



CONSULATE GENERAL OF THE REPUBLIC OF THE PHILIPPINES SHANGHAI

ADVISORY ON ILLEGAL WORK AND BUYING VISA IN CHINA

All Filipinos in Shanghai, Jiangsu, Zhejiang, Anhui and Hubei are advised and reminded of the pertinent provisions of China's laws on visa, residence and work permits, particularly:

1. Entry-Exit Law

a. On visa:

Chapter 3, Section 1, Article 16

Ordinary visa of corresponding type will be issued to aliens who enter China for the purpose of work, study, family visit, tourism, business activities, talent introduction and other purposes besides diplomatic or public affairs. Type and issuing methods of ordinary visa shall be stipulated by the State Council.

(Note: For reference, please click the [list of visa categories for China.](#))

Chapter 3, Section 1, Article 19

Aliens who apply for visas shall provide invitation letters issued by organizations or individuals in China. Applicants shall provide all materials required by the overseas visa office. Organizations or individuals who issue invitation letters are responsible for authenticity of the contents.

Chapter 3, Section 1, Article 21

Visas will not be issued to aliens under any of the following circumstances:

(I) if an alien has been deported or expelled but not fulfilled the required number of years abroad before seeking readmission;

(II) infectious tuberculosis or other infectious diseases that might endanger public health seriously;

(III) might endanger China's national security and interests, destroy social public order or might be engaged in other illegal criminal activities;

(IV) practise fraud in visa application process or could not afford the required cost in China;

(V) could not submit relevant materials required by the visa-granting office;

(VI) other conditions under which the visa office thinks inappropriate to issue visa.

Visa-granting office may not give reasons for rejection to visa application.



b. On residence permit:

Chapter 4, Section 1, Article 36

The decision of exit and entry administration authorities in public security organs not to extend validity period, not to replace, reissue ordinary visa, not to issue stay/residence certificates for aliens, not to extend residence period shall be final decision.

Chapter 4, Section 1, Article 37

Aliens who stay and reside in China, shall not be engaged in any activity inconsistent with the reasons of stay and residence, and shall leave China before expiration of the specified stay and residence period.

c. On work permit:

Chapter 4, Section 1, Article 41

Aliens who work in China shall get work permit and work residence certificate according to the provisions. Any organization or individual shall not hire any alien without work permit and work residence certificate.

Chapter 4, Section 1, Article 43

Aliens will be deemed as illegally employed if they have one of the following behaviour:

(I) working in China without the specified work permit and work residence certificate;

(II) working in China out of the scope restricted by the work permit;

(III) overseas students who violate administrative provisions for part-work and part-study, work in China beyond the specified post scope or time limit.

Chapter 6, Article 62

Aliens may be deported under any of the following circumstances:

(III) illegal residence, illegal employment;

Persons who are deported shall not be permitted to enter China again within one to five years after the date of deportation.

2. Criminal Law of the People's Republic of China

Article 322

A person who, in violation of laws and regulations on control of the border (frontier), secretly crosses the border (frontier), shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention or public surveillance and concurrently to a fine, if the circumstance is serious.

This advisory is issued in view of the recent case involving a Filipino who worked in Ningbo and bought a work permit issued in Shanghai. He is now under criminal detention.

The Consulate warns the Filipino community that China has harsh penalties for persons who secretly cross the border and engage in illegal employment. Persons who are caught shall be criminally detained and subjected to fixed-term imprisonment and deportation.

Thus, Filipinos working in China are advised to comply with China's Immigration laws. Ignorance of the law excuses no one. END