



Service Guide for Foreigners' Work Permits Working in China



1 Legal Basis

- (I) *Law of the People's Republic of China on Administrative Permission*
- (II) Article 41 under *Exit and Entry Administration Law of the People's Republic of China*: Foreigners who work in China shall obtain work permits and work-type residence permits in accordance with relevant regulations. No entities or individuals shall employ foreigners who have no work permits or work-type residence permits.
- (III) Article 7 under *Regulations of the People's Republic of China on Administration of the Entry and Exit of Foreigners*: To apply for the R visa, the applicant shall meet the qualifications and requirements set by the competent authorities of the Chinese government for inviting persons of high talent or urgently needed specialists, and the applicant shall, in accordance with relevant provisions, submit the relevant certification documents; to apply for the Z visa, the applicant shall, in accordance with relevant provisions, submit the work permit and other certification documents.
- Article 16: To apply for a residence permit for work, the applicant shall submit such certification documents as a work permit; in the case of a person of high talent who is needed or, a specialist who is urgently needed, by the State, the applicant shall submit relevant certification documents in accordance with relevant provisions.
- (IV) *Letter on the Integration of Opinions on Foreigners' Work Permits Working in China* by the Office of the leading Group for the Reform of the Administrative Examination and Approval System of the State Council (Letter of the Office of the leading Group for the Reform of the Administrative Examination and Approval System <2015> No. 95).
- (V) *Notice on Fully Implementing the Work Permit System for Foreigners' Work in China* by the State Administration of Foreign Experts Affairs, the Ministry of Human Resources and Social Security, the Ministry of Foreign Affairs and the Ministry of Public Security (Issued by the Office of the State Administration of Foreign Experts Affairs <2017> No. 40)
- (VI) *Notice on Printing and Distributing Service Guide for Foreigners' Work Permits Working in China (Interim)* by the State Administration of Foreign Experts Affairs (Issued by the Office of the State Administration of Foreign Experts Affairs <2017> No. 36)

2 Application Conditions

- (I) **Basic Conditions for Employers**
 - Employers shall be established in accordance with the law and have no record of serious violations of laws or untrustworthiness; the positions for hiring foreigners shall be those with special needs, and there is a temporary shortage of suitable candidates in

- the country; the wages and salaries of the foreigners hired shall not be lower than the local minimum wage standard.
- 2. Where laws and regulations require pre-approval by the competent industry authority, approval is required.
- (II) **Basic Conditions for Applicants**
 - Applicants shall be at least 18 years old, in good health, have no criminal record, have a certain employer in mainland China, and possess the necessary professional skills or appropriate knowledge level for their work.
 - The work undertaken by the applicants shall meet the needs of China's economic and social development, and the applicants shall be professionals in urgent need in China.
 - If laws and regulations provide otherwise for foreigners working in China, those provisions shall prevail.
- (III) **Categories and Quota Restrictions of Foreigners working in China**

High-end foreign talents (Category A) refer to scientists, science and technology leading talents, international entrepreneurs, special talents and other high-end foreign talents urgently needed in the economic and social development of China. High-end foreign talents have no limitation for age, education or working experiences.

Foreign professional talents (Category B) refer to foreign professionals who meet the *Foreigners Working in China Guide Catalog* and the corresponding demands of the economic and social development of China. Foreign professional talents shall under the age of 60, if there is a real need, it can be appropriately relaxed.

Other foreigners (Category C) refer to other foreigners who meet the demand of the domestic labor market in line with the state policies and regulations. Please refer to the *Classification Standards for Foreigners Working in China (for Trial Implementation)* for details. There is no limitation for numbers of high-end foreign talents (Category A); foreign professional talents (Category B) shall be restricted according to the market needs; the quota of other foreigners (Category C) shall be restricted in accordance with relevant state regulations.

The specific quota limit can be inquired through the Service System for Foreigners Working in China (<http://fwp.safea.gov.cn/>).
- (IV) **Approval Conditions**

The following conditions shall be approved:

 - Those that fall within the scope of authority for the administrative department of foreigners working in China;
 - Those who meet the above conditions for foreigners working in China;
 - The application materials are true, complete and meet the requirements.

