



Guide to Employment of Foreign experts – Year 2002 REGULATION No.1

Meaning of term "Foreign Experts"

I. FOREIGN CULTURAL AND EDUCATIONAL EXPERTS AND THE ADMINISTRATIVE OFFICE IN CHARGE OF FOREIGN EXPERTS AFFAIRS

1. What is the meaning of the term "foreign cultural and educational experts" or "foreign teachers"?

The term "foreign cultural and educational experts" means the foreign specialists who are engaged in such areas as education, science & technology, journalism, publication, culture, art, sanitation, sports, science, economy, management, trade, accounting, tax, finance and law in China. The expert should have a degree of the bachelor or of higher level and working experience of more than two years.

2. What requirements foreign cultural and educational experts or foreign teachers should meet for working in China?

(1) The invited object shall be friendly to China and willing to cooperate with us. Not only should he be excellent in professional level that enables the working commission but be good in healthy condition.

(2) Where the invited object is a foreign expert, he shall obtain the teaching and research experience for 3-5 years or more. The long-term cultural and educational expert shall gain master or higher degree or titles above instructor level and corresponding experience, meanwhile, the short-term invited expert shall be in possession of doctor degree or titles above associate professor and remarkable achievement in such academic areas.

(3) Where the invited object is the ordinary foreign teacher of language, he shall have gained the bachelor or higher degree and professional training on language teaching as well as some amount of language teaching experience.

3. Which department is in charge of the foreign experts affairs?

The State Administration of Foreign Experts Affairs, P.R. China is the official organ under the central government and is in charge of the foreign experts

working in China. Those foreign affairs offices and local administrations of foreign experts in provinces, areas and cities are local government offices or units in charge of foreign experts working in the local places. The local authorities concerned in the administration of foreign cultural and educational experts include the foreign affairs office, the education department (committee or bureau) and the public security department (bureau) of the local government.

II. THE QUALIFICATION RECOGNITION AND ANNUAL REVIEW OF THE HOST INSTITUTION FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS (1)

1. What conditions that the host institutions for foreign cultural and educational experts shall meet?

(1) The institution has assigned administrator for foreign cultural and educational experts affairs.

(2) Administrative department has been established in the institution for the foreign cultural and educational experts affairs with trained professional personnel.

(3) Integrated managing system and measures for the foreign cultural and educational experts have been formulated.

(4) Necessary living and working facilities (such as the accommodation, sanitation, working and safety conditions of the residence) for foreign cultural and educational experts of foreign teachers have been set up.

2. How should the institutions that gain the Qualification Certificate of Employing Institutions for Foreign Cultural and Educational Experts handle the annual review and registration?

Any institution that is granted the Qualification Certificate shall take part in the annual review and registration directed by the State Administration of Foreign Experts Affairs and related authorities in accord with regulations. More details can be referred as the following:

Each employing institution shall fill in the report forms of annual review and write a self-examination report that shall thereafter be submitted to the foreign affairs office of the municipal level and the competent department in charge of corresponding business of its city. The foreign affairs office of the municipal level shall subscribe such opinions as adjusting or reserving the certificate with the cooperation of the competent department in charge of corresponding business according to the report

forms of annual review and the institution's performance. The foreign affairs offices of the provincial level and such departments as education and public security offices shall jointly conduct the examination and seal the registration after reaching unanimous signature opinion. Absence from the annual review will be taken as abandonment of the employment qualification.

II. THE QUALIFICATION RECOGNITION AND ANNUAL REVIEW OF THE HOST INSTITUTION FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS (2)

3. How could the institution intending to employ foreign cultural and education experts apply for the Qualification Certificate?

In 1992, the State Administration of Foreign Experts Affairs, the Ministry of Foreign Affairs and the Ministry of Public Security jointly stipulated in document that from March 1, 1993 the cultural and educational system of the whole country should carry out the Measures on the Qualification Certification of Employing Institutions for Foreign Cultural and Educational Experts. Any institution that intends to employ foreign cultural and educational experts may apply for the Qualification Certificate of Employing Institutions for Foreign Cultural and Educational Experts. The procedure for application are as follows:

(1) The institution intending to engage foreign cultural and educational experts brings forward its application to the foreign affairs office of the provincial level and fills in the Application Form for Qualification. The situation of the institution, the administration, managing regulations and safety rules of foreign cultural and educational experts shall be reported as well.

