

# Passport Law of the People's Republic of China

( Adopted at the 21st Meeting of the Standing Committee of the Tenth National People's Congress on April 29, 2006 )

Article 1 This Law is enacted with a view to regulating the application, issuance and administration of the passports of the People's Republic of China, to safeguarding the rights and interests of citizens of the People's Republic of China with respect to their exit from and entry into the territory of the People's Republic of China, and to promoting exchange with other countries.

Article 2 The passport of the People's Republic of China is a document certifying the nationality and identity of a citizen of the People's Republic of China when he leaves and enters the territory of the People's Republic of China or when he is abroad.

No organization or individual may forge, tamper with, transfer, intentionally damage or destroy or illegally seize a passport.

Article 3 The passports include ordinary passports, diplomatic passports and service passports. Passports are intended for foreign governments through diplomatic channels by the Ministry of Foreign Affairs.

Article 4 Ordinary passports shall be issued by the entry-exit control department of the Ministry of Public Security or by the entry-exit control departments of the public security organs under the people's governments at or above the county level authorized by the Ministry of Public Security, or the embassies or consulates of the People's Republic of China, or other missions overseas authorized by the Ministry of Foreign Affairs.

Diplomatic passports shall be issued by the Ministry of Foreign Affairs.

Service passports shall be issued by the Ministry of Foreign Affairs, or the embassies or consulates of the People's Republic of China, or other missions overseas authorized by the Ministry of Foreign Affairs, or the departments for foreign affairs under the people's governments of provinces, autonomous regions, municipalities directly under the Central Government and cities divided into districts authorized by the Ministry of Foreign Affairs.

Article 5 A citizen who intends to go abroad for non-official purposes, such as residing, visiting relatives, studying, working, travelling or engaging in business activities, shall apply in person for an ordinary passport to the entry-exit control department of the public security organ under the people's government at or above the county level where his residence is registered.

Article 6 A citizen who applies for an ordinary passport shall present his resident identity card, resident household registration book, recent bareheaded photos and the materials related to his reasons for application. Where a State functionary applies for an ordinary passport for any of the reasons as specified in Article 5 of this Law, he shall present the relevant certification documents according to relevant State regulations.

The exit-entry control department of the public security organ shall issue the passport within 15 days from the date it receives the application materials; if it refuses to issue such a passport on the grounds that the application does not conform to the relevant provisions, it shall give the reasons in writing and inform the applicant of his right to apply for administrative reconsideration or to file an administrative lawsuit in accordance with law.

Where it is unable to sign and issue a passport on schedule to an applicant who lives at an outlying district or in an area where transport facilities are inconvenient or under special circumstances, the time for issuing the passport may, upon approval by the person in charge of the passport issuing authority, be extended to 30 days.

Where a citizen is in urgent need of a passport on reasonable grounds and thereby applies for the issue of the passport at an earlier date, the exit-entry control department of the public security organ shall handle the matter accordingly.

Article 7 The items to be registered in an ordinary passport consist of the holder's name, sex, date and place of birth, the date of issue, term of validity and place of issue of the passport and the issuing authority.

The term of validity of an ordinary passport for the holder under the age of sixteen shall be five years; and for the holder at or over the age of sixteen, it shall be ten years.

The specific measures for issue of ordinary passports shall be formulated by the Ministry of Public Security.

Article 8 Diplomats, consuls and their spouses or children who are minor, and diplomatic couriers shall hold diplomatic passports.

Employees who are dispatched by the Chinese government to work for the embassies or consulates of the People's Republic of China, or the United Nations or its special commissions and other international organizations, and their spouses or children who are minor shall hold service passport.

For citizens other than those prescribed in the preceding two paragraphs who are to go abroad on official missions, their work units shall, in accordance with the provisions of Subparagraphs ( 2 ) and ( 3 ) of Article 4 in this Law, submit applications to the department for foreign affairs, which shall, in light of need, issue service passports or diplomatic passports.

Article 9 The items to be registered in a diplomatic passport or a service passport consist of the holder's name, sex, date and place of birth, date of issue and term of validity of the passport and the issuing authority.

The issuing scope of diplomatic passports and service passports, the measures for issue of such passports, their terms of validity and the specific categories of service passports shall be prescribed by the Ministry of Foreign Affairs.

Article 10 Where a registered item in a passport is to be altered, the holder of the passport shall submit an application with the relevant certification documents to the issuing authority for having the alteration noted.

Article 11 A holder of passport may, under one of the following circumstances, apply for renewing the passport or reissue of a passport:

- ( 1 ) when the term of validity is to be expired;
- ( 2 ) when the pages for visas are to be used up;
- ( 3 ) when the passport is so damaged that it can not be used any more;
- ( 4 ) when the passport is lost or stolen; or
- ( 5 ) under other circumstances when the passport needs to be renewed or reissued on justifiable grounds.

When the holder of an ordinary passport applies for renewal or reissue of such a passport in China, he shall, in person, submit an application shall to the exit-entry control department of the department for public security under the people's government at or above the county level where his residence is registered; if he applies for the same abroad, he shall, in person, submit the application to an embassy or consulate of the People's Republic of China, or a mission overseas authorized by the Ministry of Foreign Affairs. Where a Chinese citizen residing abroad applies for renewal or reissue of an ordinary passport after returning to China, he shall, in person, submit an application to the for exit-entry control department of the public security organ under the people's government at or above the county level at the place where he lives temporarily.

