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A photograph of a modern architectural interior, likely a museum or a corporate lobby. The space is characterized by large, white, cylindrical columns that support a curved ceiling. In the background, two escalators lead up to a higher level. The floor is highly reflective, showing the surrounding architecture. A semi-transparent grey circle with a white diamond border is centered over the image, containing the text "域外法研究".

域外法 研究



外国半导体出口管制政策的境内上市审核影响

Impact of foreign semiconductor export restrictions on IPO

锦天城律师事务所 沈诚 薛晓雯

科创板开板至今四周年，半导体企业数量占比接近20%，募资额更是达到今年上半年科创板募资总额的近五成。可以说，国内半导体产业在资本市场助推下得到蓬勃发展。但与此同时，美国等西方势力对国内半导体产业的打压也愈演愈烈。美国商务部工业与安全局（BIS）自2022年10月起对《美国出口管制条例》（EAR）做出一系列修订（下称“EAR新规”），针对性地限制中国获得先进计算芯片、制造超级计算机和先进半导体。今年以来，日本、荷兰等国也相继出半导体出口管制新规。

Four years have elapsed since the launch of the Star Market, in which semiconductor enterprises account for nearly 20% of the lineup, raising nearly 50% of the total proceeds in the first half of this year. Evidently, the domestic semiconductor industry has achieved impressive growth, aided as it has been by the capital markets. However, pressure applied by Western powers such as the US is constantly being intensified. Since October 2022, the Bureau of Industry and Security of the US Department of Commerce has made a series of amendments to the Export Administration Regulations (EAR rules) designed to restrict China from acquiring advanced computing chips, and manufacturing supercomputers and advanced semiconductors. In 2023, Japan, the Netherlands and several other countries also issued new export rules for semiconductors.

资本市场强监管 **Intense oversight**

随着全面注册制的落地，境内证券发行条件被大大优化，但发行人生产经营的合规性始终是一条“红线”。虽然半导体企业肩负解决“卡脖子”问题重任，但如何能在面临外国多边联和管制情况下保证采购、研发、销售等环节的合规性，是那些计划登录境内证券市场的半导体企业无法回避的问题。

With the comprehensive implementation of the market's registration system, conditions for domestic securities offerings have been greatly optimised, but the compliance of issuers' production and operations is subject to no less scrutiny. Although semiconductor enterprises shoulder the heavy burden of breaking through the “bottleneck”, how they can ensure compliance at the procurement, research and development, sales and other stages while facing united foreign multilateral control is a matter that prospective A-share issuers in this sector cannot ignore.

在科创板已上市企业中，海光信息、格林深瞳等企业在提交上市申请前已被列入实体清单，而裕太微的终端主客户中也包括海康威视、大华股份、烽火通信等实体清单企业。由此可见，拟上市企业被列入实体清单，或其主要客户是实体清单企业，并不会直接构成境内上市的实质障碍。

On the Star Market, enterprises such as Hygon Information and DeepGlint had been placed on the US entity list before submitting their listing applications, as were Hikvision, Dahua, Fiberhome, and several of the main clients of Motorcomm. This seems to suggest that the inclusion of a company, or its main clients, into the US entity list does not directly derail listing prospects in the domestic capital markets.

在半导体企业境内上市审核中对外国出口管制政策的关注背后，更深层次的问题在于，目前及可预期的未来企业能否持续开展经营活动，以及企业在可能持续恶化的国际局势环境下能否充足应对。对于绝大多数申报的半导体企业而言，在反馈环节被要求充分说明并披露外国出口管制政策对公司可持续经营能力的影响是一道必答题。在EAR新规出台后，审核机关还会特别关注拟上市主体在业务、技术、人员等方面与美国的联系，并要求比照EAR新规进行逐条说明。

More deep-seated issues, however, relate to whether enterprises can, at present and in the foreseeable future, continue to carry on their business activities and adequately respond in a potentially continually worsening international environment. Most semiconductor enterprises are asked at the feedback stage to fully explain and disclose the impact that foreign export control policies have on their capacity to operate as a going concern. Since the issuance of the new EAR rules, the review body would pay additional attention to the connection between the prospective issuer and the US in terms of business, technology and personnel, and require it to provide an article-by-article explanation with reference to the new EAR rules.