Under any of the following circumstances, approval shall not be granted:

 - Incomplete application materials;
 - The application materials do not meet the requirements;

3 Types of Business

- (I) Employer or entrusted special service agency to register an account online
 - (II) Apply for foreigner's work permit working in China (working in China for more than 90 days, excluding 90 days), including:
 - Apply for the *Notification Letter of Foreigner's Work Permit in the People's Republic of China* (referred to as *Notification Letter of Foreigner's Work Permit*)
 - Apply for the *People's Republic of China Foreigner's Work Permit* (referred to as *Foreigner's Work Permit*)
 - (III) Apply within the territory of China for foreigner's work permit working in China (working in China for more than 90 days, excluding 90 days)
 - (IV) Apply for foreigner's work permit working in China or invitation letter for foreign experts to come to China (working in China for less than 90 days, including 90 days)
 - (V) Apply for extension of foreigner's work permit working in China
 - (VI) Apply for change of foreigner's work permit working in China
 - (VII) Apply for cancellation of foreigner's work permit working in China
 - (VIII) Apply for reissuance of the *Foreigner's Work Permit*
- The application materials and specific requirements for the above business matters are available on the official website of Shenzhen Municipal Science and Technology Innovation Commission (<http://stic.sz.gov.cn/>). The specific operations are as follows:
- Select "Guidelines" on the official website of Shenzhen Municipal Science and Technology Innovation Commission (<http://stic.sz.gov.cn/>).
 - Click "Foreigners' Work Permits Working in China".
 - Download the *Licensing Guidelines and Classification Standards for Foreigners Working in China (for Trial Implementation)* to view specific requirements.



4 Handling Procedures

- (I) **Online application**. The employer logs in to the system (<http://fwp.safea.gov.cn/>), submits application information online, and provides related electronic materials. If a special service organization is entrusted to handle it on-site, the name and legal registration certificate (Business License or

Organization Code Certificate, Social Insurance Register or Registration Permit of Resident Representative Office of Foreign Enterprise in China) of the special service organization, the name, identity document and contact number of the handler shall be registered online, and submit the employer's power of attorney and the identity document of the handler on the spot.

(II) **Online pre-review**. The accepting organization shall conduct the pre-review of the materials submitted online within 5 working days from the day of submission of the materials (the day of submission of the materials is not counted within the period). If the materials are incomplete and the content is not standardized, the accepting organization shall notify the materials that need to be supplemented and corrected online at one time.

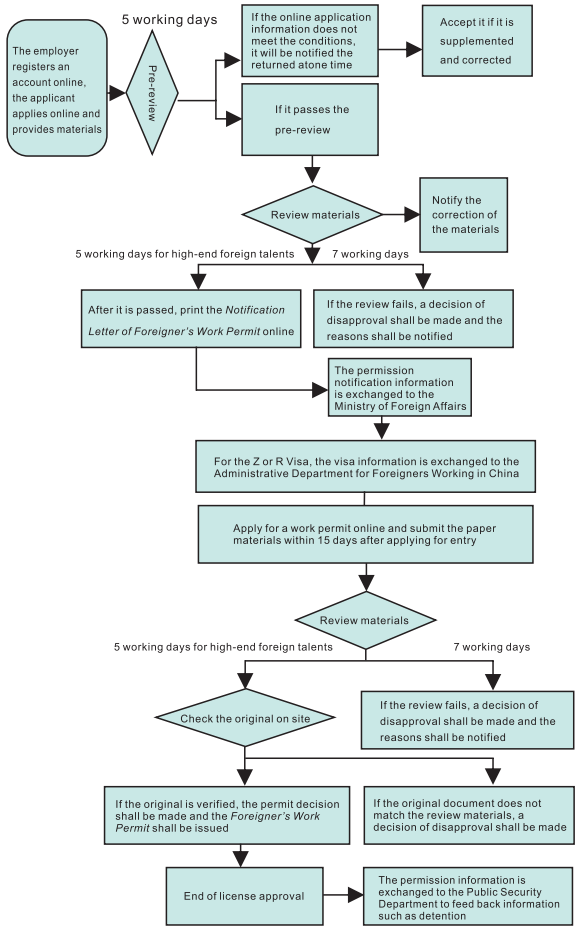
(III) **Acceptance**. The accepting organization decides whether to accept the application after review. For applications that are within the scope of authority for the administrative organization, as well as that are accompanied with all materials required in statutory form, they shall be accepted, and an electronic receipt shall be issued. For applications that are not accompanied with all materials required in the statutory form, they shall be informed of the content to be supplemented or corrected at one time. These applications will be accepted after correction. For applications that are not within the scope of authority for the administrative organization, they shall be informed of the reasons and basis for the rejection.

(IV) **Approval**. The decision-making organization shall review and approve the application materials within 7 working days after acceptance (the day of acceptance is not counted within the period).

(V) **Decision**. After the approval is passed, a decision is made whether to approve the *Notification Letter of Foreigner's Work Permit* or *Foreigner's Work Permit*. After the approval, the *Notification Letter of Foreigner's Work Permit* is generated online. Applicants shall apply for the Foreigner's Work Permit within 15 days after entry. To apply for the *Foreigner's Work Permit Working in China*, the original employment contract or certificate of employment, work qualification certificate, certificate of no criminal record, certificate of physical examination and highest degree certificate shall be verified. The employer shall submit the original documents for verification and obtain *Foreigner's Work Permit* within 10 days from the date of approval. If it does not meet the conditions and standards, make the written decision of non-approval, explain the reasons and notify the applicant or the employing unit to enjoy the right of legally applying for the administrative reconsideration or submitting the administrative litigation.

