

How to Apply for Chinese Work and Business Visa



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Table of Contents

1. General overview	1
1.1 Introduction.....	1
2. Visa Types.....	2
3. Documents for All Visa Types and Application Procedure	4
3.1 List of Documents Needed for All Visa Types.....	4
4. M Visa for Commercial Purposes and F visa for Non-commercial Purposes	6
4.1 M “Business” Visa	6
4.2 F “Visitor” Visa.....	7
5. R Visa (Talent Visa 人才签证).....	8
6. Z Visa (working visa 工作签证)	9
7. Notification Letter of Foreigner’s Work Permit (外国人工作许可通知).....	10
7.1 For Long Term Z Visa Holders Working in China for Over 90 days	10
7.2 For Short Term Z Visa Holders Working in China for Up to 90 Days.....	11
7.3 For Foreign High-end Talents Staying in China for Up to 90 Days.....	11
8. Work Permit.....	12
8.1 “Encourage the Top, Control the Middle, Limit the Bottom”	14
9. Residence Permit and Accommodation Registration for Foreign Workers	16
9.1 Residence Permit	16
9.2 Accommodation Registration	16
10. Sequence of Applications for Various Scenarios	17
11. Renewals and Changes of Work and Residence Permits, and Penalties.....	19
11.1 Renewals and Changes.....	19
11.2 Penalty.....	19
12. Conclusion.....	21

1. General overview

This Guideline is the third update of the EU SME Centre *Guideline on Application for Visa and Residence Permit in China* (hereinafter “the Guideline”) published in 2011. Major changes to visa system introduced by Chinese legislation in 2013 were reflected in the second revision of the Guideline in 2015. Since then the situation and rules for employing foreigners in China have considerably changed, becoming more regulated and supervised. In 2017 the Chinese government published new regulations and rules for granting work permits to foreign employees and foreign experts, therefore further revision of the Guideline has been necessary.

1.1 Introduction

Since only a very few countries have a non-visa regime with China, the majority of foreigners need to apply for a visa allowing them to enter the country. There are more than 10 categories of visas introduced by Entry and Exit Law in 2013. This Guideline is focused on procedure and documents needed for visa and permits connected with work and business purpose. The application process for the visas and especially for work visa, can be quite complex. The visa application has to be supported by documents proving that all conditions for the entry and the stay are fulfilled.

2. Visa Types

In 2013 the Chinese government introduced new categories of visas, so they would better correspond and cover various purposes for entering China. The table below briefly explains them. The differences between the types of visas not only rely on the purpose itself, but also on the length of permitted stay in China and on the number of entries (crossing the borders to China). Detailed information is provided only for visas related to business or work purposes and for visitor type visa (F) which can be used when business is NOT carried on.

Type of Visa	Purpose	Duration of stay, number of entries
C	International train, aircraft crew, international voyage crew and their accompanying family members, and car drivers engaging in international road transportation	
D	Permanent residence immigrants	
F “Visitor Visa”	Exchange, visit and study activities (e.g. in the fields of science, technology, education, culture), study tours and other non-business and non-private visits	Duration of stay of each entry does not exceed 180 days. 1,2 or multiple entries, 3 to 12 months validity
G	Transit through China	
J1	Resident foreign correspondents of resident foreign news agencies in China	
J2	Foreign journalists who visit China for short term news reporting assignment	
L	Tourists	
M “Business Visa”	Commercial and trade activities	Duration of stay of each entry does not exceed 180 days. 1, 2 or multiple entries, 3 to 12 months of validity (some EU countries citizens can be granted with longer validity, eg. 60

		months)
Q1	Family members of Chinese citizens applying for residence in China and family members of foreigners who hold permanent resident status in China for family reunion, and persons applying for residence in China due to foster care reason etc.	
Q2	Relatives of Chinese citizens residing in China applying for short term relative visit in China and relatives of foreigners who hold permanent resident status	
R	High level foreign talents and urgently needed specialised talents sought after by China	Special regime Validity of 5 to 10 years, duration of stay up to 180 days per entry
S1	Spouse, parents, children under 18 years of age of a foreigner residing in China for work or study etc. and the spouse's parents applying for long-term relative visit, and any other persons who need to reside in china for personal reasons	
S2	Family members of foreigners who stay or reside in China for work or study etc. applying for short term relative visit, and persons who need to stay in China for personal reasons.	
X1	Enrolment in long-term course in China	
X2	Enrolment in a short-term course in China	
Z	Working in China <ul style="list-style-type: none"> • Work NOT exceeding 90 days • Work exceeding 90 days 	1 entry, 3 months validity After arrival to China and after certain procedure it is "changed" to a work-related residence permit