因此，站在当下审核机关的角度，出口管制更多被看作一项影响未来持续经营的风险因素，拟上市的半导体企业应该深刻理解审核机关对于该问题的重要关注点，以及通常可采取的回复思路。

Generally, the review body tends to see export control as a risk factor that could affect an enterprise's operation as a going concern. It is imperative for prospective issuers to understand the key concerns and formulate corresponding approaches.

问询重点 **Focus of enquiry**

我们可将目前在审的或者拟申报的半导体企业分为两类：第一类是已经受到对华出口管制限制的企业，如实体清单上的企业；第二类是尚未受到直接限制的企业。针对前者，问询回复主要是围绕“去美化”以及“可持续经营”两个维度，从现实影响和未来预案两方面着手。

Semiconductor enterprises currently under review, or intending to apply for listing, can be largely divided into two categories: those already subject to export control restrictions aimed at China, such as those on the entity list; and those not yet subject to direct restrictions. For the former, regulatory enquiries will mainly revolve around the topics of “minimising US impact” and “operation as a going concern”, which can be approached from the perspectives of actual impact, and contingency plans for the future.

以海光信息为例，公司在芯片代工、采购EDA工具和IP授权等方面均因实体清单而受到不同程度的影响，在芯片代工方面，公司说明代工厂可继续提供流片服务直至原协议履行完毕，且海光信息将保持与多家晶圆代工厂的合作；在采购EDA和IP授权方面，海光信息也在积极实现国产化替代，因此总体上不构成重大不利影响。

In the case of Hygon Information, the company was, to various degrees, affected in terms of chip foundry services, procurement of electronic design automation (EDA), tools and IP authorisation, by being on the entity list. In response, the company explained that the foundries could continue to provide tape-out services until the completion of existing agreements, and it would maintain co-operation with multiple foundries. For other matters, the export controls would not have material adverse

impact.

针对后者，问询回复则侧重于说明短期内为什么不受限（例如业务不涉及先进制程、超算、AI、军用等领域）、董监高及核心技术人员或其他重要研发人员非美国籍、已积极寻求国产替代，以及持续加强建设出口管制合规体系。

Those enterprises not yet subject to direct restrictions tend to be required to illustrate why they are not affected in the short term, for example: the business does not involve advanced processes, supercomputing, AI, military or other such sectors; its directors, supervisors, senior executives and core technical or other key research and development personnel are not US nationals; it is actively pursuing localised substitution; and that it continues to strengthen development of an export control compliance system.

在具体个案中，监管可能会结合企业主营业务情况要求深入量化分析。例如，监管要求某芯片企业量化说明进出口限制政策对发行人业务的实质影响，该企业回复报告期内因“出口限制政策”导致不再与其交易的客户共计36家，占报告期发行人收入比例极小，由此论证发行人业务未受实质影响。

Sometimes, regulators require in-depth quantitative analysis in considering the status of the enterprise's main business. For example, the regulator required a chipmaker to quantify the substantive impact of import and export restriction policies on its business, to which it replied that, during the reporting period, a total of 36 clients ceased to deal with it due to “export restriction policies”, accounting for a minimal percentage of its revenue, thus demonstrating that its business had not been materially affected.

危中有机 Silver lining

面对持续变化的对华出口管制局势，我们为境内半导体企业提出的建议是：不要过于恐慌，亦不能“头铁”，而是应在合规的框架之下寻求出路。

Facing the constantly shifting landscape of export controls targeting China, the authors' advice to domestic semiconductor enterprises is do not panic or be obstinate; rather, seek a way out under the compliance framework.

