

Chapter II Categories and Issuance of Visas

Article 5 The scope and measures for issuance of diplomatic, courtesy and official visas shall be specified by the Ministry of Foreign Affairs.

Article 6 Ordinary visas are divided into the following categories and shall be marked with corresponding letters in the Chinese phonetic alphabet:

(1) The C visa is issued to crewmembers performing duties on board an international train, aircraft or vessel, and the accompanying family members of vessel crewmembers, and vehicle drivers engaged in international transportation services;

(2) The D visa is issued to persons who come to China for permanent residence;

(3) The F visa is issued to persons who come to China for exchanges, visits, study tours or other relevant activities;

(4) The G visa is issued to persons who transit through China;

(5) The J1 visa is issued to resident foreign journalists of permanent offices of foreign news agencies in China; the J2 visa is for foreign journalists who come to China for short-term news coverage;

(6) The L visa is issued to persons who come to China for travel; persons who come to China for group travel can be issued Group L visas;

(7) The M visa is issued to persons who come to China for commercial trade activities;

(8) The Q1 visa is issued to family members of Chinese citizens and family members of foreigners with permanent residence status in China who apply for residence in China for family reunion, as well as for persons who apply for residence in China for fosterage or

other purposes; the Q2 visa is for relatives of Chinese citizens living in China, or relatives of foreigners with permanent residence status in China, who apply for a short-term visit;

(9) The R visa is issued to foreigners of high talent who are needed, or specialists who are urgently needed, by the State;

(10) The S1 visa is issued to the spouses, parents, children under the age of 18 or parents-in-law of foreigners residing in China for work, study or other purposes who apply for a long-term visit to China, as well as for persons who need to reside in China for other personal matters; the S2 visa is for family members of foreigners staying or residing in China for work, study or other purposes who apply for a short-term visit to China, as well as for persons who need to stay in China for other personal matters;

(11) The X1 visa is issued to persons who apply for long-term study in China; the X2 visa is for persons who apply for short-term study in China; and

(12) The Z visa is issued to persons who apply for work in China.

Article 7 A foreigner applying for a visa shall fill out the application form, and submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application.

(1) To apply for the C visa, the applicant shall submit the letter of guarantee provided by a foreign transportation company or the letter of invitation provided by the entity concerned in China;

(2) To apply for the D visa, the applicant shall submit the form issued by the Ministry of Public Security confirming his or her permanent residence status;

(3) To apply for the F visa, the applicant shall submit the invitation letter provided by the inviting party in China;

(4) To apply for the G visa, the applicant shall submit a through ticket (air, road, rail or sea) to another country or region with the date and seat number on it;

(5) To apply for the J1 or J2 visa, the applicant shall go through the formalities of examination and approval in accordance with the Chinese provisions on news coverage by permanent offices of foreign news agencies in China and by foreign journalists, and submit the relevant application material;

(6) To apply for the L visa, the applicant shall, as required, submit travel plans and itinerary and other material; in the case of a group tour, the applicant shall also submit the letter of invitation provided by the travel agency;

(7) To apply for the M visa, the applicant shall, as required, submit the letter of invitation provided by the commercial or trade partner in China;

(8) To apply for the Q1 visa, in the case of applying for residence in China for family reunion, the applicant shall submit the invitation letter provided by the Chinese citizen living in China or by the foreigner with permanent residence status in China and proof of family relationship; and in the case of applying for entry for fosterage or other purposes, the applicant shall submit such certification documents as a power of attorney; to apply for the Q2 visa, the applicant shall submit such certification documents as the letter of invitation provided by the Chinese citizen living in China or by the foreigner with permanent residence status in China;

(9) To apply for the R visa, the applicant shall meet the qualifications and requirements set by the competent authorities of the Chinese government for inviting persons of high talent or urgently needed specialists, and the applicant shall, in accordance with relevant provisions, submit the relevant certification documents;

(10) To apply for the S1 or S2 visa, the applicant shall, as required, submit the invitation letter provided by the foreigner staying or residing in China for work, study or other purposes and proof of family relationship, or the certification documents required for dealing with personal matters in China;

(11) To apply for the X1 visa, the applicant shall, in accordance with relevant provisions, submit the admission notice issued by the admission institution and the certification documents provided by the competent authority; to apply for the X2 visa, the applicant shall, in accordance with relevant provisions, submit such certification documents as the admission notice issued by the admission institution; and

(12) To apply for the Z visa, the applicant shall, in accordance with relevant provisions, submit the work permit and other certification documents.