The licensing decision organization can simplify the paper materials verification process of applying for extension of foreigners' work permits working in China based on the credit records of the employer and the applicant.

Flow Chart of Handling Procedures for Foreigners' Work Permits Working in China



- 5 **Service Charges**
No charge
- 6 **Online Application**
<http://fwp.safea.gov.cn/>
- 7 **Progress Query**
<http://fwp.safea.gov.cn/>, i Shenzhen APP
- 8 **Result Query**

外国人 来华工作许可 服务指南

各位境外朋友，欢迎您
来到盐田！为了您在深圳，
盐田工作生活顺利，请您及
时办理工作许可证。



1 法律依据

- (一)《中华人民共和国行政许可法》
- (二)《中华人民共和国出境入境管理法》第四十一条规定：外国人在中国境内工作，应当按照规定取得工作许可和工作类居留证件。任何单位和个人不得聘用未取得工作许可和工作类居留证件的外国人。
- (三)《中华人民共和国外国人入境出境管理条例》第七条规定：申请R字签证，应当符合中国政府有关主管部门确定的外国高层次人才和急需紧缺专门人才的引进条件和要求，并按照规定提交相应的证明材料。申请Z字签证，应当按照规定提交工作许可等证明材料。
- 第十六条规定：工作类居留证件，应当提交工作许可等证明材料；属于国家需要的外国高层次人才和急需紧缺专门人才的，应当按照规定提交有关证明材料。
- (四)国务院审改办《关于整合外国人来华工作许可事项意见的函》（审改办函〔2015〕95号）。
- (五)国家外国专家局、人力资源和社会保障部、外交部、公安部《关于全面实施外国人来华工作许可制度的通知》（外专发〔2017〕40号）
- (六)国家外国专家局《关于印发外国人来华工作许可服务指南（暂行）的通知》（外专发〔2017〕36号）

2 申请条件

- (一) **用人单位基本条件**
 - 依法设立，无严重违法失信记录；聘用外国人从事的岗位应是有特殊需要，国内暂缺适当人选，且不违反国家有关规定的岗位；支付所聘用外国人的工资、薪金不得低于当地最低工资标准。
 - 法律法规规定应由行业主管部门前置审批的，需经过批准。
- (二) **申请人基本条件**

1. 申请人应年满18周岁，身体健康，无犯罪记录，境内有确定的用人单位，具有从事其工作所必需的专业技能或相适应的知识水平。
2. 申请人所从事的工作应符合中国经济社会发展需要，申请人应为国内急需紧缺的专业人员。
3. 法律法规对外国人来华工作另有规定的，从其规定。

- (三) **外国人来华工作类别及配额限制**

外国高端人才（A类）是指中国经济社会发展急需的科学家、科技领军人才、国际企业家、专门特殊人才等外国高端人才。外国高端人才不受年龄、学历和工作经历限制。

外国专业人才（B类）是指符合外国人来华工作指导目录和岗位需求，属于中国经济社会事业发展急需的外国专业人才。外国专业人才应不超过60岁，确有需要，可适当放宽。

其他外国人员（C类）是指满足国内劳动力市场需求，符合国家政策规定的其他外国人员。

具体见《外国人来华工作分类标准（试行）》。

外国高端人才（A类）数量不限；外国专业人才（B类）根据市场需求限制；其他外国人员（C类）配额限制按国家有关规定执行。

具体配额限制可通过外国人来华工作管理服务系统（<http://fwp.safea.gov.cn/>）查询。
- (四) **审批条件**

具备如下条件的，予以批准：

 1. 属于外国人来华工作管理部门职权范围的；
 2. 符合上述来华工作外国人条件的；
 3. 申请材料真实、齐全、符合要求的。

有如下情形之一的，不予批准：

 1. 申请材料不齐全的；
 2. 申请材料不符合要求的；
 3. 申请材料虚假的；
 4. 申请人不符合来华工作条件的；
 5. 不适宜发给外国人来华工作许可的其他情况。