3. Documents for All Visa Types and Application Procedure

Chinese Embassies' and Consulate's websites are the main source of information on the procedure and on the documents necessary for obtaining a Chinese visa. In some countries (by February 2018 – 9 EU countries – United Kingdom, Netherlands, Belgium, France, Spain, Italy, Germany, Denmark and Sweden), the information can be found also on websites of Chinese government online visa information centre - **Visa Application Service Centre** (hereafter “the Visa Centre”) www.visaforchina.org

The reason to follow updated information on the above websites is mainly because the administrative requirements often change. Moreover, reciprocity between countries in granting visa plays an important role. What may apply to citizens of one country does not necessarily apply to citizens of other countries.

3.1 List of Documents Needed for All Visa Types

In all cases the visa applicant must submit the following documents:

- One completed **Visa Application Form** signed by the applicant
- One recently-taken original colour passport **photo** affixed to the Visa Application Form. The photo has to comply with special requirements (see the websites above)
- **Passport and photocopy** of the bio-data page. The Passport has to be valid for at least 6 months, and it has to have at least 2 blank visa pages

If the applicant is not a citizen of the country where he/she applies in, he/she has to submit the original and a photocopy of document certifying his/her legal status in the country.

Personal visit: The above documents accompanied with additional documents required for special types of visa have to be submitted to a Chinese Embassy, Consulate or Visa Centre in person. We have not heard about cases when it was allowed to apply for Chinese visa without personal visit to the Embassy, Consulate or Visa Centre respectively. However, it is advised to check the possibility with the above authorities in your country since the situation may change.

Originals and language: The Visa authorities normally require originals of the documents, however in some cases they can accept also high-quality printed copies. When this is possible, we will mention it here in the Guideline. The time needed for gathering originals, their notarization when required, has to be taken into account for planning when to start the application process.

Timing: It is advised to apply for visa not sooner than 3 months before the entry. The time needed for issuing visa is normally no longer than 2 weeks (usually shorter) from the moment of submitting and acceptance of the application and all supporting documents without mistakes. In some cases, it can be applied for express visa, but possibility of this procedure has to be checked for certain types of visa.

As mentioned above, the most time consuming is the gathering and preparing of supporting documents – invitation letters, diplomas, health checks and others.

Additional documents which are required for specific types of visa are mentioned under respective category of visa below.

4. M Visa for Commercial Purposes and F visa for Non-commercial Purposes

These two types of visa (M and F) are applied for shorter trips to China. The length and number of entries varies and depends on the nationality of the applicant, whether he/she applies for the first time, what reciprocity measures exist between China and the home country etc.

4.1 M “Business” Visa

Here is the list of documents usually required for an M visa:

Invitation letter

- Issued by a relevant entity or individual in China, written in Chinese or English, which shall contain:
 - Information on the applicant: full name, gender, date of birth, nationality, passport number;
 - Information on the visit: specific purpose of visit, arrival and departure dates, place(s) to be visited, specific relations between the applicant, the applicants sending entity and the inviting entity or individual, financial source for expenditures;
 - Information on the inviting entity or individual: name, contact telephone number, address, issue date of the invitation letter, official stamp, signature of the legal representative or the inviting individual

OR

- Issued by the organizer of trade fair

OR

- Of Duly Authorized Unit 被授权单位邀请函

Those who apply for a **multiple entry visa**, shall also submit:

A dispatch letter written in English or Chinese from the employer or other sending entity. This shall contain:

- Information of the applicant: full name, gender, date of birth, nationality, passport number;
- Information on the visit: specific purpose of visit;
- Information on the sending entity or individual: name, contact telephone number, address, issue date of the dispatch letter, official stamp, signature of the legal representative or the sending individual;
- Flight ticket (for some countries is not required).

4.2 F “Visitor” Visa

Under this category mainly fall the foreigner experts who come to China for a period not exceeding 90 days (eg. for giving lectures and doing research), for participation in non-commercial performances and for other common non-business visits, such as study tours.