The visa authority may, in light of specific cases, require a foreigner to submit additional application material.

Article 8 In one of the following circumstances, a foreigner shall be interviewed as required by the visa authority abroad:

- (1) The applicant applies for entry into China for residence;
- (2) Information about the applicant's personal identity or his or her purpose of entry requires further verification;
- (3) The applicant has a record of being denied entry into China or ordered to exit China within the prescribed time limit; or
- (4) Other circumstances where an interview is necessary.

Where the visa authority abroad requires relevant departments or entities in China to help with the verification of relevant information, the latter shall cooperate.

Article 9 Where the visa authority, upon examination, deems the applicant to be eligible for being issued a visa, it shall issue to the applicant the appropriate category of visa. Where the applicant needs to obtain a residence permit after entry, the visa authority shall specify on the visa the time limit for applying for such permit after entry.

Chapter III Administration of Stay and Residence

Article 10 Where, after entry with a visa, a foreigner changes his or her purpose of stay or is granted entry conveniences in accordance with relevant provisions of the State, or where a foreigner starts using a new passport or needs to stay separately from his or her tour group after entering China with a group visa due to objective reasons, the applicant may apply to the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the place of his or her stay for a change of visa.

Article 11 Where the visa of a foreigner in China is lost, damaged, destroyed, stolen or robbed, the applicant shall, in a timely manner, apply to the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the place of his or her stay for reissuance of the visa.

Article 12 To apply for extension, change or reissuance of a visa, or for a stay permit, a foreigner shall fill out an application form and submit his or her passport or other

international travel documents, qualified photos, and material relating to the purpose of application.

Article 13 Where a foreigner's application for extension, change or reissuance of a visa, or for a stay permit, meets the acceptance provisions, the exit and entry administration authority of the public security organ shall issue a receipt of acceptance valid for a period of time not exceeding 7 days, and make a decision on whether to issue the visa within the validity period of the receipt of acceptance.

Where the procedures followed or material submitted by a foreigner for extension, change, or reissuance of a visa or for issuance of a stay permit does not conform to relevant provisions, the exit and entry administration authority of the public security organ shall, in a one-off manner, notify the applicant of the procedure(s) to be followed and the material to be supplemented and corrected.

During the period of time when the applicant's passport or other international travel documents are retained for processing his or her application for a visa or permit, the applicant may stay in China legally on the strength of the receipt of acceptance.

Article 14 The decision made by the exit and entry administration authority of the public security organ to extend the duration of stay specified in a visa is only valid for the current entry and does not affect the number of entries or the validity period of the entry specified in the visa. However, the total period of extension shall not exceed the original duration of stay specified in the visa.

When the duration of stay specified in the visa is extended, a foreigner shall adhere to the purpose specified in the original visa and stay within the extended duration of stay.

Article 15 Residence permits are divided into the following types:

- (1) The residence permit for work is issued to persons who work in China;
- (2) The residence permit for study is issued to persons who pursue long-term studies in China;
- (3) The residence permit for journalists is issued to resident foreign journalists of permanent offices of foreign news agencies in China;
- (4) The residence permit for reunion is issued to family members of Chinese citizens and family members of foreigners with permanent residence status in China who need to

reside in China for family reunion, and to persons who need to reside in China for fosterage or other purposes; and

(5) The residence permit for personal matters is issued to spouses, parents, children under the age of 18 or parents-in-law of foreigners residing in China for work, study or other purposes, who apply for long-term visit to China, as well as for persons who need to reside in China for other personal matters.

Article 16 A foreigner applying for a residence permit shall submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application, go through the relevant formalities in person with the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the proposed places of his or her residence, and provide biometric identification information such as fingerprints thereto.

(1) To apply for a residence permit for work, the applicant shall submit such certification documents as a work permit; in the case of a person of high talent who is needed or, a specialist who is urgently needed, by the State, the applicant shall submit relevant certification documents in accordance with relevant provisions;

(2) To apply for a residence permit for study, the applicant shall, in accordance with relevant provisions, submit such certification documents as a letter indicating the duration of study provided by the admission institution;

(3) To apply for a residence permit for journalists, the applicant shall submit the letter provided and the Press Card issued by the competent department;

(4) To apply for a residence permit for reunion, the applicant shall submit proof of family relationship and certification documents relating to the purpose of application; if the applicant needs to reside in China for fosterage or other purposes, he or she shall submit such certification documents as a power of attorney; and

(5) To apply for a residence permit for personal matters, in the case of a long-term visit, the applicant shall, as required, submit such certification documents as proof of kinship and the residence permit of the foreigner to be visited; to apply for entry to deal with personal matters, the applicant shall submit the documents certifying the need to reside in China.

