

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

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6 February 2014

CHN104782.E

China: Whether citizens require an exit certificate to be issued by the Public Security Bureau in order to leave the country, including legislation (2013-February 2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on whether Chinese citizens require exit certificates to be issued by the Public Security Bureau in order to leave the country could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In June 2012, the National People's Congress adopted the Exit and Entry Administration Law of the People's Republic of China (China 2012). According to both the Hong Kong-based daily newspaper *South China Morning Post* (SCMP) and the blog of an immigration law firm in Toronto, the law came into force on 1 July 2013 (SCMP 1 July 2013; Baker & McKenzie 22 Aug. 2013). The new law replaces separate laws regulating the entry and exit of foreigners and the entry and exit of Chinese citizens (China 2012, Art. 93; SCMP 1 July 2013). A copy of the law is attached to this Response (China 2012).

According to an overview of the law prepared by a Beijing-based lawyer specializing in immigration and nationality law, the new legislation was "the first overhaul of China's immigration law since 1985" (Chodorow 29Aug. 2012). The *South China Morning Post* (SCMP) similarly states that the coming into force of the new law completed the "first major overhaul of border regulations in more than two decades" (1 July 2013). However, according to the immigration lawyer's overview, the law "is skeletal in many places, leaving it to administrators to enact implementing regulations and to officers to exercise their discretion" (Chodorow 29 Aug. 2012).

Sources indicate that implementing regulations regarding foreigners came into force on 1 September 2013 (*China Daily* 16 Sept. 2013; Baker & McKenzie 22 Aug. 2013). Information regarding implementing regulations for Chinese citizens could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

With regard to the entry and exit of Chinese citizens, Article 9 of the law states that "Chinese citizens who exit or enter China shall, in accordance with the law, apply for passports or other travel documents" (China 2012). Article 12 enumerates the reasons for which "Chinese citizens are not allowed to exit China," which include the following: if they "[h]old no valid exit/entry documents, or refuse or evade border inspection," or "[o]ther circumstances in which exit from China is not allowed in accordance with laws or administrative regulations" (ibid.). Article 71 provides for the imposition of penalties on persons who "[e]xit or enter China with forged, altered or fraudulently obtained exit/entry documents" or "[e]xit or enter China using others' exit/entry documents" (ibid.).

Information regarding the nature of the exit documents mentioned by the law or how they are obtained could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Baker & McKenzie. 22 August 2013. Marta Janik. "China Issues Regulations Implementing the New Entry and Exit Control Law Governing Foreigners." Immigration Nation blog. <<http://www.immigrationnation.ca/?entry=913>> [Accessed 4 Feb. 2014]

China. 2012. Order of the President of the People's Republic of China No. 57. Translation from the website of the Bureau of Exit and Entry Administration of the Ministry of Public Security of the People's Republic of China. <<http://www.mps.gov.cn/n16/n84147/n84196/3837042.html>> [Accessed 5 Feb. 2014]

China Daily. 16 September 2013. "Exit and Entry Management Undergoes Several Changes." <http://usa.chinadaily.com.cn/china/2013-09/16/content_16971339.htm> [Accessed 5 Feb. 2014]

Chodorow, Gary. 29 August 2012. *New Exit-Entry Law Enacted by China's Congress*. U.S. & China Visa Law Blog. <<http://lawandborder.com/wp-content/uploads/2012/07/GC-Article-on-New-PRC-EEAL-2012-08-29.pdf>> [Accessed 4 Feb. 2014]

South China Morning Post (SCMP). 1 July 2013. Patrick Boehler. "Under China's New Immigration Law, Harsher Fines for Illegal Foreigners." <<http://www.scmp.com/news/china/article/1272959/under-chinas-new-immigration-law-harsher-fines-illegal-foreigners>> [Accessed 4 Feb. 2014]

Additional Sources Consulted

Oral sources consulted: Attempts to contact the embassies of the People's Republic of China in Canada and Washington, DC, were unsuccessful.

Internet Sites, including: Beijing Expat Service Center; British Chamber of Congress Shanghai; China.org.cn; China Law and Practice; Changzhou Website; ecoinet; Factiva; People's Republic of China – embassies of the People's Republic of China in Ottawa and in Washington, DC, Ministry of Commerce, Ministry of Foreign Affairs, Ministry of Public Security, United Kingdom – Home Office; United Nations – Refworld; United States – Department of State.

Attachment

China. Order of the President of the People's Republic of China No. 57. Translation from the website of the Bureau of Exit and Entry Administration of the Ministry of Public Security of the People's Republic of China. <<http://www.mps.gov.cn/n16/n84147/n84196/3837042.html>> [Accessed 5 Feb. 2014]

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[Top of Page](#)

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