Foreign experts visiting China for a period not exceeding 90 days shall submit:

- "Invitation for Foreign Experts" 外国专家来华邀请函 issued by State Administration of Foreign Experts Affairs or other authorized units (if the visit exceeds 90 days, Z visa has to be applied)
- Flight ticket or reservation of the flight to China and out (for multiple entries: flight ticket/reservation for the first visit)

For applying for visa for other common non-business visits, it has to be submitted:

- Invitation letter issued by a relevant entity or individual in China, written in Chinese or English, which shall contain
 - Information on the applicant: full name, gender, date of birth, nationality, passport number
 - Information on the visit: specific purpose of visit, arrival and departure dates, place(s) to be visited, specific relations between the applicant, the applicants sending entity and the inviting entity or individual, financial source for expenditures
 - Information on the inviting entity or individual: name, contact telephone number, address, issue date of the invitation letter, official stamp, signature of the legal representative or the inviting individual

OR

- Invitation letter of Duly Authorized Unit 被授权单位邀请函
- Flight ticket

5. R Visa (Talent Visa 人才签证)

In January 2018, new measures on the implementation of foreign talent visa system were introduced. According to this regulation foreign scientists, science & technology researchers, entrepreneurs, professionals and highly skilled workers can be issued with a R visa with the validity of 5 to 10 years, which can be used by the holders to travel to China many times a year and stay in the country up to 180 days a time. Spouses and children of R Visa holders will also be allowed to enter the country on an R Visa. Although it may look so, R visa are not meant for working purpose. However, holders of R visa can apply for work permit later on if they decide to do so (see Chapters 8 and 9).

R Visa will be issued based on the Certificate for Foreign High-end Talent. The Application for the Certificate for Foreign High-end Talent can be filled on-line at the website of Service Systems for Foreigners Working in China (<http://fwp.safea.gov.cn/>). Then, it shall be processed within 5 days and no fees are to be paid. The requirements for granting the Certificate for Foreign High-end Talent correspond to requirements for category A according to the new classification of foreign workers.

6. Z Visa (Working visa 工作签证)

On principle, a foreigner shall apply for and obtain a Z visa before he/she can legally work in China. Entering and staying in China for work purpose has recently become more complicated. For already a couple of years China has been protecting more intensively its labor market. If in the past almost all foreigners were welcomed and the application procedure was just lengthy, but automatic bureaucracy with positive outcome, since last year bureaucracy has become lengthier, with uncertain result. In practice many foreigners have the impression that there are more and more strict requirements on the qualifications and the experience of foreign employees. This is felt not only from the newcomers. It has been also applied to those who have already been working in China for many years.

Before describing the detailed procedures and requirements, it is important to highlight that under a category Z visa, there are two “subcategories”. The first one is called short term Z visa and it is granted to foreigners intending to work in China for up to 90 days. The more common one is a long term Z visa enabling to enter China and stay and work for more than 90 days. For the “up to 90 days” visa, less documents (eg. no health check certificate) are required to submit as part of the visa application procedure.

For both types of visas the authority issuing the visa (Consulate, Embassy...) will require a quality printed copy (the original is in most cases not needed) of the **Notification Letter of Foreigner’s Work Permit**.

7. Notification Letter of Foreigner's Work Permit (外国人工作许可通知)

Briefly said, the Notification Letter of Foreigner's Work Permit is issued to the employer by relevant Chinese authorities. This letter certifies that the employer is permitted to employ the foreigner. Both Chinese employers and prospective foreign employees need to meet certain basic requirements in order to be qualified to apply for the Notification Letter of Foreigner's Work Permit.

Chinese employers shall meet the following requirements:

- Be legally established, without record of severe illegal behavior or lack of credit;
- Employ foreigners for specialized posts that comply with national regulations when no suitable Chinese candidates are available;
- Pay foreigners at no less than local minimum wage standards;
- Obtain approval needed by industrial management department according to laws and regulations.

Prospective foreign employees need to meet the following requirements:

- To be at least 18 years old and healthy;
- To possess the required professional skill and the corresponding work experience for the work;
- To have no criminal record;
- To hold a valid passport.

Before applying for the Notification Letter of Foreigner's Work Permit, the employer or its entrusted agent needs to first create an account with the Service Systems for Foreigners Working in China (<http://fwp.safea.gov.cn/lhRegisterController.do?register>) by submitting the following documents:

- Information registration form;
- Legal registration certificate such as business licence;
- ID certification of the responsible person and the handler 负责人及经办人身份证明;
- License issued by relevant industrial management department if any.