When applying for a residence permit valid for more than 1 year, a foreigner shall, in accordance with relevant provisions, submit his or her health certificate. A health certificate is valid for six months beginning from the date of issue.

Article 17 To apply for extension, change or reissuance of a residence permit, a foreigner shall fill out an application form and submit his or her passport or other international travel documents, qualified photos, and material relating to the purpose of application.

Article 18 Where a foreigner's application for a residence permit or for extension, change or reissuance of a residence permit meets the acceptance provisions, the exit and entry administration authority of the public security organ shall issue a receipt of acceptance valid for a period not exceeding 15 days, and make a decision on whether to issue the visa within the validity period of the receipt of acceptance.

Where the procedures followed or material submitted by a foreigner for a residence permit or for extension, change or reissuance of a residence permit does not conform to relevant provisions, the exit/entry administration authority of the public security organ shall, in a one-off manner, notify the applicant of the procedure(s) to be followed and the material to be supplemented and corrected.

During the period of time when the applicant's passport or other international travel documents are retained for processing his or her application for a residence permit, the applicant may reside in China legally on the strength of the receipt of acceptance.

Article 19 In one of the following circumstances, the inviting entity or individual, the relative of the applicant or the specialized service agency concerned may apply for extension, change or reissuance of a visa or residence permit, or apply for a stay permit on behalf of the applicant:

(1) The applicant is under the age of 16 or over the age of 60 or it would unduly inconvenience the applicant due to illness or other reasons;

(2) The applicant's current entry is not his or her first entry into China and the applicant has a good record of stay or residence in China; or

(3) The inviting entity or individual has guaranteed to cover the necessary expenses of the applicant incurred in China.

If the applicant is a person of high talent who is needed, or a specialist who is urgently needed, by the State, or is in the circumstance prescribed by subparagraph (1) of the preceding paragraph, the inviting entity or individual, the relative of the applicant or the specialized service agency concerned may apply for a residence permit on his or her behalf.

Article 20 The exit and entry administration authority of the public security organ may verify the purpose of application through such means as interview, telephone inquiry and on-the-spot investigation, and the applicant as well as the entity or individual that has provided the letter of invitation or certification documents shall cooperate.

Article 21 In one of the following circumstances, the exit and entry administration authority of the public security organ shall not approve the application for extension, change or reissuance of a visa or residence permit, or the application for a stay permit, submitted by a foreigner:

(1) The applicant fails to provide material supporting his or her application in accordance with relevant provisions;

(2) The applicant has knowingly falsified information in the application process;

(3) The applicant is not eligible for staying or residing in China due to violation of relevant Chinese laws or administrative regulations; or

(4) Other circumstances where it is not appropriate to approve the applicant's application for extension, change or reissuance of a visa or residence permit, or for issuance of a stay permit.

Article 22 Where a foreigner holding a residence permit for study intends to engage in off-campus work-study or internship, he or she shall, upon the approval of the school, apply to the exit and entry administration authority of the public security organ to have such information as the location and duration of the work-study program or internship placement specified in his or her residence permit.

A foreigner holding a residence permit for study shall not engage in any off-campus work-study or internship unless the information prescribed in the preceding paragraph is specified in his or her residence permit.

Article 23 A foreigner who does not hold a valid passport or other international travel documents due to loss, damage, destruction, theft, robbery or other reasons and cannot

get the said passport or documents reissued by the relevant institution of his own country stationed in China may apply for exit formalities to the exit and entry administration authority of the public security organ of the local people's government at or above the county level in the place of his or her stay or residence.

Article 24 A foreigner whose area of stay is specified in his exit and entry documents or a foreigner who is approved temporary entry into China with restrictions on area of stay by the exit and entry border inspection authority shall stay in the specified or restricted area.

Article 25 In one of the following circumstances, a foreigner shall be deemed to be residing in China illegally:

(1) The applicant's stay or residence exceeds the duration specified in his or her visa, stay permit or residence permit;

(2) The applicant overstays the visa-free period and fails to obtain a stay permit or residence permit;

(3) The activities of the applicant go beyond the restricted area of stay or residence;
or

(4) Other circumstances where foreigners reside illegally.