短期内企业首要工作是至少了解美国、日本、荷兰等国的出口管制体系及规则，具备自查供应链是否受限的能力，并且充分知悉现阶段的出口管制是否会影响自身持续经营及研发能力。受到限制或被列入清单的企业，亦可积极申请获得进口许可。

In the short term, the primary task of enterprises is to at least understand the export control regimes and rules of the US, Japan and the Netherlands, equip themselves with the capability to self-check whether supply chains are impacted, and familiarise themselves on whether current export controls will affect their ability to operate, as well as affect their research and development. Enterprises subject to restrictions, or on the entity list, may also apply for import permits.

此外，拟上市企业还需关注核心人员的隐名保护（如通过公开渠道无法查询到其在员工持股平台的持股情况等）、信息披露管控（严格管控公司的融资信息、产品进程、战略合作等信息在互联网上的传播），以及交易协议条款及保密措施的完善，尽早制定中长期的供应商替代方案，从各个方面加强自身应对国际局势风险的屏障。

Enterprises proposing to list should also pay attention to: protecting the

anonymity of core personnel (e.g. making it impossible to access through public channels any information on their shareholding on the employee shareholding platform); controlling information disclosure (online dissemination of information on company financing, product development, strategic co-operation, etc.); improving the terms of transaction agreements and confidentiality measures; and formulating, as soon as possible, medium and long-term supplier substitution plans to solidify the bulwark that enables them to respond to risks presented by the international situation.

这是最坏的时代，也是最好的时代。境内广大半导体企业应该把握时代赋予的机会早日实现硬科技方面的国产替代超车，同时加速完成符合多变国际局势要求的内部合规体系建设。

These are the worst of times, but also the best of times. Domestic semiconductor enterprises should seize the opportunity to realise localised substitution in hard technology and, additionally, accelerate completion of the development of an internal compliance system that meets the requirements of the frequently changing international situation.



理论与 与实践



涉外公证认证流程将得到极大优化

Foreign-Related Notarization, Authentication and Legalization

Process will be Greatly Optimized

栗伟炜 郭倩雯

在日常工作中，每每涉及到涉外业务，都会碰到一个很常见的工作流程，那就是向外籍客户或有涉外需求的中国客户介绍外国的公证认证流程。你可能会问啦，什么情况下要做公证认证呀？为何要做公证认证呀？其实，只要是涉及到在境外出具的任何文书，想要在中国的任何政府部门畅通无阻的被认可、合法使用，都要历经公证认证程序。

In our daily work, when it comes to foreign-related business, we will encounter a common workflow, that is, introducing foreign notarization, authentication and legalization process to foreign clients or Chinese clients with foreign-related needs. You may curious, under what circumstances you should do notarization, authentication and legalization? Why should you do it? In fact, as long as your document issued abroad which intends to be recognized and legally used unimpeded by any government department in China, you must go through the notarization, authentication and legalization process.

我们列举实操中常见的几种需要做公证认证的情形，供大家参考，

Here we list several common situations that require notarization, authentication and legalization in practice for your reference,

1. 外资投资人（外籍自然人或外国公司）拟在境内投资开立公司，首先要证实投资人身份，如果投资人是外籍自然人的，则需提供护照复印件、与原件一致的公证认证文书以及最近出入境中国的海关签章页面；若是外国公司的，则其公司主体资格证明要做公证认证。

When a foreign investor (foreign natural person or foreign company) intends to invest and establish a company in China, it is necessary to first verify the identity of the investor. If the investor is a foreign natural person, it shall provide a notarized certification document with a copy of the passport consistent with the original, as well as the page with the latest customs seal for entry and exit to China. If it is a foreign company, its corporate entity qualification certificate shall be notarized, authenticated and legalized.



2. 外籍人士拟在中国境内工作，在外国专家局办理工作许可证时，其提供的学历证明，无犯罪记录证明等均是在境外获得的文书，都要进行上述全部程序。

When a foreigner intends to work in China and apply for a work permit in the Administration of Foreign Experts Affairs, he/she must go through above mentioned full procedures for certain documents, such as the academic credential and the certificate of non - criminal record which obtained abroad.

3. 外籍人士拟委托中国律师或其他代理人作为授权代表，代其在中国境内相关部门办理任何业务及事项的，授权委托书也是要公证认证的。

When a foreigner intends to entrust a Chinese lawyer or other agent as the authorized proxy to handle some business or matters in the relevant departments in China, the power of attorney shall also be notarized, authenticated and legalized.