Different documents are required for foreigners depending on the period they will work in China and the identity of the applicant. More details follow in the next chapter.

7.1 For Long Term Z Visa Holders Working in China for Over 90 days

Once the above-mentioned account is created, the following documents shall be provided in order to apply for the Notification Letter of Foreigner's Work Permit for working in China for over 90 days:

- Application form for the permit to foreigners working in China;
- Proof of the prospective foreigner employee's qualification for the said job – letters confirming of former employment, highest diploma, and profession qualification certificate;

- Non-criminal record certification;
- Health check certificate;
- Employment contract (including dispatch letter from the multinational company);
- Passport of the prospective foreign employee;
- Photo taken within 6 months;
- Relevant proving materials of accompanying family members;

Authorities may require other documents, if they decide so.

7.2 For Short Term Z Visa Holders Working in China for Up to 90 Days

To get the Notification Letter of Foreigner's Work Permit for working in China for up to 90 days, the following documents are needed:

- Application form for the permit to foreigners working in China;
- Working contract, project contract, cooperation agreement or invitation explanation letter issued by an inviting entity in China;
- Passport of the foreign applicant;

Both the application of the Notification Letter of Foreigner's Work Permit and the review thereof shall be made online.

A short term Z visa holder is allowed to work with multiple employers and such a foreigner shall list all the working places in the application form. The short term Z visa holder shall work in China strictly in compliance with the period specified in the Notification Letter of Foreigner's Work Permit obtained. No extension will be granted.

7.3 For Foreign High-end Talents Staying in China for Up to 90 Days

If a foreigner is a high-end talent who will come to China staying for up to 90 days at the invitation of a Chinese entity, he may also choose to apply for Foreign Expert Invitation Letter to China instead of the Notification Letter of Foreigner's Work Permit. The documents to be provided are similar to those needed for the Z visa. The only difference is that high-end talents will have to fill in an application form for foreign expert invitation letter to China instead of a normal form for the permit to work in China. The holder of Foreign Expert Invitation Letter to China needs to apply for an F visa instead of Z visa.

8. Work Permit

Work Permit is a certificate issued to foreign employees working in China for over 90 days as a proof of his/her legal stay in China for work purpose. The name of this permit in English is called employment pass. Foreign employees working in China for up to 90 days i.e. short-term Z visa holder or the holder of Foreign Expert Invitation Letter to China do not need to apply for a Work Permit for their stay in China.

