



# SAFEA GUIDE FOR FOREIGN EXPERTS WORKING IN CHINA

This publication is reproduced with thanks to the Director of the State Administration of Foreign Experts, Ministry of Foreign Affairs, PRC and is an official guide for foreigners working in China as consultants, instructors, tutors and for employees of foreign companies with representative offices.

Some sections have been revised, refer "Guide to employment Nos 1-6" (2002) and must be read in conjunction with any other regulations mentioned in the text.

At the beginning of its foundation, the People's Republic of China started to invite foreign experts for service in technology, management, science and research, education, journalism and publication and other fields. Since China carried out economic reform and opening up to the outside world in 1978 more specialists have been invited from abroad. Up to now foreign experts having worked in China have amounted to 740,000 persons/ times. At present the foreign experts work in all China's provinces, autonomous regions and municipalities. Their service covers the national economy and social development in such fields as industry, agriculture, key projects, education, science and technology, finance, commercial endeavours, public health and sports, press and law.

These experts have made great contributions to the promotion of Chinese economic construction and social development as well as to the friendship and cooperation between the Chinese people and the people of other countries. The State Bureau of Foreign Experts Affairs of China is sincerely grateful to all the experts who have worked in China.

Many who hope to work in China and those establishments that mean to recommend personnel, often ask questions concerning work in China. They want to know which departments or units need foreign experts and what type of specialists, how to enter and leave China, what treatment they will receive and what they need to pay attention to while working and living in China. These friends want the concerned departments to offer them guiding materials. This is the reason we have compiled this information.

To make it practicable, we try to give a clear introduction to China and provide the necessary information that the experts will need to know. China is deepening its reform, some adjustments will be made in the regulations concerning experts working in China, we hope that the experts will understand this. Here we acknowledge the support and help of the experts from the Ministry of Foreign Affairs, the Ministry of Public Security and the Beijing Administration of Customs.

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## SAFEA GUIDE FOR FOREIGN EXPERTS WORKING IN CHINA

Zheng Huaisheng Chen Yangjin  
EDITOR- IN - CHIEF :

Zhao Lixian

DEPUTY EDITORS:

Shi Zhongcheng, Yue Xiaodong, Zhang Xinmin  
MEMBERS OF THE EDITORIAL BOARD

Zhao Lixian, Shi Zhongcheng, Yue Xiaodong, Zhang Xinmin, Liu Xin, Xiao Suhua, Zhang Min

EDITING STAFFERS:

Huang Lijin, Liu Yongzhi, Su Guangming, Wu Jianxin

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### 1. Foreign Experts

With the development of Chinese economy, society and culture, a great number of foreign specialists are invited to work in China every year. They are not unskilled workers, but because they possess special skills they come to engage in specialized work and help the Chinese to solve problems in their development.

Inviting foreign experts to work in China is an important means employed by the Chinese government to carry out the exchange of international personnel. "Foreign experts" is a term for those foreign specialists who are invited to work in China to meet the needs of the Chinese economic construction and social development. Once approved by the departments concerned, they can be employed to work in China as foreign experts.

The foreign experts differ greatly from other aliens such as diplomats, travelers, students, business or official visitors and the ordinary workers working in China.

The administration of these people in China is also different. The Chinese government, every provincial, autonomous regional, and city governments and employment units provide various convenient working and living conditions for the experts. Those with excellent performance will be given different honors or awards.

### 1. Who can be considered foreign experts working in China ?

Foreign experts who are invited to work in China can be divided into the following:

1. Foreign educational, scientific, cultural and medical experts.

These refer to those experts who are employed by the Chinese schools and other educational establishments in such fields as publication, medicine, scientific research, culture and art, and sports. They should hold bachelor's degrees and have more than two years of experience.

2. Foreign economic, technical and managerial experts.

These are the foreign professionals who are invited to work on a long-term or short-term basis by the Chinese government agencies, economic and social managerial departments, and by units in the fields of industry, commerce, finance, politics and law. Included are those foreign specialists sent by the foreign corporations to carry out agreements between governments or international organizations and those who come with introduced projects or key construction projects, and those invited directly by the work units to engage in technology and management.

The foreign investors, legal representatives or senior managerial personnel (foreign general managers, directors, deputy directors, etc.) in foreign-invested enterprises who live in China and participate in the management of the enterprises, and the foreign technicians who are engaged in production and management also belong to foreign experts if they are one of the following:

- Holders of at least bachelor's degrees, engineers or holders of degrees or technical titles of the same level;

- Those who have worked for more than five years and are experienced in their specialized fields, who are able to conduct technical supervision and are qualified in their own professions;
- Those who possess special techniques and particular skills especially needed by our country;
- Those who have experience of working abroad and engaging in management for more than five years, managers of departments or holders of the same level positions in large or medium-sized foreign enterprises or hi-tech enterprises.