4. 在涉外诉讼活动中，涉及到境外外国判决、仲裁裁决时要提交该外国判决、仲裁裁决的公证认证本。民事诉讼中对在中国境内没有住所的外国主体的身份证明类文件以及对域外形成的涉及身份关系的证据等，都要求经过同样的上述流程。

In foreign-related litigation activities, when involving foreign judgments and arbitral awards, a notarized, authenticated and legalized copy of such foreign judgments and arbitral awards must be submitted. In civil litigation, the identification documents of a foreign subject who has no domicile in China, as well as the evidence related to the identity relation formed outside China, must go through all above-mentioned procedures.

在当前法规政策背景下，中国境内政府部门认可的公证认证文书需要走3步：

Under the background of current regulations and policies, there are 3 steps for notarization and authentication documents recognized by Chinese government departments,

1. 公证——首先，经境外当地公证律师公证；

Notarization - First, notarized by a local notary lawyer from abroad;

2. 认证——接着，由境外外交部或外交贸易部认证，这里需要特别告知相关部门，所做证明的类型为Authentication（外交部认证），而非



Apostille（海牙认证），否则会被默认签发Apostille（海牙认证），而Apostille（海牙认证）是不能被中国使领馆接受的；

Authentication - Then, authenticated by the Ministry of Foreign Affairs or the Ministry of Foreign Affairs and Trade of the foreign country. And at this stage, it should be declared very clearly that the certification type is Authentication instead of Apostille, otherwise Apostille will be issued by default, and Apostille will not be accepted by Chinese embassies and consulates;

3. 使领馆认证——最后，经当地中国使领馆认证，即：在公证认证过的文书上，确认公证机构、相应机关或者认证机关的最后一个签字（签章）或印章属实。

Legalization - Finally, legalized by the local Chinese Embassy or Consulate at abroad, that is, on the notarized and authenticated documents, to confirm the authenticity of the last signature (seal) or seal of the notary institution, corresponding authority, or certification authority.

通常，在一份文书走完上述三个步骤的程序至少需要花费好几个月的时间，且程序复杂，还要花费相应公证认证的服务费用。时间和经济成本相对较大。

Generally, it takes at least several months to complete the above three steps process in a document, and the process is complex, and it also costs corresponding service fees for notarization, authentication and legalization. Both time and economic costs are relatively high.

不过，好消息来了。几周前（3月8日），中国驻荷兰大使代表中方正式向公约保管机构（荷兰外交部）递交中国加入《废除外国公文认证要求的海牙公约》的加入书。该公约的全称是1961年10月5日《废除外国公文认证要求的海牙公约》，简称Hague Apostille公约或Apostille 公约或海牙认证公约。该Apostille公约将在今年（2023年）的11月7日在中国生效。对于有跨境商贸及人员往来需求的公司及个人来说，这值得庆贺！

Now, here comes the good news. A few weeks ago (on March 8), the Chinese Ambassador to the Netherlands, on behalf of China, formally submitted the instrument of accession to the Hague Convention of Abolishing the Requirement of Legalization for Foreign Public Documents to the Convention Custodian (the Ministry of Foreign Affairs of the Netherlands). The full name of this Convention is the Hague Convention of 5 October 1961 Abolishing the Requirement of

Legalization for Foreign Public Documents, abbreviated as the Hague Apostille Convention or the Apostille Convention or the Hague Authentication Convention. The Apostille Convention will enter into force for China on November 7 this year (2023). For companies and individuals with a need for cross-border business and personnel exchanges, it is worth celebrating!

Apostille公约，1961年10月5日获得通过，自1965年1月24日正式生效，目前全球已有124个国家或地区加入Apostille公约，包括中国香港、中国澳门、英国、美国、西班牙、爱尔兰、新加坡等国家或地区。

The Apostille Convention was adopted on October 5, 1961, and has entered into force since January 24, 1965. At present, 124 countries or regions around the world have acceded to the Apostille Convention, including Hong Kong, Macao, the United Kingdom, the United States, Spain, Ireland, Singapore and other countries or regions.

