

New visa requirements for short-term staff coming to China

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In brief

- » A new notice was recently issued by relevant China government authorities to further clarify the visa requirements for certain short-term staff coming to China.
- » The notice has been in effect from 1 January 2015.
- » Short-term staff coming to China for 90 days or less for certain specific reasons should apply for a Z, M or F visa.
- » Unlike the Z visa for those who take up employment or long-term secondment in China, the Z visa for short-term staff is not renewable upon expiry.
- » Multinational companies should pay attention to the new visa requirements when dispatching expatriates to work in China for a short period.

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In detail

- » On November 6, 2014, the Ministry of Human Resources and Social Security (“MHRSS”), the Ministry of Foreign Affairs (“MFA”), the Ministry of Public Security (“MPS”) and the Ministry of Culture (“MC”) jointly issued a notice (Renshebufa [2014] No. 78) to clarify the visa requirements for certain short-term staff coming to China. The notice is effective from 1 January 2015.
- » According to the new requirements, short-term staff coming to China for 90 days or less for the following reasons should apply for a Z, M or F visa respectively:-

Reasons	Visa Type
<ul style="list-style-type: none"> • Working with China business partners for delivery of technical knowhow, scientific research, project management and supervisory duty • Conducting training for sports organization (including coaches and athletes) • Filming (including advertisements and documentaries) • Performing in fashion shows (including car exhibition, photographing for commercials & etc.) • Participating in commercial performances, and • Other situations as identified by the MHRSS 	Z visa
<ul style="list-style-type: none"> • Providing maintenance, installation, testing, commissioning, disassembling, guidance and training related to machinery and equipment sold in China • Providing guidance, supervision and inspection for successful bids in China • Short-term work to branches, subsidiaries and representative offices in China, and • Participating in athletic competitions (including athletes, coaches, doctors and assistants unless otherwise approved by the in-charge authorities as requested by the international athletic associations) 	M visa
<ul style="list-style-type: none"> • Performing voluntary work either with no pay or receiving pay from overseas, and • Conducting non-commercial performances approved by relevant cultural administration authorities 	F visa

- » Companies should exercise due care when sending foreigners to China by applying for an appropriate visa based on their work nature and length of their assignment in China.
- » Compared to the M and F visa, the requirements for the Z visa applications are more rigorous. An employment license, a working proof and an invitation letter from the relevant government authorities in China must be obtained before the short-term staff can apply for their Z visa at an appropriate Chinese Embassy or a Consulate office overseas.
- » If the short-term staff obtaining the Z visa need to stay in China for over 30 days, they would also need to apply for residence permit from the local public security bureau upon their arrival.
- » Unlike the Z visa for those who take up employment or long-term secondment in China, Z visa for short-term staff is not renewable upon expiry; M and F visa can be renewed upon the approval of relevant exit & entry administration authority.

WTS observation

Before the issuance of the new requirements, the Z visa was normally applicable to foreigners taking up employment or long-term secondment in China (i.e. more than 3 months). From 1 January 2015, the Z visa is also applicable to foreigners working in China for 90 days or less. Considering the Z visa for short-term staff is not renewable upon expiry, employers and short-term staff should carefully plan and monitor their short-term work in China. Otherwise, they may need to re-apply for the Z visa if the project in China runs over 90 days.

In addition, it is generally understood that foreigners holding the Z visa would have Individual Income Tax and social security implications in China. In reality, we consider the tax and social security implications for short-term staff should be assessed on a case by case basis. Proper planning for the short-term work and visa application process can help minimize the relevant exposures in China.

Foreigners entering China without following the relevant procedures or working in China beyond the scope stated in the working documentation for short-term work will be regarded as working illegally in China. Therefore, multinational companies sending their employees to conduct short-term work in China should be aware of the new visa requirements and also the potential impact on the short-term staff and their Chinese business partners.

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