3. Representatives of foreign experts' organizations and resident representative offices of personnel intermediary agents ratified by the State Bureau of Foreign Experts Affairs of China and registered by industrial, commercial, administrative offices (managerial, or civil affairs departments (non-profit-making))

## 2. Administrative offices in charge of foreign experts

The State Bureau of Foreign Experts Affairs of 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 bureaus of foreign experts in provinces, areas and cities are local governmental offices or units in charge of foreign experts working in the local places .

## II . ENTRY, RESIDENCE, TRAVEL AND EXIT OF FOREIGN EXPERTS

### 3. Entry

China 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. Ordinary visas are issued to applicants according to their different purposes and each type 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. A group visa can be obtained if more than nine people come together for travel.

**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.

Those who do not have enough time to apply for entry visas from Chinese overseas departments, but must come to China immediately can apply for entry visas from the offices entrusted by the Ministry of Public Security on arriving at ports under the following conditions.

(1) Those who are invited at short notice to attend trade affairs.

(2) Those who come to make a bid or to sign economic and trade contracts and agreements with Chinese partners.

(3) Those who are invited to supervise the loading and unloading of imports or exports or to examine the quality of imported goods and projects.

(4) Those who are invited to install equipment or to carry out emergency repairs.

(5) Those who are invited to deal with damage claims.

(6) Those who are invited to provide timely scientific and technological advice.

(7) Those who come as substitutes to members of groups that have already been in existence for some time. Such changes; however, should be approved by the inviting organizations or persons.

(8) Those who come to visit patients who are in a critical condition and those who come for funeral ceremonies.

(9) Those who are here in transit, but because of unavoidable delays, cannot leave China within 24 hours by any transportation means.

(10) Those who do not have enough time to apply for entry visas from entrusted overseas departments, and who hold telexes or telegrams from authoritative Chinese departments approving them to apply for visas on arriving at the port.

Those who are not included in the above are not allowed to apply for visas at any port.

The offices entrusted by the Ministry of Public Security to issue visas are at the ports of Beijing, Shanghai, Tianjin, Dalian, Fuzhou, Xiamen, Xian, Guilin, Hangzhou, Kunming, Guangzhou (Baiyun Airport), Shenzhen (Luohu, Shekou), Zhuhai (Gongbei), Haikou, Sanya, Qingdao, Yantai and Weihai.

The Detailed Regulations on Implementing the Law of the People's Republic of China on Entry and Exit of Aliens stipulate that the following people are denied entry of China.

(1) Those who have been expelled by the Chinese government.

(2) Those who come to engage in terrorism, violence or subversion.

(3) Those who come to engage in drug trafficking or prostitution.

(4) Those who suffer from mental disorders, leprosy, AIDS or other contagious diseases.

(5) Those who do not have sufficient financial means to support themselves in China.

(6) Those who come to engage in activities that are dangerous to State security or benefits.

#### **4. How to apply for Visa Z, visa for those who work in China**

According to the regulations, foreign experts, who are to work in China for more than 6 months, should apply for Visa Z to China's departments of foreign affairs or overseas organizations entrusted by the Ministry of Foreign Affairs. They should present their

invitation letters, valid passports and certificates, and Foreign Experts Affairs Invitation Confirmation.

#### **5. What is a Foreign Experts Invitation Confirmation ?**

This certificate is to be presented when a foreign expert applies for Visa Z. It proves that the State Bureau of Foreign Experts Affairs agrees that the holder comes to China as an expert (accompanied by his/her family members) and asks the Chinese Embassy or Consulate to issue Visa Z according to the regulations concerned.

This certificate can be obtained by the inviting work unit, which applies for it to the State Bureau of Foreign Experts Affairs and the departments of foreign affairs entrusted by the Bureau, and sends the original copy to the expert. This certificate should be presented with the invitation letter and cannot replace it.

#### **6. How to use a Foreign Experts Invitation Confirmation**

This certificate can only be used by experts who have obtained approval to work in China while applying for Visa Z. It is needed by the expert when applying for Visa Z, not by other aliens to apply for Visas F or L.

#### **7. What offices issue a Foreign Experts Invitation Confirmation ?**

This certificate can only be issued by The State Administration of Foreign Experts Affairs. The departments of foreign affairs of provinces, autonomous regions and cities, and ministries under the State Council, their subordinate offices, units and international co-operative sections can also issue the certificate to the experts who come to work in their areas or units.