(2) The foreign affairs office of the provincial level shall cooperate with such authorities as the education office and public security office of the provincial level to inspect the institution, confirm its qualification and subscribe their opinions that shall be submitted to the State Administration of Foreign Experts Affairs.

(3) The State Administration of Foreign Experts Affairs grants the Qualification Certificate after approval.

From 1994, institutions who engage foreign cultural and educational experts without qualification certification shall be punished according to the specific conditions.

III. ADMINISTRATION OF ENTRY & EXIT (1)

1. What is (are) the fundamental principles of Law on the Entry and Exit of Aliens of the People's Republic of China?

Law on the Entry and Exit of Aliens of the People's Republic of China (referred as the Aliens Law in the following) was adopted by the Thirteenth Meeting of the Sixth Session of the Standing Committee of National People's Congress and took effect from February 1, 1986/ The basic principles of the Aliens Law are" To protect the national sovereignty, safety and social order, accommodate the opening policy of our country, facilitate the international exchange, promote the construction of socialism modernization and protect the legitimate rights and interests of aliens.

2. What are the regulations on the entry, pass and residency of aliens?

The Aliens Law stipulates that any entry into China, pass through China or residence in China of aliens shall obtain the approval of the authorities of Chinese government. The term of the visa-exemption agreement apply to the citizens from those countries that have signed such agreement with Chinese government. Aliens that stay in China for no more than 24 hours without exit from the airport may be exempted from visa.

3. How could the foreign experts apply for their entry visas?

The foreign experts may apply for visas to the Chinese diplomatic representative organization, consulate or other overseas organizations authorized by the Ministry of Foreign Affairs.

III. ADMINISTRATION OF ENTRY AND EXIT (2)

4. How many types of visas are offered in China?

After examining the application of aliens, the authority in charge of visa shall grant corresponding visas to those who meet the requirement according to the application causes. Chinese government issues four types of visas: visa of diplomacy, visa of courtesy, visa of official matters and ordinary visas. General aliens obtain ordinary visas when they come to China.

In favor of the administration, ordinary visas are divided into seven types and each is marked with a capital letter.

(1) Visa D is issued to those who come to China for permanent residence.

(2) Visa Z is issued to those who come to work in China and their accompanying family members.

(3) Visa X is issued to those who come to China to study or practice as interns for more than six months.

(4) Visa F is issued to those who come to China to visit, teach, do business, or for cultural, scientific or technological exchanges for less than six months.

(5) Visa L is issued to those who come to China to travel, visit friends and relatives or to deal with some private matters.

(6) Visa G is issued to those who need a stopover in China.

(7) Visa C is issued to the crews of airplanes, trains and ships who are on regular visits to China. Their accompanying family members are issued with the same type of visa.

(8) Visa J-1 is delivered to foreign resident journalists in China and Visa J-2 to foreign journalists who come to China to gather news.

According to the above regulations, foreign experts who come to China for long-term service should apply for Visa Z on their entry. Those who are invited to visit, teach or participate in the exchange of science, technology and culture and stay in China for a short term should apply for Visa F on entry.

III. ADMINISTRATION OF ENTRY & EXIT (3)

5. How to apply for Visa Z for the foreign experts who enter China for work?

According to the regulations, foreign experts, who plan to work in China for more than 6 months, should present their invitation letters, valid passports and certificates, and Confirmation for Invitation of Foreign Experts (original file) to Chinese diplomatic, representative organization, consulate or other overseas organizations entrusted by the Ministry of Foreign Affairs for application of Visa Z.

6. What certifications shall be provided when applying for visa?

To present the valid passport or other certificate(s) that can be used in place of a passport; to fill in a visa application form and hand in recent frontal hatless half-length photos; to present documents of certification pertaining to the purposes for entry or

the invitation letter from the host institution or the certificate-issuing authority; those who come to China for residence of one year or more shall produce health certificates including AIDS serum examination report issued by health departments designated by the governments of the countries the applications reside in, the health certificates shall remain valid within a period of six months as of the date of issue.

