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GES NewsFlash

China — Beijing to require foreigners to submit noncriminal record certificate to obtain an employment license, work permit, or expert permit

June 21, 2013

Summary

As of 1 July 2013, a foreign applicant seeking an employment license, work permit, or expert permit in Beijing will be required to submit an original noncriminal record certificate to the Beijing Labor Bureau or Foreign Expert Bureau if:

1. The applicant is applying for a work permit or expert permit in Beijing for the first time; or
2. The applicant is transferring a previously granted work authorization to Beijing from another city in China.

If the individual comes to China directly from overseas, they should obtain the initial noncriminal record certificate from their home country's government. If the certificate is obtained from a nongovernment organization outside of China, it also must be submitted to the relevant Chinese consular post overseas for legalization.

If the applicant transfers to Beijing from another city in China based on a valid work or expert permit, they must apply for the noncriminal record certificate from the city in which they first obtained the relevant permit.

The new regulation will not apply to Hong Kong/Macau or Taiwan citizens.

Deloitte's view

Under China's national immigration rules, one of the criteria for a foreigner coming to work in China is that they do not have a criminal record. In practice, the local authorities have discretion as to whether they will actually require submission of proof of a noncriminal record.

With the new Immigration Exit-Entry Law taking effect on 1 July 2013, local authorities throughout the country will be introducing more stringent requirements for work permits to ensure strict administration of foreigners entering and working in China.

According to the new rule in Beijing, applications for employment licenses, work permits, or expert permits submitted on or after 1 July must comply with the requirement to provide a noncriminal record certificate to the Beijing Labor Bureau or Foreign Expert Bureau. It should be noted that this requirement is confined to Beijing; there is no such requirement according to the current local practices in Shanghai, Dalian, or Shenzhen.

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