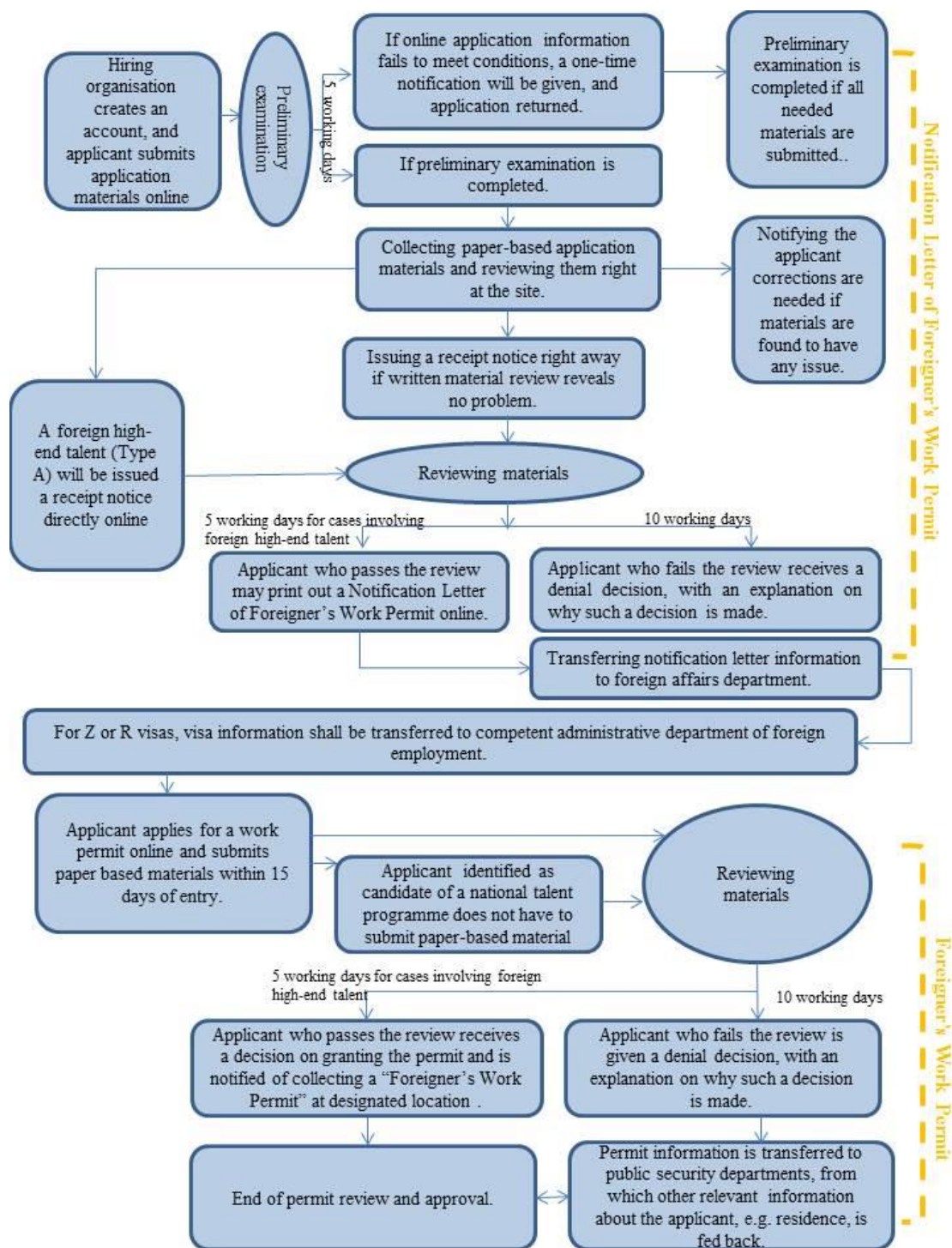
The employer shall apply for Work Permit for the employee holding long term Z visa within 15 days after the foreigner arrives to China with Z visa. The application for Work Permit has to be accompanied with an employment contract and a valid passport. The employment contract shall contain information such as the time of arrival in China for work reasons, the working place, the job responsibilities, the amount of the remuneration, the foreigner position, and the signature page of the employment contract with seals etc.

Work Permit is valid only for the region for which it was issued.

It has to be kept in mind by both, employee and employer, that the employment contract with a foreigner cannot be concluded for the period longer than 5 years. However, it can be renewed.

We leave aside work permit for commercial performances, which is a bit out of scope of the Guideline.

Below there is the flowchart for Foreigner's Work Permit application for the readers' reference.



8.1 “Encourage the Top, Control the Middle, Limit the Bottom”

Recently there have been substantial changes to the visa application system, as previously mentioned. New measures and legislations in China are often tested in so called pilot areas. These are selected provinces, municipalities or special administrative zones where new rules are applied in order to see how they will work in practice. The measures which proved to work are then applied nationwide. The same procedure was carried on when introducing a new work permit system for foreigners. After about one year of testing in several provinces, the project was extended nationwide and a new regulation “*Administrative Provisions on Employment of Foreigners in China*” was issued in March 2017.

Summing up, the main difference with the previous system is that foreign workers are now “scored and labeled” as A or B or C depending on their education, experience, the need for their expertise in China and other aspects.

Applications for work permits are submitted online. In the long term this way of applying should simplify and speed up the process for the obtainment of the visa. However, the system has to be still fixed from time to time and complications and delays are still present. In addition, some documents still have to be handed over in hardcopy.

Foreign work applicants are classified into three different categories based on a Point-Based System according to their:

- Education;
- Work experience;
- Salary;
- Knowledge of Chinese language;
- Age;
- Location of work;
- Other additional criteria.

Category	Required Qualification	Number of work permits granted	Duration of Work Permit
A	Top Talent/High-end Talent	No limitation	2-5 years
B	Professional Talent/Foreign Professionals	Based on market demand	1-2 years
C	Others subject to the regulations of the national policies and needs of domestic labour market	Quota	Up to 1 year

According to those who applied recently, their experience with the scoring system is mixed. General rule is that those who belong to a higher group can enjoy faster administrative procedure and longer duration of work permit.