3 业务类型

- (一) 用人单位或受委托的专门服务机构在线注册账号
- (二) 申请办理外国人来华工作许可（来华工作90日以上，不含90日），包含：
 1. 申请《中华人民共和国外国人工作许可通知》（简称《外国人工作许可通知》）
 2. 申领《中华人民共和国外国人工作许可证》（简称《外国人工作许可证》）
- (三) 境内申请外国人来华工作许可（来华工作90日以上，不含90日）
- (四) 申请外国人来华工作许可或外国专家来华邀请函（来华工作90日以下，含90日）
- (五) 申请外国人来华工作许可延期
- (六) 申请外国人来华工作许可变更
- (七) 申请外国人来华工作许可注销
- (八) 申请《外国人工作许可证》补办

以上业务事项所需申请材料和具体要求等相关详细信息可登录深圳市科技创新委员会官方网站（<http://stic.sz.gov.cn/>）查看，具体操作如下：

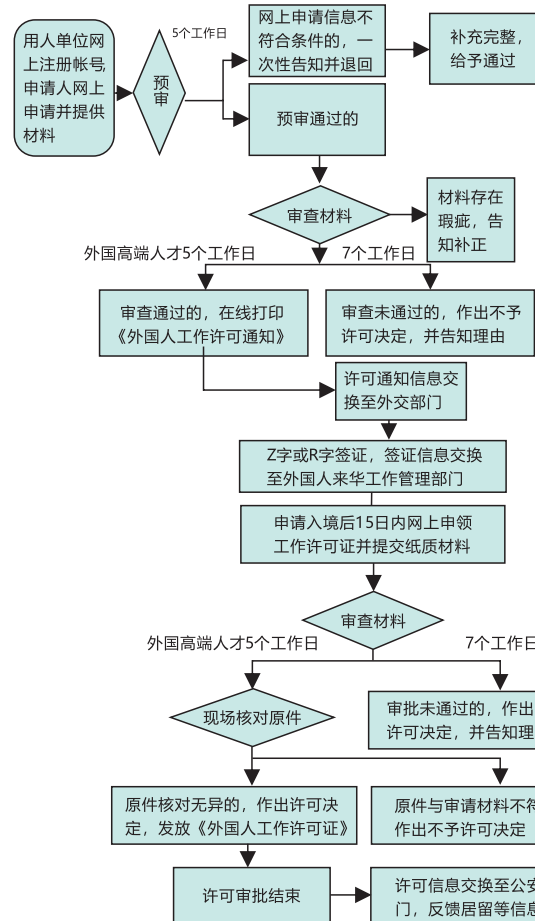
1. 深圳市科技创新委员会官方网站（<http://stic.sz.gov.cn/>），选择“办事指南”。
2. 点击“外国人来华工作许可”。
3. 下载《许可指南》及《外国人来华工作分类标准（试行）》查看具体要求。



4 办理流程

- (一) **网上申请**。用人单位登录系统（<http://fwp.safea.gov.cn/>），在线提交申请信息，并提供相关电子材料。委托专门服务机构现场办理的，需在线登记专门服务机构名称、合法登记证明（营业执照或组织机构代码证、社会保险登记证或外国企业常驻代表机构登记证）、经办人姓名、身份证件、联系电话等，并现场提交用人单位委托书、经办人身份证明。
 - (二) **网上预审**。受理机构应当自材料提交之日起5个工作日（材料提交当日不计算在期间内）内对网上提交的材料进行预审。材料不齐全、内容不规范的，受理机构应当一次性在线告知需补正材料。
 - (三) **受理**。受理机构审查后决定是否受理。申请事项属于本行政机关职权范围，申请材料齐全、符合要求的，应当予以受理，系统出具电子受理回执单；申请材料不齐全或不符合法定形式的，应当一次性告知需补正内容，补正后予以受理；不属于本行政机关职权范围的，受理机构要说明不予受理的理由和依据。
 - (四) **审批**。决策机构应当在受理后7个工作日内(受理当日不计算在期间内)对申请材料进行审核和审批。
 - (五) **决定**。审批通过后作出是否批准《外国人工作许可通知》或《外国人工作许可证》的决定。审批通过后，在线生成《外国人工作许可通知》。申请人应当在入境后15日内提出申领《外国人工作许可证》。申领《外国人来华工作许可证》，均需核验聘用合同或任职证明、工作经历证明、无犯罪记录证明、体检证明和最高学位证书证明原件，用人单位应当自审批通过之日起10日内提交材料原件核验并领取《外国人工作许可证》。不符合条件、标准的，作出不予许可书面决定，说明理由，并告知申请人或用人单位享有依法申请行政复议或者提起行政诉讼的权利。
- 许可决定机构可根据用人单位及申请人信用记录情况，简化外国人来华工作许可延期申请的纸质材料核验环节。

外国人来华工作许可办理流程



- 5 **服务收费** 不收费
- 6 **在线申办** <http://fwp.safea.gov.cn/>
- 7 **进度查询** <http://fwp.safea.gov.cn/>, i深圳APP
- 8 **结果查询**