Article 26 Upon discovery of one of the following circumstances, the entity that employs a foreigner or admits a foreign student shall, in a timely manner, report to the exit and entry administration authority of the public security organ of the local people's government at or above the county level:

(1) A foreigner employed resigns or changes employment location;

(2) A foreign student admitted has graduated, completed his or her course(s) or study, has quit school, or has left the school ungraduated;

(3) A foreigner employed or a foreign student admitted violates the provisions on administration of exit and entry; or

(4) A foreigner employed or a foreign student admitted dies, disappears or other serious circumstances arise.

Article 27 Where necessary, finance, education, medical, telecommunications or other entities may, for business purposes, apply to the exit and entry administration authority of the public security organ for verifying the information of a foreigner's identity.

Article 28 The stay or residence permits for foreigners who need to stay or reside in China for diplomatic or official purposes shall be issued and administered in accordance with the provisions of the Ministry of Foreign Affairs.

Chapter V Investigation and Repatriation

Article 29 Public security organs may establish places for repatriation in light of actual needs.

A foreigner who is to be detained for investigation in accordance with the provisions of Article 60 of the Exit and Entry Administration Law shall be sent to a detention house or a place of repatriation within 24 hours of his or her detention.

Where, a foreigner cannot be repatriated or deported immediately due to weather, his or her health or other reasons, he or she shall be detained in a detention house or a place of repatriation with relevant legal instruments.

Article 30 Where a foreigner's scope of activities is to be restricted in accordance with the provisions of Article 61 of the Exit and Entry Administration Law, a written decision on such restriction(s) shall be issued. The foreigner subject to the restriction(s) shall report to the public security organ at the designated time and, without approval of the decision-making organ, he or she shall not change his living residence or leave the restricted area.

Article 31 Where a foreigner is to be repatriated in accordance with the provisions of Article 62 of the Exit and Entry Administration Law, the organ that makes the decision on his or her repatriation shall, in accordance with law, decide on the specific duration of time in which the said foreigner shall not be allowed to enter China.

Article 32 A foreigner who is subject to repatriation shall bear the related expenses. If he or she is not able to do so, the entity or individual that employed him or her shall bear the expenses in the case of illegal employment; in other circumstances, the entity or individual that has guaranteed to cover the expenses of the foreigner during his or her stay or residence in China shall bear the expenses.

Repatriation of foreigners shall be carried out by the public security organs of the local people's governments at or above the county level or the exit and entry border inspection authorities.

Article 33 Where it is decided that a foreigner will exit China within a certain time limit, the decision-making authority shall, after cancelling or confiscating his or her original exit and entry documents, go through the formalities for his or her stay in China and set the time limit for his or her exit. The time limit shall not exceed 15 days.

Article 34 In one of the following circumstances, the visa, stay permit or residence permit held by a foreigner shall be declared null and void by the issuing authority:

(1) His or her visa, stay permit or residence permit is lost, damaged, destroyed, stolen or robbed;

(2) The time limit for his or her exit, repatriation or deportation from China has been decided, and his or her visa, stay permit or residence permit has not been confiscated or cancelled;

(3) The original purpose of residence has been changed, but he or she fails to report to the exit and entry administration authority of the public security organ within the prescribed time limit and fails to do so even after the said organ has given a public notice thereon; or

(4) Circumstances in which a visa or residence permit shall not be issued as prescribed by the provisions of Article 21 or Article 31 of the Exit and Entry Administration Law.

Where the issuing authority is to declare a visa, stay permit or residence permit null and void in accordance with law, it may do so on the spot or through a public notice.

Article 35 In one of the following circumstances, the visa, stay permit or residence permit held by a foreigner shall be cancelled or confiscated by a public security organ:

(1) The issuing authority declares it null and void, or it is being used fraudulently by someone else;

(2) It is forged, altered, or obtained by fraud or other illegal means; or

(3) The holder has been decided on a time for exit, repatriation or deportation from China.

The authority that makes a decision on cancellation or confiscation of a visa, stay permit or residence permit shall, in a timely manner, notify the issuing authority.

Chapter V Supplementary Provisions

Article 36 Meaning of terms in these Regulations:

(1) The number of entries specified in the visa means the number of times that the visa holder may enter China within the validity period of the entry specified in the visa;

(2) The validity period of the entry specified in the visa means the valid period of time during which the visa holder may enter China. Unless otherwise specified by the issuing authority, a visa is valid from the date of issuance until Beijing time 24:00 on the expiring day;

(3) The duration of stay specified in the visa means the period of time during which the visa holder is allowed to stay in China after each entry. It begins from the next day of entry;

(4) Short-term means staying in China for a period not exceeding 180 days (including 180 days); and

(5) Long-term or resident means residing in China for a period exceeding 180 days.