The renewal or reissue of a diplomatic passport or a service passport shall be handled according to the relevant regulations of the Ministry of the Foreign Affairs.

Article 12 The passports shall be readable both visually and by computer.

The anti-forgery properties of the passports shall be based on international technical standards.

The passport issuing authority and its staff members shall keep confidential citizen's personal information gained through processing issuing passports.

Article 13 The passport issuing authority shall refuse to issue a passport if the applicant:

- ( 1 ) does not possess the nationality of the People's Republic of China;

- ( 2 ) cannot prove his identity;
- ( 3 ) practices fraud in the course of application;
- ( 4 ) is punished for a crime and is serving a sentence;
- ( 5 ) is not allowed to leave the country because of an unsettled civil case, as is notified by a people's court;
- ( 6 ) is a defendant in a criminal case or a criminal suspect; or
- ( 7 ) is a person who the relevant competent department of the State Council believes will undermine national security or cause major losses to the interests of the State.

Article 14 The passport issuing authority shall refuse to issue the passport for a period ranging from six months to three years from the date the criminal punishment against him has been executed or the date he is repatriated, if the applicant:

- ( 1 ) has received criminal punishment for obstructing border ( frontier ) control; or
- ( 2 ) is repatriated after illegally leaving the country, residing or working abroad.

Article 15 People's courts, people's procuratorate, public security organs, national security organs and administrative supervisory authorities may, where necessary for handling a case, seize the passports of the parties of a case according to law.

Where the parties of the case refuse to hand over the passports, the State organs specified in the preceding paragraph may request the passport issuing authorities to declare the passports of the parties of the case invalid.

Article 16 If the holder of a passport forfeits the nationality of the People's Republic of China, or his passport is lost or stolen, the passport issuing authority shall declare the passport invalid.

All passports that are forged, tampered with or obtained by fraud, or are declared invalid by the passport issuing authority shall be null and void.

Article 17 Where a passport is obtained by fraudulent means, it shall be confiscated or declared invalid by the passport issuing authority; the holder of the passport shall be fined not

less than RMB 2,000 yuan but not more than 5,000 yuan; and if a crime is constituted, he shall be investigated for criminal responsibility in accordance with law.

Article 18 Where a person provides a passport which is forged or tampered with to another person, or sells passports, he shall be investigated for criminal responsibility according to law; if the case is not serious enough to constitute a crime, the public security organ shall confiscate his illegal gains, have him detained for not less than 10 days but not more than 15 days and shall, in addition, impose on him a fine of not less than 2,000 yuan but not more than 5,000 yuan; and the illegal passports and the printing equipment shall be confiscated by the public security organ.

Article 19 A person holds or uses a passport which is forged or tampered with, or uses another person's passport as his own for exit from or entry into the country ( or across the frontier ) shall be punished by the public security organ in accordance with the provisions of the law on entry-exit control; and his illegal passport shall be confiscated by the public security organ.

Article 20 A staff member of the passport issuing authority who commits one of the following acts shall be given an administrative sanction in accordance with law; if a crime is constituted, he shall be investigated for criminal responsibility in accordance with law:

- ( 1 ) failing to accept an application that should be accepted;
- ( 2 ) without justifiable reasons, failing to issue a passport within the statutory time limit;
- ( 3 ) collecting fees in excess of the rates fixed by the State;
- ( 4 ) asking the applicant for bribes or accepting bribes;
- ( 5 ) disclosing a citizen's personal information gained through processing, issuing a passport, and thus infringing upon the citizen's lawful rights and interests; and
- ( 6 ) other acts like abuse his power, neglect of duty or engagement in irregularities for personal gain.

Article 21 The ordinary passport shall be designed by the Ministry of Public Security and

made under its supervision; and the diplomatic and service passports shall be designed by the Ministry of Foreign Affairs and made under its supervision.

Article 22 The passport issuing authority may collect fees for the cost of the passports and added notes. And such fees shall be turned over to the State Treasury.

The rates for the cost of a passport and added notes shall be determined and announced by the administrative department for pricing under the State Council in conjunction with the department for finance under the State Council.

Article 23 Where a citizen who goes abroad for a short period of time loses his passport, or his passport is stolen or is so damaged that it cannot be used any more, he shall apply for a Travel Permit of the People's Republic of China to an embassy or consulate of the People's Republic of China, or some other mission overseas authorized by the Ministry of Foreign Affairs.

Article 24 A citizen who engages in border trade or cross-border tour service, or participates cross-border tour, may apply for a Entry-Exit Pass of the People's Republic of China to the entry-exit control department of the public security organ under the people's government at or above the county level authorized by the Ministry of Public Security.

Article 25 Where a citizen intends to enter or leave the country in the capacity of a seaman or to work in such capacity on board of a vessel flying the flag of another country, he shall apply with the maritime administration authority authorized by the Ministry of Communications for a Seaman's Book of the People's Republic of China.

Article 26 This Law shall go into effect as of January 1, 2007. The passports issued before the promulgation of this Law shall remain valid within their terms of validity.