The guide or catalogue called Point-Based System or Classification Standards for Foreigners Working in China has not been officially (as to our current knowledge) translated to English yet, but there are several private foreign owned consulting companies in China, that already elaborated applications corresponding to or based on the above mentioned Classification Standards for Foreigners Working in China. Those applications can be used as a preliminary unofficial guide for the applicants to test to what score they can reach.

High-end talent foreigners (category A), are those who meet China's economic and social development needs of scientists, science and technology leaders, international entrepreneurs, and special talents. High-end talents will be granted with the work permit irrespective of age, education and work experience. Chinese government provides green channel conveniences to high-end talent foreigners in the following aspects:

- Online application, paper material verification not needed if already recruited by relevant national talent programs;
- Requiring only an applicant's commitment regarding a non-criminal record certificate, but only certain applicants may proceed on a personal confirmation basis in regards to their highest academic degree diplomas, or any other professional qualifications; others may be required to provide supporting documents.
- High-end talents with other types of visa or valid residence permits already in China may apply for a Foreigner's Work Permit directly;
- Processing time of application, extension or cancellation of a Foreigner's Work Permit is reduced to 5 working days;
- May apply for a Foreigner's Work Permit with a valid period of a maximum of 5 years.

Foreign professionals (category B), refer to those, who are urgently needed talents for economic and social development. They have bachelor degree or above and a relevant working experience of 2 years or more, are no more than 60 years of age, and there is a real need to employ them. The restrictions on the age, education, or work experience can loosen up when the foreign professionals meet the requirements of innovation and entrepreneurial talents, professional and technical talents, outstanding foreign graduates and score assessment standards of foreign professionals.

9. Residence Permit and Accommodation Registration for Foreign Workers

The residence permit allows a foreigner to enter and exit China during the validity of the residence permit without restrictions. Therefore foreigners often call it “visa” because it serves the same purpose as a real visa. The permit also looks like the visa: it is a slip of paper attached onto one page of the passport and also its appearance is similar to that of a visa.

Foreigners also must register their place of stay within 24 hours after arrival with the local police office – Public Security Bureau.

9.1 Residence Permit

There are five types of residence permits in China, i.e. employment residence permit, study residence permit, journalist residence permit, reunion residence permit, and personal reason residence permit. Employment residence permit is issued normally for one or more years and has to be regularly renewed /prolonged with Entry and Exit Administration authorities and the length will correspond to length of Work Permit.

Normally within 30 days after the entry to China the Z visa has to be “converted” into an Employment Residence Permit, which is issued by authorities under Entry and Exit Administration, after submitting Work Permit and passport.

A long term Z visa holder needs to apply for the Employment Residence Permit within 30 days of his/her entry to China. However, for the holder of short term Z visa who stays in China for less than 30 days, no Employment Residence permit is needed. If the stay is no less than 30 days, the holder of short-term Z visa needs to apply for an Employment Residence Permit.

A R visa holder entering China also needs to apply for Employment Residence Permit within specific time limit if he/she changes to work in China and obtains the Work Permit. Relevant authorities under Entry and Exit Administration shall provide conveniences to the R visa holder in such application.

9.2 Accommodation Registration

The last step in the process of legally settling oneself in China is a personal visit at the nearest Public Security Bureau (nearest to the foreigner place of residence). A foreigner should bring with him/her: his/her passport and an apartment lease agreement or any other proof of the foreigner’s residency. In some cases foreigners have to be accompanied by the landlord of the apartment. A small form called “Accommodation Registration” will be issued to foreigners by the Public Security Bureau and this confirmation shall be available for potential police check (foreigners shall keep it together with the passport). The date of validity of the accommodation registration corresponds to the validity of the residence permit or to term of the lease agreement, whichever expiration date occurs first. Each time when the foreigner changes the residence address or when the accommodation registration expires, he/she has to apply again for the new accommodation registration.

10. Sequence of Applications for Various Scenarios

Below are described few scenarios which apply to various situations based on foreign workers classification. The scenarios show the sequence of steps for legal stay in China for work purpose.