The period of time for examination and approval or the validity period of the receipt of acceptance of the exit and entry administration authority of the public security organ in these Regulations is calculated in terms of working days, excluding legal holidays.

Article 37 With the approval of the Ministry of Foreign Affairs, the visa authorities abroad may entrust local institutions with services, such as receiving of visa application material, data input and consultancy.

Article 38 The format of visas shall be prescribed by the Ministry of Foreign Affairs in conjunction with the Ministry of Public Security. The formats of stay permits and residence permits shall be prescribed by the Ministry of Public Security.

Article 39 These Regulations shall be effective as of September 1, 2013. The Rules on the Implementation of the Law of the People's Republic of China on the Entry and Exit of Aliens, approved by the State Council on December 3, 1986, promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on December 27, 1986, and revised by the State Council respectively on July 13, 1994 and April 24, 2010, shall be repealed simultaneously.

《中华人民共和国外国人入境出境管理条例》（中英文）

- 发布时间：2013 年 07 月 22 日 17:45

中华人民共和国国务院令

第 637 号

《中华人民共和国外国人入境出境管理条例》已经 2013 年 7 月 3 日国务院第 15 次常务会议通过，现予公布，自 2013 年 9 月 1 日起施行。

总理 李克强

2013 年 7 月 12 日

中华人民共和国外国人入境出境管理条例

第一章 总则

第一条 为了规范签证的签发和外国人在中国境内停留居留的服务和管理，根据《中华人民共和国出境入境管理法》（以下简称出境入境管理法）制定本条例。

第二条 国家建立外国人入境出境服务和管理工作协调机制，加强外国人入境出境服务和管理工作的统筹、协调与配合。

省、自治区、直辖市人民政府可以根据需要建立外国人入境出境服务和管理工作协调机制，加强信息交流与协调配合，做好本行政区域的外国人入境出境服务和管理工作的。

第三条 公安部应当会同国务院有关部门建立外国人入境出境服务和管理信息平台，实现有关信息的共享。

第四条 在签证签发管理和外国人在中国境内停留居留管理工作中，外交部、公安部等国务院部门应当在部门门户网站、受理出境入境证件申请的地点等场所，提供外国人入境出境管理法律法规和其他需要外国人知悉的信息。

第二章 签证的类别和签发

第五条 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。

第六条 普通签证分为以下类别，并在签证上标明相应的汉语拼音字母：

(一) C 字签证，发给执行乘务、航空、航运任务的国际列车乘务员、国际航空器机组人员、国际航行船舶的船员及船员随行家属和从事国际道路运输的汽车驾驶员。

(二) D 字签证，发给入境永久居留的人员。

(三) F 字签证，发给入境从事交流、访问、考察等活动的人员。

(四) G 字签证，发给经中国过境的人员。

(五) J1 字签证，发给外国常驻中国新闻机构的外国常驻记者；J2 字签证，发给入境进行短期采访报道的外国记者。

(六) L 字签证，发给入境旅游的人员；以团体形式入境旅游的，可以签发团体 L 字签证。

(七) M 字签证，发给入境进行商业贸易活动的人员。

(八) Q1 字签证，发给因家庭团聚申请入境居留的中国公民的家庭成员和具有中国永久居留资格的外国人的家庭成员，以及因寄养等原因申请入境居留的人员；Q2 字签证，发给申请入境短期探亲的居住在中国境内的中国公民的亲属和具有中国永久居留资格的外国人的亲属。

(九) R 字签证，发给国家需要的外国高层次人才和急需紧缺专门人才。

(十) S1 字签证，发给申请入境长期探亲的因工作、学习等事由在中国境内居留的外国人的配偶、父母、未满 18 周岁的子女、配偶的父母，以及因其他私人事务需要在中国境内居留的人员；S2 字签证，发给申请入境短期探亲的因工作、学习等事由在中国境内停留居留的外国人的家庭成员，以及因其他私人事务需要在中国境内停留的人员。