III. ADMINISTRATION OF ENTRY & EXIT (4)

7. What punishment could be imposed on those foreign experts who reside or stay in China exceeding the time limit?

Foreign experts, scholars or their children who reside or stay in China exceeding the time limit shall be given a warning or imposed with a fine of RMB500 for each day of their illegal stay with a total sum within the limit of RMB5000, or even be held in detention for 3 to 10 days; if the case is serious, the offender shall concurrently be ordered to leave the country within a specified period of time.

8. What should the foreign expert pay attention to when leaving China?

When leaving China after expiration of engagement, the foreign experts, scholars and their family members may present their valid passport and valid residence certificate in China for exit. At the time of exiting, they shall present their residence certificate to the border inspection office for cancellation. Where they leave and are to reenter China within the term of validity of their residence, they shall, before leaving, apply to the local public security organ for reentry visas and present their residence certificate to the border inspection office at the time of exit.

9. Under what circumstances could the term of foreign experts' stay in China be curtailed or the status of residence in China be cancelled?

Where the aliens have violated the regulations or laws and are unfit for continually staying or residing in China but shall not be ordered to leave the country in limited time, their term of stay may be curtailed or the status of residence in China may be cancelled. The aliens must leave the country within the curtailed term.

III. ADMINISTRATION OF ENTRY & EXIT (5)

10. What are the quarantine regulations of sanitation and health for foreign cultural and educational experts?

According to the "Quarantine Law of the People's Republic of China", all people entering or leaving the country, their transportation tools, baggage, cargoes and postal parcels that could spread epidemic diseases should undergo quarantine in appointed areas. Except navigators, all other personnel should obtain permission from quarantine officers before they can disembark from their transportation, load or unload their cargo, luggage and postal parcels.

Passengers on ships and aviation transport that have to cast anchor or land in ports closed to aliens should not leave their transportation or load and unload cargo, luggage and postal parcels unless they obtain special permission from quarantine offices. Organizations and individuals who break the following regulations will be cautioned or fined:

(1) Those who evade quarantine or try to cover facts;

(2) Those who leave or board transportation, load or unload cargo, luggage and postal parcels without permission from quarantine officers.

Those who refuse to accept fines by the quarantine organizations should sue the organization or the officers at the local People's Court within six days of receiving their penalty notice. Those who fail to sue within the period and refuse to be fined will have to pay the People's Court at the request of the quarantine offices.

Those who violate rules and endanger the public by spreading epidemic diseases will be punished according to the law.

III. ADMINISTRATION OF ENTRY & EXIT (6)

11. What is the employment term under which foreign expert working in China must present their health certificate?

Article 5 of the Provisions for the Monitoring and Control of AIDS approved by the State Council on December 26, 1987, and promulgated jointly by the Ministry of Public Health, the Ministry of Foreign Affairs, the Ministry of Public Security, the Ministry of Education, the National Tourism Administration, the Civil Aviation Administration of China and the State Administration of Foreign Experts Affairs stipulates that: when applying for entry visa, any foreigner who plans to settle down in China or stay (or study) in China for one year or longer is required to produce the AIDS Serological Examination Certificate issued by a public hospital or by a private hospital notarized by the notary office in the country of origin and the certificate

must be authenticated by the Chinese Embassy or consulate in the country. The certificate shall remain valid for six months as of the date of issue.

Among the foreign experts and workers working in China, except those who work in journalism or publication areas with working term of 1 year, most of them in the colleges work for 1 school year, but they used to travel or stay for some time in China after the expiration of the contract. However, the visa term is usually 1 year. Therefore, the invited foreign experts, the foreign workers and their family members shall present the health certificate including the AIDS Serological Examination.

III. ADMINISTRATION OF ENTRY & EXIT (7)

12. How to handle the concrete procedures on the health certificate that the foreign experts are required to present?

The host institution may acquire the Health Examination Record of Aliens and Notice on the Sanitation and Quarantine for Entry uniformly printed by the Ministry of Public Health from the local sanitation and quarantine authority and send them to the foreign experts and foreign workers before they come to China. Alternatively, the institution may notify the invited persons to acquire them from Chinese overseas diplomatic missions or consular offices. Whatever the way is, the host institution must remind the invite persons to perform the health examination as required. The hospital shall fill in the Health Examination Record of Aliens of the invited persons to the local sanitation and quarantine authority for notarization. The sanitation and quarantine authority is responsible for the grant of Validation Certificate of Health Examination Record of Aliens and the public security organ issues the residence permit to alien according to the Validation Certificate.