#### **8. How to apply for Foreign Residence Permits?**

According to the "Detailed Regulations on Implementing the Law of the People's Republic of China on Entry and Exit of Aliens", a foreign expert with Visa Z should apply for residence permit to the local police station. He or she is required to present his or her passport, Visa Z, Foreign Experts Certificate, Aliens Health Record, introduction letter from the work unit along with 2 personal photos. He or she has also to fill out an application form.

When the expert with a residence permit leaves the service place, he or she should be registered for

contemporary residence in the target place. Foreign experts holding Visa F should also apply for contemporary residence when they need to stay in China longer.

### **9. What is a Foreign Experts Certificate and how to apply for it?**

This certificate is necessary for foreign experts working in China to prove their identity and apply for residence permits. To apply for it, the work unit should present the introduction letter from the authoritative agent; cultural and educational experts should present the contract, agreement between the governments or universities, Visa Z or its duplicate, and 2 personal photos.

This certificate is valid for one year at most. When it expires, it should be renewed, otherwise it will be invalid. When work units change, the certificate should be returned to the Issuer and a new one applied for in the new work place.

### **10. What is a Foreign Experts ID Card?**

This allows foreign experts, who come to work in China for the first time, to enjoy preferential treatment at customs. Its holders will be allowed to bring in a reasonable amount of daily necessities for personal use free of duty. (See 11. for the detail. )

This certificate is issued by the State Bureau of Foreign Experts Affairs, and by offices of foreign affairs in provinces, regions and cities. Experts who want to bring in duty-free necessities can inform their work units beforehand.

### **11. Customs regulations on foreign experts' bringing in and taking out 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, Macao and Taiwan) 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 person) 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 computers, 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' ID 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.

### **12. Customs regulations on foreign experts' bringing in and taking out gold, silver and products made thereof**

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 them 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 had brought in can carry these articles out by presenting to the Customs the special receipts provided by sellers authorized to sell such articles.

### **13. Articles foreign experts are not allowed to bring in**

1. Various weapons, including model 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 narcotics that may attract addicts;
6. Animals and plants that might carry dangerous germs or insects;
7. Food, medicine and other products from areas affected by epidemic diseases that are considered harmful to human health and domestic animals.

### **14. 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 is 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.

### **15. Traveling in China**

Experts with valid residence permits, passports and visas can travel in those areas open to aliens. By May 3, 1999, a total of 1,394 Chinese cities and counties have been open to aliens. Foreign experts who go to places not open to aliens on business can only enter such place after reception units apply for traveling permits, which are then approved.

### **16. Quarantine regulations**

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.

### **17. Leaving China**

Foreign experts with valid passports or other certificates can leave China within the valid period of their visas or residence permits.

The following preparations have to be made before leaving China.

#### 1. Routes and tickets

If the ticket home is to be paid by the inviting unit according to contract, it will buy or help to buy that of the shortest and most direct route.

#### 2. "Left-over" belongings

Any duty free items, in special customs status categories, or items that the baggage declaration form states must be taken out of the country, which experts do not wish to take back with them, are normally not allowed to be sold or donated to individuals or units without prior permission from the Customs office. Items should usually be sold at appointed stores or at the local foreign goods purchasing departments, and duties for special items should be repaid according to the Customs law. All receipts for such transactions must be kept and produced for inspection at Customs on departure. Customs approval has to be given if experts wish to present duty-free items to their work units in China.

Most of the big cities have consigning companies, which will help experts with shipping large and heavy articles.

#### 3. Customs inspection

All items taken out of the country are required to be inspected at Customs, and the baggage declaration form produced, along with receipts or Customs permits for goods that have been sold or presented to some Chinese work units.

#### 4. Returning credentials issued in China

All credentials, residence permits, work and medical cards, foreign experts' ID cards, etc. issued in china must be cancelled in the issuing departments prior to departure from the country. The cancelled documents can be kept by the experts. Those who wish to leave and return to China within the valid period of the residence permits should apply for return visa at the local police station.

#### 5. Activities before departure

The Chinese are very friendly people. To show their gratitude and friendship to the experts, their Chinese

colleagues and leaders of the work units are likely to hold a number of farewell receptions before their departure. Their friends from other countries may also call upon the experts to say goodbye. Experts leaving China should take all these things into consideration when they are scheduling their last few days in China.

Foreign experts' work units should be cooperative in helping them complete the above procedures.

### **18. Categories of aliens denied exit from China**

According to the Law of the People's Republic of China on Entry and Exit of Aliens, aliens shall not be allowed to leave China if they come under any of the following categories:

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.