(十一) X1 字签证, 发给申请在中国境内长期学习的人员; X2 字签证, 发给申请在中国境内短期学习的人员。

(十二) Z 字签证, 发给申请在中国境内工作的人员。

第七条 外国人申请办理签证, 应当填写申请表, 提交本人的护照或者其他国际旅行证件以及符合规定的照片和申请事由的相关材料。

(一) 申请 C 字签证, 应当提交外国运输公司出具的担保函件或者中国境内有关单位出具的邀请函件。

(二) 申请 D 字签证, 应当提交公安部签发的外国人永久居留身份确认表。

(三) 申请 F 字签证, 应当提交中国境内的邀请方出具的邀请函件。

(四) 申请 G 字签证, 应当提交前往国家(地区)的已确定日期、座位的联程机(车、船)票。

(五) 申请 J1 字及 J2 字签证, 应当按照中国有关外国常驻新闻机构和外国记者采访的规定履行审批手续并提交相应的申请材料。

(六) 申请 L 字签证, 应当按照要求提交旅行计划行程安排等材料; 以团体形式入境旅游的, 还应当提交旅行社出具的邀请函件。

(七) 申请 M 字签证, 应当按照要求提交中国境内商业贸易合作方出具的邀请函件。

(八) 申请 Q1 字签证, 因家庭团聚申请入境居留的, 应当提交居住在中国境内的中国公民、具有永久居留资格的外国人出具的邀请函件和家庭成员关系证明, 因寄养等原因申请入境的, 应当提交委托书等证明材料; 申请 Q2 字签证, 应当提交居住在中国境内的中国公民、具有永久居留资格的外国人出具的邀请函件等证明材料。

(九) 申请 R 字签证, 应当符合中国政府有关主管部门确定的外国高层次人才和急需紧缺专门人才的引进条件和要求, 并按照规定提交相应的证明材料。

(十) 申请 S1 字及 S2 字签证, 应当按照要求提交因工作、学习等事由在中国境内停留居留的外国人出具的邀请函件、家庭成员关系证明, 或者入境处理私人事务所需的证明材料。

(十一) 申请 X1 字签证应当按照规定提交招收单位出具的录取通知书和主管部门出具的证明材料; 申请 X2 字签证, 应当按照规定提交招收单位出具的录取通知书等证明材料。

(十二) 申请 Z 字签证, 应当按照规定提交工作许可等证明材料。

签证机关可以根据具体情况要求外国人提交其他申请材料。

第八条 外国人有下列情形之一的，应当按照驻外签证机关要求接受面谈：

- （一）申请入境居留的；
- （二）个人身份信息、入境事由需要进一步核实的；
- （三）曾有不准入境、被限期出境记录的；
- （四）有必要进行面谈的其他情形。

驻外签证机关签发签证需要向中国境内有关部门、单位核实有关信息的，中国境内有关部门、单位应当予以配合。

第九条 签证机关经审查认为符合签发条件的，签发相应类别签证。对入境后需要办理居留证件的，签证机关应当在签证上注明入境后办理居留证件的时限。

第三章 停留居留管理

第十条 外国人持签证入境后，按照国家规定可以变更停留事由、给予入境便利的，或者因使用新护照、持团体签证入境后由于客观原因需要分团停留的，可以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换发签证。

第十一条 在中国境内的外国人所持签证遗失、损毁、被盗抢的，应当及时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补发签证。

第十二条 外国人申请签证的延期、换发、补发和申请办理停留证件，应当填写申请表，提交本人的护照或者其他国际旅行证件以及符合规定的照片和申请事由的相关材料。

第十三条 外国人申请签证延期、换发、补发和申请办理停留证件符合受理规定的，公安机关出入境管理机构应当出具有效期不超过 7 日的受理回执，并在受理回执有效期内作出是否签发的决定。

外国人申请签证延期、换发、补发和申请办理停留证件的手续或者材料不符合规定的，公安机关出入境管理机构应当一次性告知申请人需要履行的手续和补正的申请材料。

申请人所持护照或者其他国际旅行证件因办理证件被收存期间，可以凭受理回执在中国境内合法停留。

第十四条 公安机关出入境管理机构作出的延长签证停留期限决定,仅对本次入境有效,不影响签证的入境次数和入境有效期,并且累计延长的停留期限不得超过原签证注明的停留期限。

签证停留期限延长后,外国人应当按照原签证规定的事由和延长的期限停留。

第十五条 居留证件分为以下种类:

- (一) 工作类居留证件,发给在中国境内工作的人员;
- (二) 学习类居留证件,发给在中国境内长期学习的人员;
- (三) 记者类居留证件,发给外国常驻中国新闻机构的外国常驻记者;

(四) 团聚类居留证件,发给因家庭团聚需要在中国境内居留的中国公民的家庭成员和具有中国永久居留资格的外国人的家庭成员,以及因寄养等原因需要在中国境内居留的人员;