13. What to do in case the foreign experts fail to undergo the AIDS Serological Examination for lack of necessary conditions before coming to China?

The Provisions for the Monitoring and Control of AIDS points out that: foreign nationals who fail to undergo AIDS serological examination in their home countries for lack of necessary conditions, must go to a designated professional health organ for the examination within 20 days after entry.

III. ADMINISTRATION OF ENTRY & EXIT (8)

14. The diseases with which the foreigners are prohibited from entry into China:

According to the Rules for the Implementation of the Law on the Entry and Exit of Aliens of the People's Republic of China, those who suffer from mental diseases, or infectious diseases such as leprosy, AIDS, venereal diseases or open tuberculosis shall not be permitted to enter China.

15. What to do in case the foreign experts are found, after arrival in China, suffering from serious chronic diseases and unable to continue the normal work?

After the foreign expert entered China, where the institution found he suffered from serious chronic diseases and could not continue his normal work, it shall promptly suspend the contract and deal with the exit procedures for him in time. In case the diseases are formerly suffered from but not reported when entering China, the traveling fee for returning to his country shall be undertaken by himself. While, in case the chronic diseases are caused after arrival in China, the host institution shall provide the air ticket for him to return home.

16. Which kinds of aliens are prohibited from entry?

- (1) Those who are expelled by the Chinese Government whose terms of no-entry has not yet expired;
- (2) Those who are considered prone to terrorist or subversive activities or violence after entering the country;
- (3) Those who are considered prone to smuggling, prostitution or drug trafficking after entering the country;
- (4) Those who suffer from mental diseases or infectious diseases prone to endanger public health;
- (5) Those who lack the means to support themselves financially while staying in China; and
- (6) Those who are considered prone, after entering the country, to other activities that may jeopardize the state security and interests of our country.

III. ADMINISTRATION OF ENTRY & EXIT (9)

17. Categories of aliens denied exit from China

- (1) A defendant in a criminal procedure or a criminal suspect listed by a public security organ or people's procurator office or people's court;
- (2) A person under notice by a people's court to be denied exit for an unsettled civil procedure;

(3) A person awaiting decision for any other violation of Chinese law, whose case, in the opinion of competent authorities, calls for investigation.

Not until the relevant lawsuits and civil cases have been concluded, not until the reasons that prevent their exits have disappeared, are those involved allowed to leave China, with the approval of concerned Chinese departments.

III. ADMINISTRATION OF ENTRY & EXIT (10)

18. What are the customs regulations on foreign experts' bringing in and taking out luggage and daily necessities?

Foreign experts who come to China for long-term service are allowed to bring in luggage and necessities for personal use on condition that such items do not exceed reasonable quantities.

Foreign experts (including experts from Hong Kong SAR, Macao SAR and Taiwan Province) or overseas Chinese experts can carry in duty-free teaching and research materials such as books, instruments, tools, samples and reagents if they are for personal use and do not exceed reasonable quantities. These are listed below:

- (1) Books, newspapers, teaching notes, visual aids, etc;
- (2) Samples, models and photographic slides;
- (3) Small-types of instruments and meters (one set for each type) for analysis, measurement, inspection and observation in scientific research, experiments and teaching;
- (4) Good strains of plants and seeds (only for the experts of agriculture and forestry to use in their research and teaching);
- (5) Special materials like reagents, biological intermediates and products, medicines, isotopes, etc. needed in research, teaching and experiments of chemistry, biology and medicine.

The articles listed above should not be sold or transferred without the approval of customs. When they exceed the supervision time, applications can be made to customs for an extension. Foreign experts (with a visa for over one year) who come to China for the first time can bring in duty-free video cameras for home use, cameras, portable tape-recorders, CD players and lap tops, one set for each person.

After they obtain their residence permits, foreign experts can apply to the Beijing Administration Customs for the duty-free concessions by presenting their passports, Foreign Experts' Certificates, residence permits, Foreign Experts' ISD Cards and application forms. (Except for the 20 categories such as television set, video camera, video recorder, video player, visual equipment, air-conditioner, refrigerator, washing machine, camera, duplicator, program-controlled telephone exchanger, minicomputer, telephone, radio calling system, facsimile, electronic calculator, type-writer, word processor, furniture, lamps and seasoning).

