

## China requires work visa instead of business visa for certain short-term work tasks

March 24, 2015 | Written by Dr. Iris Duchetsmann and Cynthia Zheng

As of 1 January 2015, with the implementation of the new interim regulations issued by China's Ministry of Human Resources and Social Security ("MHRSS"), China has further tightened immigration requirements for foreigners coming to China for short term work tasks.



### Short-term tasks

The interim regulations are contained in the Circular Renshebufa [2014] No. 78 issued by MHRSS (the "Circular") and concern the visa/permit requirements and application procedures for foreigners' short-term work tasks. Under the rules of the Circular, if a foreigner comes to China for one of the following tasks for a period of up to 90 days (the "Short-Term Task"), he/she must obtain a work visa (i.e., Z visa) and other permits, instead of a business visa (i.e., M or F visa):

- Performing tasks including those involving technology, scientific research, management and general guidance with a China business partner;
- Conducting training or trials at a Chinese sports institution (this applies to both coaches and athletes);
- Filming (including advertisements and documentary films);
- Performing in fashion shows (including car exhibitions, photo shoots, etc.);
- Participating in foreign-related commercial practices; and
- Other tasks as identified by MHRSS.

The visa and permit application procedures for the above situations are summarized as follows:

**Step 1:** Applying for an employment license and work certificate in China

**Step 2:** Applying for a visa invitation letter in China

**Step 3:** Applying for a work visa (Z visa) through a Chinese embassy/consulate

**Step 4:** Applying for a residence permit (if staying in China for a period exceeding 30 days but no more than 90 days).

In respect of the above Step 1 and 2, the China partner (e.g., the business partner, the institution, the event organizer) will have to submit the application. The above procedures are estimated to easily take one month to complete.

If a foreigner stays in China to perform a Short-term Task for a period of more than 90 days after a respective entry, depending on the specific tasks to be performed, he/she must obtain different permits through a more complex process.

The Circular does not consider the following tasks to fall under the definition of a Short-term Task and an M or F visa is sufficient, provided that the recipient does not stay in China for a period of more than 90 days after each respective entry:

- providing maintenance, installation, commissioning, disassembly, guidance or training services related to the purchase of machines and equipment;
- guiding, supervising and inspecting a Chinese project won through bidding;
- performing short-term work at a Chinese branch, subsidiary or representative office established by a foreign company;
- participating in sports competitions (This applies to athletes, coaches, doctors, assistants and other related personnel. However, such competitions does not include those which require a participant to have a registration card issued following approval of the competent Chinese authorities in accordance with requirements issued by the relevant international sports organization);
- performing work as a volunteer without pay or where payment is made by a foreign entity;
- participating in commercial performances which are not identified by the competent cultural authority as “foreign-related commercial performances”.

If, however, a foreigner comes to China to perform an above mentioned task and stays in China for more than 90 days, an M or F visa will not be sufficient and depending on the specific tasks to be performed he/she must obtain different permits through a more complex process.



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 Authors



Dr Iris Duchetsmann



Partner

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