

Obtaining China's New Unified Foreign Work Permit



By Ari Chernoff, editor, *[Dezan Shira and Associates](#)*

China's State Administration of Foreign Experts Affairs launched its new unified work permit in select regions of the country on November 1, 2016. The limited release took place in Beijing, Shanghai, Tianjin, Anhui, Guangdong, Hebei, Shandong, Sichuan, and Ningxia. The government's aim was to gauge the programme's effectiveness before rolling it out nationwide on April 1, 2017.

China's previous foreign work permits, the Alien Employment Permit (Z-visa) and the Foreign Expert Permit (R-visa), have been integrated into a single permit based on a three-tiered classification system. The 'Permit System for Foreigners in China' is valid nationwide and is administered by the State Administration of Foreign Experts Affairs or SAFEA. Its objective is to eliminate often troublesome policies that have to date been administered regionally in an inconsistent way.

The three-tier system classifies foreign workers as A, B, or C-level candidates based on their education, salary, age, time spent working in China, and Chinese language skills. Applicants receiving more than 85 points are assigned the letter "A". Those obtaining 60 to 85 points are given the letter "B", and if they gain less than 60 points, the letter "C".

Application requirements

The Chinese government deems that all applicants should meet the following requirements – they must:

- Be at least 18 years of age
- Be in good health
- Have no criminal record
- Have an employment commitment from a legal employer
- Have the professional skills necessary to do the work, or a corresponding university degree.

Application procedure

The following steps outline the application process and the documents required by foreign workers and their employers under the terms of the new work permit:

Step 1: Online application

The first stage of the process is undertaken by employers that must already be based in

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China. Organisations looking to hire non-Chinese employees can submit an application form online, along with the relevant documents, using a management system for foreign workers in China (in Chinese only). The required documents for submission are as follows:

- Application form
- Business license and organisation code certificate
- Social insurance registration or certificate of registration relating to the foreign enterprise's resident representative office
- Foreign workers' personal details such as their name, ID, and phone number
- Power of Attorney
- Employer or manager's identity.

Step 2: Online pre-qualification

Within five working days of submitting the documentation online, the relevant agency will examine it. If the foreign worker is currently based abroad, they should also apply for a 'Work Permit for Aliens of the People's Republic of China' (often referred to simply as the "Work Permit for Foreigners in China") no later than 15 days after they enter the country. If the documentation contains errors or is incomplete, employers have only one chance to correct it. ▶

Step 3: Application verification

If the employer's application meets requirements, the administrative organ will issue a special seal, which will include a signature and the date on which the application was verified.

Step 4: Review

Once the application has been verified, the decision-making body will review the documentation and decide within 10 working days whether to accept or decline the request to hire a foreign worker. If the request is accepted, the employee concerned can formally apply for their 'Work Permit for Aliens of the People's Republic of China'. The following documentation is required:

- Work Permit for Aliens of the People's Republic of China application form
- Proof of previous work experience
- Certificates relating to the individual concerned's highest level of education
- Official proof that they have no criminal record in their country of permanent residence
- Medical certificate
- Employment contract or other proof of employment
- Passport or other travel document
- A photo from the last six months in which the applicant must be bareheaded.

Step 5: Final decision

If the applicant meets the work permit's conditions, the agency will grant an administrative license, create an electronic 'Notice on Work Permit for Aliens', and provide a Foreign Work Permit within 10 days of a final decision.

If an applicant is not accepted, they can apply for their case to be reconsidered or bring an administrative lawsuit against the licensing authority.

Conclusion

Potential employers are responsible for handling most of the application requirements if they wish to hire foreign workers. It is only when their submission has been examined, verified, reviewed and accepted that foreign workers can officially apply for the 'Work Permit for Aliens of the People's Republic of China.'

But as the new work permit is ready to rollout nationwide on April 1, 2017, interested parties would be well advised to track relevant regulations and circulars as and when they are promulgated by the Chinese government in order to check for any last minute alterations to the legislation. ■

CHINESE PAYROLL

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