On leaving China, foreign experts should apply to take out articles to the local customs, presenting their passports, Foreign Experts' Certificates, residence permits and application forms.

III. ADMINISTRATION OF ENTRY & EXIT (11)

19. What are the customs regulations on the bringing in and taking out of gold, silver and products made thereof by foreign experts?

Foreign experts should declare to Customs any gold, or silver and articles made of them upon entering China. Such articles are allowed in free of duty if they are in reasonable quantities for personal use. If deemed to exceed reasonable quantities, they can be allowed in after duties are paid in accordance with regulations. The duty-free articles, once allowed in, are at the owners' free disposal. If these articles are to be taken out upon the experts' departure from China, the declaration forms filled in on arrival at the port of entry should be shown to the Customs officers. Those who have failed to declare to the Customs the amount of gold, silver and articles made of the and those who are carrying out more than they have declared on arrival, will not be allowed to carry the precious metals out. Foreign experts who have bought gold and silver ornaments with foreign currencies they have brought in can carry, ship and mail these articles out by presenting to the Customs the special receipts provided by sellers authorized to sell such articles.

20. What Chinese laws and regulations on foreign experts' bringing in animals, plants and their products?

According to the Chinese Quarantine Law on Importing and Exporting Animals and Plants, those wanting to bring in animals, plants, plant seeds and propagating material should apply for permission and undergo necessary examination procedures. Foreign experts intending to bring in animals and plants should entrust their Chinese employers or

inviting organizations to help them complete such quarantine procedures before their arrival. What should be reminded here are the following items that are prohibited from being brought into China:

- (1) Pathogen of animals or plants, insects, insects or living things that are harmful;
- (2) Animals and plants from areas that have been infected by epidemic diseases;
- (3) Dead bodies of animals;
- (4) Soil.

III. ADMINISTRATION OF ENTRY AND EXIT (12)

21. What items are prohibited from entering China?

The following items shall be prohibited from entering China:

- (1) Various weapons, ammunition and explosives;
- (2) Counterfeit money and negotiable securities;
- (3) Publications, films, photos, gramophone records, movies, tapes, CD discs, software and other products that are considered harmful to Chinese politics, economics, culture and morality;
- (4) Deadly poisons;
- (5) Opium, morphine, heroin, marijuana and other addictive narcotics;
- (6) Animals and plants that might carry dangerous germs or insects, and products of this kind.;
- (7) Food, medicine and other products from areas affected by epidemic diseases that are considered harmful to human health and domestic animals;
- (8) Chinese currency (except that handled in accord with the currency agreement).

22. What items are prohibited from exiting from China?

The following items are prohibited from exiting from China:

- (1) Items that are prohibited from being brought into the country;

(2) Manuscripts, publications, films, photos, gramophone records, movies, tapes, video tapes, CD discs and computer software that are connected with State secrets;

(3) Precious cultural and other relics that are prohibited from being exported;

(4) Precious animals and plants (including samples) that are in imminent danger of extinction, their seeds and materials for their propagation.

III. ADMINISTRATION OF ENTRY & EXIT (13)

23. What are the regulations on foreign experts' taking cultural relics out of the country?

Foreign experts intending to take, consign or mail cultural relics (including paintings and calligraphic works by established modern artists who are deceased) out of the country should confirm that the articles have been appraised by the relevant cultural relics administrative departments. Such departments are now available in the port cities of Beijing, Tianjin, Shanghai and Guangzhou. When taking cultural relics out of the country, one has to declare to the Customs and show the appraisal marks on the relics as well as the "Permit for Relics Exiting from China" delivered by the concerned departments. Cultural relics that are not allowed to be taken, consigned or mailed out of the country should be registered at the Relics Exiting Appraisal Group and be returned to the owner, or be evaluated and bought by related departments, or be requisitionarily purchased if necessary.

The cultural relics that foreign experts have purchased in special shops appointed by the State Relics Administration Bureau with foreign currencies that have been brought into China can be taken out. However, declaration at the Customs is still necessary, and the Customs shall check the "Uniformed Invoice for Exporting Cultural Relics" and appraisal marks by relics administration departments.