正如我们前文介绍的，在传统国际交往实践中，为保障交易安全，需要通过一系列官方机构对跨国公文上的签名或印鉴进行验证。但长期以来，公文跨境使用必须经公证认证给国际往来带来极大的不便。海牙国际私法会议因此制定了一项旨在取消外国公文须经外交或领事认证的公约，使公文在成员国之间流转时，免除领事认证手续，仅需公文发出国外事主管机关签发的附加意见证明书即可，这就是Apostille公约，它是海牙国际私法会议框架下适用范围最广、缔约成员最多的重要国际条约。但我国一直未加入，所以，中国现今加入Apostille公约是跨境公文认证领域的一个重要的里程碑，是中方扩大外国公文流转领域制度型开放的重要举措，将带来两大红利。

As we mentioned earlier, in traditional international communication practice, in order to ensure transaction security, it is necessary to verify the signatures or seals on transnational instruments through a series of official institutions. However, for a long time, the cross-border use of public documents must be notarized, authenticated and legalized, which has brought great inconvenience to international communication. The Hague Conference on Private International Law has therefore formulated a Convention aimed at abolishing the diplomatic or consular legalization of foreign public documents, which allows for the exemption of consular legalization procedures when such documents are circulated between member countries, requiring only one additional opinion certificate



issued by the foreign affairs authority of the country where the documents are issued. This is the Apostille Convention which is an important international convention with the widest scope of application and the largest number of contracting members under the framework of the Hague Conference on Private International Law. However, China has not acceded to the Apostille Convention for a long time. Therefore, China's accession to the Apostille Convention today is an important milestone in the field of cross-border public documents legalization, and a significant measure for China to expand the institutional openness in the field of foreign-related public documents circulation, which will bring two benefits.

首先，我们先来解读下Apostille公约（共计15个条文）的主要内容。

Firstly, let's interpret the main contents of the Apostille Convention (15 articles total).

1. Apostille公约第2条对使领馆认证进行了界定，“仅指文件接收国的外交或领事机构为证明签字的真实性、文件签署人行为的身份以及如果需要的话，鉴定文件印章而履行的手续。”可见，使领馆认证只是对公文上印章和签名真实性的证明，并不涉及文书的实质内容。文书的内容是否真实，由文书出具机构负责；是否符合文书使用国法律，则由文书使用国的接受机关负责审查。

Article 2 of the Apostille Convention defines Legalization, which “means only the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.” It can be seen that diplomatic or consular legalization is only a proof of the authenticity of the seal and signature on the public document, and does not involve the substantive content of the document. Whether the content of the document is true or not is the responsibility of the document issuing institution; Whether it complies with the laws of the country where the instrument is used shall be examined by the receiving authority of the country where the instrument is used.

2. Apostille公约只适用于“公文”，且Apostille公约对“公文”有一个定义。Apostille公约第1条确认下列所指为公文“（1）一国的机关或者某法院或法庭的官员签发的文件，其中包括由检察官、法院书记员（“执达



员”) 签发的文件; (2) 行政文书; (3) 公证文书; (4) 对个人以私人身份所签署的文件的官方证明, 例如, 对某个文件的注册或其在某日存在的事实进行记录的官方证书, 以及对签字的官方和公证证明”。可见, Apostille 公约认定的公文范围还是很广泛的, 仅不适用于“外交或领事机构办理的文书”及“与商业或海关事务直接有关的行政文书”。

The Apostille Convention only applies to “public documents”, and the Apostille Convention has a definition on “public documents”. Article 1 of the Apostille Convention confirms that the following are deemed to be “public documents”, “(1) documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server (“huissier de justice”); (2) administrative documents; (3) notarial acts; (4) official certificates which are placed on documents signed by persons in their private capacity, such as, official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures”. It can be seen that the scope of public documents recognized in the Apostille Convention is very broad, and they only do not apply to “documents executed by diplomatic or consular agents” or “administrative documents dealing directly with commercial or customs operations”.

