

Update - A, B, or C-Expat under the new pilot regulations? – Important changes to Chinese immigration rules

Immigration rules in China are changing significantly. Foreigners working in the mainland of the People’s Republic of China are classified nationwide in categories A, B, or C from April 1, 2017 (pilot trial from November 1, 2016 in some cities and provinces). The new rules do not apply to the Hong Kong and Macao Special Administrative Regions, as well as to Taiwan, which all have their own legal systems.

The respective categories can either be achieved based on (i) general qualification of the Chinese employer/position, and/or individual qualification of the foreign employee, or (ii) for category A and B through a positive result under a new scoring system.

	Preconditions (examples only)
<p>Expat Category A</p> <ul style="list-style-type: none"> • No age restrictions • Easier application processes • Longer validity term of the work permit 	<p>Chinese employer qualification:</p> <ul style="list-style-type: none"> • Global or regional headquarters of Global Fortune 500 companies • High-tech enterprises • Certain State-owned enterprises of the central government • Large or medium-size enterprises (detailed criteria given) • Small-size foreign investment enterprises in the "Encouraged Catalogue" (employment as chairman of the board of directors, legal representative, GM or chief technical expert additionally required) <p>Plus employment as:</p> <ul style="list-style-type: none"> • Senior manager, or • Technical expert <p>Or salary level at least no less than 6 times of the local monthly average salary (= double severance)</p> <ul style="list-style-type: none"> • In practice in Shanghai currently an annual salary package at least CNY 600k and evidenced IIT payment at least CNY 120k • Local practice may vary based on the economic development level <hr/> <p>Or foreign employee qualification:</p> <ul style="list-style-type: none"> • Chinese governmental talent introduction program candidates (list given) • Special award winners (Nobel, Academy Awards, Olympics, etc.) • Past working experience as senior management or R&D key staff in the headquarter of a Global Fortune 500 company, or as manager or R&D head of GM level or above in the direct subsidiaries or regional headquarter of a Global Fortune 500 company • Past working experience as senior manager in internationally-renowned financial institutions and CPA firms • Innovative talents and entrepreneurs meeting certain requirements

	<p>Or ≥85 points in the new scoring system Run the Taylor Wessing China Expat Calculator to get an individual score</p>
<p>Expat Category B</p> <ul style="list-style-type: none"> • Age limits can apply • More complicated application processes and document requirements 	<p>Foreign employee qualification:</p> <ul style="list-style-type: none"> • Bachelor or higher degree, and • At least 2-year working experience <p>Plus employment as (examples only):</p> <ul style="list-style-type: none"> • Management or professional technician • Middle to senior level dispatched staff of transnational companies • Chief representatives or representatives of a foreign enterprise's representative office in China • Foreign language teachers (mother tongue teachers; exceptional rules on the working experience requirement applicable)
	<p>Or skilled technical talents:</p> <ul style="list-style-type: none"> • Holding international professional skill qualification certificates, or • Urgently needed (criteria unknown)
	<p>Or salary level at least no less than 4 times of the local monthly average salary</p> <ul style="list-style-type: none"> • In practice in Shanghai not directly applicable by itself • Other different local practice may apply
	<p>Or 60-84 points in the new scoring system Run the Taylor Wessing China Expat Calculator to get an individual score</p>
<p>Expat Category C</p>	<p>Expats qualified under the old rules but not qualified as Category A or B under the new regime</p>
	<p>Temporary or short-term (≤ 90 days) work</p>
	<p>Subject to quota restrictions (details unknown):</p> <p>Foreign interns based on inter-governmental agreements</p> <ul style="list-style-type: none"> • In practice currently only based on the “China-France 1000 Interns Program” <p>Foreign graduates from Chinese domestic or overseas universities meeting certain requirements</p> <ul style="list-style-type: none"> • Excellent graduates with master or higher degree from a domestic university or a well-known overseas university based on the MOHRSS notice on January 6, 2017 (practice unknown)

If you would like to check the score in an individual case under the new scoring system, spend 1 minute and try the [Taylor Wessing China Expat Calculator](#).

Further changes concern the application process, involved authorities and the issued permits. In some locations like e.g. Shanghai, subject to certain preconditions, foreigners may enjoy certain simplified immigration processes (e.g. work (Z) visa no longer being required for the first entry), in case a work permit notice has already been issued. Under certain preconditions, Z-visa may also be issued upon arrival.



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