(五) 私人事务类居留证件,发给入境长期探亲的因工作、学习等事由在中国境内居留的外国人的配偶、父母、未满 18 周岁的子女、配偶的父母,以及因其他私人事务需要在中国境内居留的人员。

第十六条 外国人申请办理外国人居留证件,应当提交本人护照或者其他国际旅行证件以及符合规定的照片和申请事由的相关材料,本人到居留地县级以上地方人民政府公安机关出入境管理机构办理相关手续,并留存指纹等人体生物识别信息。

(一) 工作类居留证件,应当提交工作许可等证明材料;属于国家需要的外国高层次人才和急需紧缺专门人才的,应当按照规定提交有关证明材料。

(二) 学习类居留证件,应当按照规定提交招收单位出具的注明学习期限的函件等证明材料。

(三) 记者类居留证件,应当提交有关主管部门出具的函件和核发的记者证。

(四) 团聚类居留证件,因家庭团聚需要在中国境内居留的,应当提交家庭成员关系证明和与申请事由相关的证明材料;因寄养等原因需要在中国境内居留的,应当提交委托书等证明材料。

(五) 私人事务类居留证件, 长期探亲的, 应当按照要求提交亲属关系证明、被探望人的居留证件等证明材料; 入境处理私人事务的, 应当提交因处理私人事务需要在中国境内居留的相关证明材料。|

外国人申请有效期 1 年以上的居留证件的, 应当按照规定提交健康证明。健康证明自开具之日起 6 个月内有效。

第十七条 外国人申请办理居留证件的延期、换发、补发, 应当填写申请表, 提交本人的护照或者其他国际旅行证件以及符合规定的照片和申请事由的相关材料。

第十八条 外国人申请居留证件或者申请居留证件的延期、换发、补发符合受理规定的, 公安机关出入境管理机构应当出具有效期不超过 15 日的受理回执, 并在受理回执有效期内作出是否签发的决定。

外国人申请居留证件或者申请居留证件的延期、换发、补发的手续或者材料不符合规定的, 公安机关出入境管理机构应当一次性告知申请人需要履行的手续和补正的申请材料。

申请人所持护照或者其他国际旅行证件因办理证件被收存期间, 可以凭受理回执在中国境内合法居留。

第十九条 外国人申请签证和居留证件的延期、换发、补发, 申请办理停留证件, 有下列情形之一的, 可以由邀请单位或者个人、申请人的亲属、有关专门服务机构代为申请:

- (一) 未满 16 周岁或者已满 60 周岁以及因疾病等原因行动不便的;
- (二) 非首次入境且在中国境内停留居留记录良好的;
- (三) 邀请单位或者个人对外国人在中国境内期间所需费用提供保证措施的。

外国人申请居留证件, 属于国家需要的外国高层次人才和急需紧缺专门人才以及前款第一项规定情形的, 可以由邀请单位或者个人、申请人的亲属、有关专门服务机构代为申请。

第二十条 公安机关出入境管理机构可以通过面谈、电话询问、实地调查等方式核实申请事由的真实性, 申请人以及出具邀请函件、证明材料的单位或者个人应当予以配合。

第二十一条 公安机关出入境管理机构对有下列情形之一的外国人, 不予批准签证和居留证件的延期、换发、补发, 不予签发停留证件:

- (一) 不能按照规定提供申请材料的;
- (二) 在申请过程中弄虚作假的;

(三) 违反中国有关法律、行政法规规定，不适合在中国境内停留居留的；

(四) 不宜批准签证和居留证件的延期、换发、补发或者签发停留证件的其他情形。

第二十二条 持学习类居留证件的外国人需要在校外勤工助学或者实习的，应当经所在学校同意后，向公安机关出入境管理机构申请居留证件加注勤工助学或者实习地点、期限等信息。

持学习类居留证件的外国人所持居留证件未加注前款规定信息的，不得在校外勤工助学或者实习。

第二十三条 在中国境内的外国人因证件遗失、损毁、被盗抢等原因未持有效护照或者国际旅行证件，无法在本国驻中国有关机构补办的，可以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申请办理出境手续。