3. 在Apostille公约下, 证明签字真实性、文件签署人行为的身份以及适当的文书印鉴鉴定, 都不再需要使领馆认证, 唯一可能需要办理的手续是文件签发国主管机关签发一个附加证明书。事实上, 按照《公约》第3条的规定, 如果根据文件接收国现行法律、法规或实践, 或者根据两个或两个以上缔约国间的协议, 前述手续已被取消或简化, 或者已免除了对文件本身的认证, 就不要再要求履行这一手续了。

Under the Apostille Convention, it is no longer necessary for a legalization to certify the authenticity of the signature, the capacity in which the person signing the document has acted and where appropriate, the identity of the seal or stamp which it bears. The only formality that may be required is the addition of the certificate issued by the competent authority of the country from which the document emanates. In fact, this addition of the certificate may also



be exempted. According to the provisions of Article 3 of the Apostille Convention, the above mentioned formality cannot be required when either the laws, regulations, or practice in force in the country where the document is produced or an agreement between two or more contracting members have abolished or simplified it, or exempt the document itself from legalization.

其次，我们再来解读中国加入Apostille公约后将带来的红利。

Secondly, let's interpret the benefits that will be brought after China's accession to the Apostille Convention.

1. 优化流程，降低成本Optimize Process and Reduce Costs

中国加入Apostille公约后，将对上述公文书的使领馆认证改为海牙认证，这将大幅提高公文的传递效率及大幅降低文书跨国流转的时间和经济成本。

After China's accession to the Apostille Convention, it will change the legalization of the above-mentioned public documents from diplomatic or consular legalization to the Hague certificate, which will greatly improve the transmission efficiency of the public documents and significantly reduce the time and economic costs of the cross-border circulation of documents.

海牙认证即APOSTILLE认证。指由海牙成员国政府机构统一出具的，对原认证的签发人（通常是当地公证处或国际公证人）进行的二级认证，并在认证书上加盖印章或标签，这个过程就叫做APOSTILLE认证加签（即海牙认证）。

The Hague Certification is Apostille. It refers to the second-level certification issued by the government agencies of the member countries in the Hague to the original certification issuer (usually a local notary office or an international notary), and the certificate shall be stamped or labeled. This process is called Apostille plus signature (i.e., Hague Certificate).

海牙认证有三大优势：

The Apostille has three advantages:

a) 时间短：海牙认证流程比较简单，能有效减少时间成本；

Short-term: The Apostille process is relatively simple, which can effectively reduce the time cost;

b) 范围广：目前大部分国家或者地区都承认Apostille公约；

Wide Scope: At present, most countries or regions recognize the Apostille Convention;



c) 有效力：根据Apostille公约规定，海牙认证文件可以在任何承认Apostille公约的国家或者地区使用，文件是具备对应的域外法律效力的。

Validity: According to the Apostille Convention, the Hague Certificate document can be used in any country or region that recognizes the Apostille Convention, and the document has the corresponding extraterritorial legal effect.

对于普通公民而言，意味着可以更加方便快捷地办理在海外可能需要的健康证明、驾照证明、学位证明、户口证明等文书。加入Apostille公约之后，办妥一份出国使用的文书，时间可从约20个工作日减少到几个工作日，费用也会大幅下降。每年可为中外人员和企业节省巨大金额的办证费用。缔约国间办理文书流转手续时间平均减少约90%。

For ordinary citizens, it means that they can more easily and quickly handle documents such as health certificates, driver's license certificates, degree certificates, household registration certificates, etc., that may be required overseas. After joining the Apostille Convention, the time for completing a document for using abroad can be reduced from about 20 working days to a few working days, and the cost will also be significantly decrease. It can save a huge amount of certificate processing costs for Chinese and foreign personnel and enterprises every year. The average time for the circulation of documents between contracting members has decreased by about 90%.

2. 优化营商环境Optimize the Business Environment

入约后，有意向中国投资、出口的外国企业无需为商业文书办理使领馆认证，中方超过70%的出口贸易所涉商事文书亦将因此受益。

After joining the Apostille Convention, foreign enterprises interested in investing and exporting to China have no need to apply for diplomatic or consular legalization for commercial documents, and more than 70% of the commercial documents involved in China's export trade will also benefit from this.