### **19. Items foreign experts are prohibited from taking out**

According to the relevant regulations of the General Administration of Customs of the People's Republic of China, foreign experts are prohibited from taking out the following items from the country:

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.

## **20. Regulations on foreign experts' taking cultural relics out of the country**

Foreign experts intending to take or mail cultural relics (including paintings and calligraphic works by established 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 Customs and show the appraisal marks on the relics as well as the "expert permission" delivered by the concerned departments. Cultural relics that have not been appraised or are not allowed to be taken or mailed out of the country should be registered at Customs and be returned to the appointed organizations or persons within China. On such occasions, these items can be expected to be bought by the concerned departments in Customs. The cultural relics that foreign experts have purchased in special shops with foreign currencies and have brought into China can be taken out. However, declaration at Customs is still necessary, and the receipts given by the shops should be shown.

## **21. Foreign experts' rights and duties**

Contracts will be signed when the foreign expert works in China. It will ensure the cooperation between the two parties and protect their rights. Both parties should fulfill the rights and duties, and any problems or disputes should be dealt with according to the contract.

Foreign experts must obey the Chinese laws and regulations set by the governments at every level while working in China. Cases concerning foreign experts will be handled by the judicial departments and public security organs concerned, with the help of the State Bureau of Foreign Experts Affairs or the local offices of foreign affairs.

According to the "Civil Lawsuit Law of the People's Republic of China", the "Administrative Lawsuit Law of the People's Republic of China" and the "Contract Law", foreign experts enjoy the same legal rights and duties as the citizens of the People's Republic of China. If the courts of the concerned foreign expert's country employ restrictions over the rights and duties of the Chinese citizens in their countries, then equivalent restrictions will be employed over these foreign experts in China.

The rights and interests of foreign experts working in China are protected by the Chinese Government. Foreign experts should carry out the agreements and

employment contracts, which should provide clear items on foreign experts' insurance, medical care, holidays and other living conditions. If disputes occur, the experts can go to the arbitration board of foreign experts' contracts or to the local courts.

The payment of experts' personal Income tax should be done according to the tax laws.

Foreign experts can enjoy preferential treatment given by the Chinese government and will be praised or awarded for their good performance by the local governments or their work units. The highest award is the "Friendship Prize" given by the Chinese government.

## **22. Protection of foreign experts' intellectual property rights**

Great attention is paid to intellectual property rights the important requirements of international exchange of technology, economy, culture and talents. The Chinese government keeps strengthening the making and implementation of laws and tries to create the correct environment for the protection of intellectual property rights.

Foreign experts' intellectual property rights of patents, works, special techniques and trademarks are respected and protected by the Chinese government. If the expert or his company applies for patent or trademark protection, they will own it and the right to be rewarded. The Chinese government and the departments concerned will maintain the business secrets according to law. The secrets cover designing plans, production processes, formulas, crafts, strategies of management, name lists of customers, information of material sources, policies of manufacture and sales, any bids and documents. Chinese law forbids illegal acts such as stealing, enticing, threatening or exposing the agreement.

At present Chinese laws concerning the protection of intellectual property rights are mainly the "General Rules of the Citizen Law of the People's Republic of China", and the "Trademark Law of the People's Republic of China", The "Patent Law of the People's Republic of China", the "Contract Law of the People's Republic of China" the "Rules of Computer Software Management", the "Corporation Law of the People's Republic of China", the "Foreign Trade Protection Law of the People's Republic of China", and the "Commercial Banking Law of the People's Republic of China". The "Scientific Fruit Transferring Rules of the People's Republic of China" also concerns the protection of intellectual property rights.

The Chinese government has participated in international protective actions of intellectual property rights, the negotiation of important agreements, and has accepted international duties of protecting intellectual property rights.

### **23. Insurance in China**

Chinese insurance companies cover a large range of businesses. Foreign experts working in China are advised to buy the following insurances:

1. property insurance;
2. personal accident insurance;
3. vehicle insurance;
4. employer responsibility insurance;
5. public responsibility insurance, and;
6. investment insurance.

The People's Insurance Company of China and other large insurance companies operate many branches in Beijing and other major cities to cater to the needs of foreign customers.

### **24. Medical care in China**

The health system in China covers the whole country. Most of the work units have their own clinics to deal with minor complaints. There are hospitals in almost every city where patients can get treatment without having to travel too far. Big cities like Beijing, Shanghai, Guangzhou and all the provincial capitals have well-equipped hospitals which employ many experienced doctors and specialists with specialized departments including that of traditional Chinese medicine.

Many cities have specialized hospitals. Most of them have special departments for foreign experts where patients receive first-class attention. China adopts a partly free medical care service. Particular issues concerning foreign experts' medical care should be covered in the contract.