第二十四条 所持出境入境证件注明停留区域的外国人、出入境边防检查机关批准临时入境且限定停留区域的外国人，应当在限定的区域内停留。

第二十五条 外国人在中国境内有下列情形之一的，属于非法居留：

(一) 超过签证、停留居留证件规定的停留居留期限停留居留的；

(二) 免办签证入境的外国人超过免签期限停留且未办理停留居留证件的；

(三) 外国人超出限定的停留居留区域活动的；

(四) 其他非法居留的情形。

第二十六条 聘用外国人工作或者招收外国留学生的单位，发现有下列情形之一的，应当及时向所在地县级以上地方人民政府公安机关出入境管理机构报告：

(一) 聘用的外国人离职或者变更工作地域的；

(二) 招收的外国留学生毕业、结业、肄业、退学，离开原招收单位的；

(三) 聘用的外国人、招收的外国留学生违反出境入境管理规定的；

(四) 聘用的外国人、招收的外国留学生出现死亡、失踪等情形的。

第二十七条 金融、教育、医疗、电信等单位在办理业务时需要核实外国人身份信息的，可以向公安机关出入境管理机构申请核实。

第二十八条 外国人因外交、公务事由在中国境内停留居留证件的签发管理，按照外交部的规定执行。

第四章 调查和遣返

第二十九条 公安机关根据实际需要可以设置遣返场所。

依照出境入境管理法第六十条的规定对外国人实施拘留审查的，应当在 24 小时内将被拘留审查的外国人送到拘留所或者遣返场所。

由于天气、当事人健康状况等原因无法立即执行遣送出境、驱逐出境的，应当凭相关法律文书将外国人羁押在拘留所或者遣返场所。

第三十条 依照出境入境管理法第六十一条的规定，对外国人限制活动范围的，应当出具限制活动范围决定书。被限制活动范围的外国人，应当在指定的时间到公安机关报到；未经决定机关批准，不得变更生活居所或者离开限定的区域。

第三十一条 依照出境入境管理法第六十二条的规定，对外国人实施遣送出境的，作出遣送出境决定的机关应当依法确定被遣送出境的外国人不准入境的具体期限。

第三十二条 外国人被遣送出境所需的费用由本人承担。本人无力承担的，属于非法就业的，由非法聘用的单位、个人承担；属于其他情形的，由对外国人在中国境内停留居留提供保证措施的单位或者个人承担。

遣送外国人出境，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。

第三十三条 外国人被决定限期出境的，作出决定的机关应当在注销或者收缴其原出境入境证件后，为其补办停留手续并限定出境的期限。限定出境期限最长不得超过 15 日。

第三十四条 外国人有下列情形之一的，其所持签证、停留居留证件由签发机关宣布作废：

(一) 签证、停留居留证件损毁、遗失、被盗抢的；

(二) 被决定限期出境、遣送出境、驱逐出境，其所持签证、停留居留证件未被收缴或者注销的；

(三) 原居留事由变更，未在规定期限内向公安机关出入境管理机构申报，经公安机关公告后仍未申报的；

(四) 有出境入境管理法第二十一条、第三十一条规定的不予签发签证、居留证件情形的。

签发机关对签证、停留居留证件依法宣布作废的,可以当场宣布作废或者公告宣布作废。

第三十五条 外国人所持签证、停留居留证件有下列情形之一的,由公安机关注销或者收缴:

- (一) 被签发机关宣布作废或者被他人冒用的;
- (二) 通过伪造、变造、骗取或者其他方式非法获取的;
- (三) 持有人被决定限期出境、遣送出境、驱逐出境的。

作出注销或者收缴决定的机关应当及时通知签发机关。

第五章 附则

第三十六条 本条例下列用语的含义:

- (一) 签证的入境次数,是指持证人在签证入境有效期内可以入境的次数。
- (二) 签证的入境有效期,是指持证人所持签证入境的有效时间范围。非经签发机关注明,签证自签发之日起生效,于有效期满当日北京时间 24 时失效。
- (三) 签证的停留期限,是指持证人每次入境后被准许停留的时限,自入境次日开始计算。
- (四) 短期,是指在中国境内停留不超过 180 日(含 180 日)。
- (五) 长期、常驻,是指在中国境内居留超过 180 日。

本条例规定的公安机关出入境管理机构审批期限和受理回执有效期以工作日计算,不含法定节假日。

第三十七条 经外交部批准,驻外签证机关可以委托当地有关机构承办外国人签证申请的接件、录入、咨询等服务性事务。

第三十八条 签证的式样由外交部会同公安部规定。停留居留证件的式样由公安部规定。

第三十九条 本条例自 2013 年 9 月 1 日起施行。1986 年 12 月 3 日国务院批准，1986 年 12 月 27 日公安部、外交部公布，1994 年 7 月 13 日、2010 年 4 月 24 日国务院修订的《中华人民共和国外国人入境出境管理法实施细则》同时废止。

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