

## CHINA | COVID-19 (CORONAVIRUS) EMPLOYER SPONSOR FAQ

China has taken several measures to limit the spread of COVID-19; since late March 2020 these have focussed on limiting the re-introduction of the virus to the People's Republic of China via incoming travellers. The NIA (National Immigration Administration) has imposed a series of measures to limit the entry of foreigners from abroad. The Chinese authorities have temporarily suspended the entry of foreigners holding valid visas and residence permits and also imposed 14-day quarantine at designated spots to all incoming passengers (both foreigners and Chinese nationals). At the same time, all incoming international flights to China have been reduced dramatically and major airports across China have suspended their normal operations.

For mainland residents who seek exit, immigration border officers will closely examine their entry and exit history for the past 14 days. Exit is not permitted if the mainland resident has an entry record noted in their passport from within the past 14 days.

For foreign nationals who break the quarantine rules, the immigration authorities will take legal action and deny future entry for a certain period for **1–5 years based on the severity of the case**. Newland Chase has noted that four foreigners in Beijing have so far been denied entry to China as a result of violation of quarantine regulations.

The Chinese authorities have urged all Chinese citizens and foreign national travellers to avoid making non-essential trips and visits across the border during this pandemic period.



**Our foreign employee's work permit and residence permit will expire but they are not able to enter China right now. What should they do?**

**NC:** The work permit renewal can be processed online without the employee's physical presence in China. However, the residence permit renewal can only be completed while the applicant is in China.

The immigration authorities will allow foreign employees to hold another China visa to enter China and submit their residence permit renewal applications within a certain period of time after the pandemic is over.

In Shanghai, the period is roughly three months (counting from the expiry date of the current residence permit) and in Beijing, the period is longer (approximately one year).



### Can foreigners apply for China visa at offshore Chinese consulates during the pandemic?

**NC:** It depends. Chinese consulates in different countries are implementing different policies and this changes with the evolving situation.

For example, Chinese consulates in Japan have been closed since 9 April. They can still receive urgent visa requests via email but will only issue China visas under very limited circumstances. Chinese consulates in the UK have suspended all Chinese visa applications for a period of three weeks. Chinese consulates in many countries have either closed their offices or suspended/limited their visa or legalization services.

Although submitting a visa application at this time is not typically possible, we highly recommend preparing applications for future submission, as we anticipate that embassies and consulates will be extremely busy once they reopen. Our team can work with you during this time to prepare applications.



### Our foreign employee has exited China and is not able to re-enter, or is not contactable. How does our company terminate the employment of the foreign worker, should it wish to do so?

**NC:** Firstly, the company should reach an agreement with the foreign employee to terminate the employment relationship. The company should initiate the work permit cancellation with the termination letter, form and document signed by the foreign employee.

During the pandemic, e-documents/evidence as well as an e-signature from the foreign national employee can be accepted for the work permit cancellation in Shanghai. Scanned copies of the termination letter and form with the wet signature from the foreign national employee must still be uploaded online for work permit cancellations in other cities.

The company should then proceed with the residence permit cancellation. In the absence of the foreign national employee's original passport, signature and physical presence in China, the company can only file a residence permit cancellation registration (居留许可注销备案) with the local authority.

The Chinese employer should provide a detailed statement, outlining the cancellation reasons and other details, such as the foreign employee being outside China. The fact that this foreign employee's residence permit has been declared void will be published on the local NIA's official website.

The practice varies with different cities; under some circumstances, the government will ask the company to provide evidence (e-documents can be accepted) showing that the company has notified the foreign employee about the termination, or that the foreign employee is fully aware of their residence permit cancellation. Although this is not a formal residence permit cancellation process, it is the best practice a Chinese employer can adopt in the absence of a foreign employee under the current situation.



Where foreign nationals are in China on various visa types, but are unable to exit China during the pandemic control period, is there any way for them to stay in China legally?

**NC:** Yes, foreign nationals whose current visa/residence permits in China have expired can get an automatic two-month extension until further notice. They are only allowed to engage in the activities as permitted by their original visa type. Foreign nationals who get an automatic two-month extension will not be able to get another automatic two-month extension at the end of first extension. They should apply for a new visa extension at the local NIA office. Please contact Newland Chase China if such a request arises.



As of 28 March, China has temporarily suspended entry to foreign nationals holding visas and residence permits still valid at the time of the announcement. However, foreign nationals coming to China for necessary economic, trade, scientific or technological activities may apply for visas at Chinese consulates. What kind of activities will be approved for a visa issuance?

**NC:** There is no specific nor clear-cut explanation/instruction on the activities which will warrant a visa issuance. The visa officers in different Chinese consulates may adjudicate each visa petition on a case-by-case basis. The visa applicant should present a detailed statement, outlining the specific urgent/essential visit purposes, coupled with solid evidence. Newland Chase experienced consultants are happy to work with you to set the strategy and prepare the application.

It is at the discretion of the visa officer to issue the visa based on the reasons stated. However, given the current situation, the top priority of the Chinese government is to contain the spread of COVID-19, so it is more than likely that visas will only be granted to those visits or trips defined as essential and urgent with compelling reasons.

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**We're here to help.** [Contact us](#) to schedule a consultation to learn how we can support your business during and after the COVID-19 pandemic and keep up-to-date with the latest COVID-19 travel and immigration updates on our dedicated online resource – [COVID-19: Latest Travel and Immigration Disruption](#). We also invite you to attend or to download one of our [regional webinars](#), which address changes both globally, regionally and country by country.

This white paper was prepared by [Edward Hu](#), Newland Chase-FSG Deputy Manager.

This publication is not intended as a substitute for legal advice. Readers are reminded that immigration laws are subject to change. We are not responsible for any loss arising from reliance on this publication. Please contact Newland Chase should you require any additional clarification or case-specific advice.

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