Scenario I

Foreigner classified as B or C intending to work in China for more than 90 days

- Work Permit Notification Letter
- Z visa
- Entering China
- Work Permit
- Employment Residence Permit

Scenario II

Foreigner classified as B or C intending to work less than 90 days in China

- Work Permit Notification Letter (less documents required when applying for it)
- Z visa
- Entering China
- Employment Residence Permit if they stay longer than 30 days

Scenario III

Foreigner classified as A

- Work Permit Notification Letter (less documents required when applying for it and no hardcopy documents are required i.e. application can be made online)
- Z Visa
- Entering China
- Work permit
- Employment Residence Permit

Scenario IV

Applicant for R visa, who would like to change his/her visiting status and stay in China for work purpose

- High - end Talent Confirmation letter
- R visa
- Work permit
- Employment Residence Permit

Scenario V

Holder of any other visa legally staying in China who falls within category A and/or obtains High-end Talent confirmation letter

- Work permit
- Employment Residence Permit

11. Renewals and Changes of Work and Residence Permits, and Penalties

11.1 Renewals and Changes

A common situation is that during the validity of the employment contract the residence permit has to be renewed few times. Usually this occurs every year. However, it is forecasted that under the current rules the residence permit will be issued for a period longer than one year, especially for certain categories of foreign workers, e.g., for High-end talent foreigners. However, a strict annual inspection of Work Permit is in place and it commences at least 30 (or advisably 60 or more) days before the employment contract anniversary.

In case the employment contract is going to expire soon and there is an intention of both the employer and the employee to continue the contract, the procedure for renewal has to be started at least 30 days before the contract expires (same as in the last sentence of the above para applies). However, recent practice shows that this is not sufficient since administration of applications takes much longer. It is recommended to start even 60 days before the expiry. The same applies when there is a change of the employer or of the place of employment.

In case the foreigner is going to change employer but there will be no change to his/her employment position it can be done from within China unless the work permit expires.

11.2 Penalty

There are various penalties imposed to authorities, to employing organizations or to foreigners in case they violate laws related to entry, exit, and stay in China. The following are selected penalties imposed by Entry and Exit Law in certain situations related to visa, residence permit and work permit obligations and requirements:

- Foreigners can be imposed with a warning and possible fine of RMB 2,000
 - When they refuse to let inspected their visa or residence permit
 - When they fail to complete the change of registration formalities of residence permit
- Foreigners working illegally in China shall be subject to a fine ranging from RMB 5,000 to RMB 20,000; where the case is serious, the offender shall be detained for a period of more than five days but less than 15 days and be subject to a fine ranging from RMB 5,000 to RMB 20,000
- Persons arranging for foreigners to work illegally in China shall be subject to a fine of RMB 5,000 for each illegally employed foreigner, subject to a total fine of not more than RMB 50,000; organisations arranging for foreigners to work illegally in China shall be subject to a fine of RMB 5,000 for each illegally employed foreigner, subject to a total fine of not more than RMB 100,000; illegal income, if any, shall be confiscated
- Employers who employ foreigners illegally shall be subject to a fine of RMB 10,000 for each illegally employed foreigner, subject to a total fine of not more than RMB 100,000; illegal income, if any, shall be confiscated.

Foreigners residing in China illegally shall be given a warning; where the case is serious, a fine of RMB 500 per day for each day of illegal residence shall be imposed, subject to a total fine of not more than RMB 10,000, or the foreigner may be detained for a period of more than five days but less than 15 days.

12. Conclusion

Generally, obtaining a Chinese visa is a bureaucratic journey where it is necessary to be equipped with patience, knowledge of the rules, which sometimes may not be explicitly written. As China grows as an economic power, its labour market is becoming more and more attractive and as a consequence of this development it is increasingly selective.

This situation has been reflected in procedures for granting work related visa and in the attitude of the Chinese authorities. For a foreigner it is important to be well informed about the criteria for classification of foreigners for work purpose, to find a reliable employer and to have sufficient time for collecting supporting documents for the visa and the work permit application. It is also important to remember to renew in time (well in advance) all permits (work, residence etc.) since the consequences of not doing so might be serious and complicate future entries and stays in China. In case of large employers one could rely on their HR department who will take care about all procedures. However, in case of smaller employers which rely on external HR consulting companies it is advised to supervise the procedure carefully.

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Further reading...

The EU SME Centre has over 100 reports, guidelines and case studies in its **Knowledge Centre**, the following may be relevant to you:

- Individual Income Tax in China
- Tax Liability for Non-Resident Enterprises Engaging in Service Provision
- China Enterprise Income Tax
- Establishment and Operation of a Representative Office
- Establishment of a Foreign Invested Enterprise in China
- Repatriation and Reinvestment of the Assets of Foreign Invested Enterprise in China



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