COVINGTON

China Relaxes Immigration Rules

May 2, 2016

International Employment

China has just released its 13th Five Year Plan. This includes a mandate to encourage foreigners to work and reside in China by rolling out policies to relax entry, visa and residency requirements for qualified foreign talent.

As part of this focus, the Ministry of Public Security has issued, effective March 1, 2016, a number of preferential immigration policies directed at four categories of individuals working in Beijing's Zhongguancun Science Park ("ZGC").

Permanent Residence Easier To Obtain For Senior Talent

- Senior-level foreign talent may (along with their spouses, dependent sons and daughters) apply for permanent residence. Although the law has long provided for an avenue for foreign talent to obtain permanent residence, this represents a significant change in that for the first time, specific requirements have been set out, making the approval process less arbitrary. Furthermore, the timeframe for reviewing such applications has been shortened from 180 days to 50 working days.
- Foreign senior team members of ZGC start-up companies and foreign technical talent employed by ZGC high-tech enterprises are offered expedited entry at customs. If these individuals have already applied for their work permits, they will be allowed to apply for work visas directly at the port of entry. Those who cannot obtain work permits timely, may apply for and enter China on talent visas upon presentation of the invitation letter issued by the person in charge of the start-up team or the enterprise.

  These individuals, who will not be subject to the 60-year-old age limit on foreign nationals seeking to work in China, are eligible to apply directly for five-year residence permits in the work category or personal matter category residence permit.

Permanent Residence Easier To Obtain For Overseas Chinese

- Overseas Chinese (foreign nationals who were formerly PRC citizens) who are working at start-ups are eligible to apply directly for five-year residence permits in the work category or personal matter category residence permit. They will not be subject to the 60-year-old age limit on foreign nationals seeking to work in China. Overseas Chinese who have PhD degrees or have worked continuously for ZGC enterprises for four years, and have actually resided in China for cumulative periods of more than six months per year may directly apply for permanent residence.

Increased Availability Of Internships For Foreign Students

- Foreign students, including students of institutions of higher learning in foreign countries, as well as the Hong Kong Special Administrative Region (SAR), Macau SAR and Taiwan, may, if they have been invited by ZGC enterprises registered with the Beijing Public Security Bureau, apply for short-term personal matter visas to enter China to engage in internship activities. Those that are already in China on other visas may apply to change their visas to short-term personal matter visas to engage in internship activities. Foreign students studying in higher institutions of learning in Beijing may also, upon obtaining the institution's consent and recommendation, apply to have the annotation "start-up" added to the student category residence permit and engage in start-up activities in ZGC on a part-time basis.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our practice group:

Grace Chen	+86 10 5910 0517	gchen@cov.com
Christopher Walter	+44 20 7067 2061	cwalter@cov.com
Christopher Bracebridge	+44 20 7067 2063	cbracebridge@cov.com

This information is not intended as legal advice. Readers should seek specific legal advice before acting with regard to the subjects mentioned herein.

Covington & Burling LLP, an international law firm, provides corporate, litigation and regulatory expertise to enable clients to achieve their goals. This communication is intended to bring relevant developments to our clients and other interested colleagues. Please send an email to unsubscribe@cov.com if you do not wish to receive future emails or electronic alerts.