但需要注意的是，在涉外民事诉讼领域活动中，对于境外法律文书的认证，仍旧要等待最高法院做出新的司法解释，对涉外证明文件的形式要件做出新的规定。相信国内的配套法律法规也会逐步进行相应修订，为保障Apostille



公约在我国的顺利实施。

However, it should be noted that in the field of foreign-related civil litigation activities, the legalization of foreign legal documents still needs to wait for the Supreme Court to make a new judicial interpretation and make new provisions on the formal requirements of foreign-related certification documents. It is believed that the domestic supporting laws and regulations will be gradually revised in order to ensure the smooth implementation of the Apostille Convention in China.

便利外籍人士——中国公安部8月发布便民措施

Benefits to Foreigners – PRC Ministry of Public Security Issued Convenience Measures in August

栗伟炜 郭倩雯

随着边境的开放以及国际航班的增加，近期要回国的华人以及前往中国内地旅游、商务访问、探亲、工作生活的外籍人士越来越多，所以，入境签证及居留许可证的办理需求也就越来越多，在需求急剧增加的情况下，大家还希望办证程序能够越快越好。

With the opening of the border and the increase of international flights, there are more and more Chinese who want to go back to China recently, as well as more and more foreigners who intend to travel, have business/family visit, work and live in mainland China. Therefore, the demand for entry visas and residence permits is also increasing. In the face of a sharp increase in demand, it's also hoped that the application process can be as fast as possible.

2023年8月3日，中国公安部召开新闻发布会，发布《公安机关服务保障高质量发展若干措施》（措施）共计26条，其中有2条利好就是针对上述华人及外籍人士的需求的，即，

On August 3rd, 2023, PRC Ministry of Public Security held a press conference and released Several Measures for Ensuring High Quality Development of Public Security Organ Services (Measures), totally, 26 Clauses. Among them, 2 Clauses of this Measures are aimed at the needs of the aforementioned Chinese and foreigners, namely,

1. 为外籍商贸人员来华办理口岸签证并提供换发多次签证便利。

Issue port visas for foreign business personnel to China and provide convenience for multiple visas renewal.

对来华商务洽谈、商贸交流、安装维修、参展参会、投资创业等的外国人，来不及在境外办理来华签证的，可凭企业邀请函件和证明材料申请办理口岸签证



入境（落地签）。因商贸业务需要多次往返的，入境后可以换发3年内多次入境有效商贸签证。

For foreigners coming to China for business negotiations, trade exchanges, installation and maintenance, exhibitions, investment and entrepreneurship, who are unable to apply for visa abroad, they can apply for port visa entry (landing visa) with the invitation letter from the enterprise and supporting materials. Due to the need for multiple round-trip business, a valid trade visa for multiple entries within 3 years can be issued upon entry.

2. 外国人申办居留许可证件免于留存护照。

Foreigners are exempt from the retention of passports when applying for residence permits.

外国人申请办理居留许可在按规定核验本人有效护照后，可不留存护照原件，方便外国人在此期间持护照办理有关事项。这一条同样适用于加入外籍的海外华人。

Foreigners applying for residence permits may not retain the original passport after verifying their valid passports in accordance with regulations, so as to facilitate foreigners to handle relevant matters with their passports during this period. This Clause also applies to overseas Chinese who join foreign nationals.

国家移民管理局外国人管理司副司长贾同斌在新闻发布会上表示，我国对新型冠状病毒感染实施“乙类乙管”以来，出入境政策全面恢复、国际人员往来逐步恢复正常。国内部分企业及外籍人士对快速办理签证、便利来华开展商贸活动具有现实迫切需求。为顺应商贸规则，助力国内外向型企业“走出去”“引进来”，公安部、国家移民管理局决定为外籍商贸人员提供口岸签证和境内换发多次签证便利。此项举措将进一步促进跨境商贸人员往来，不断优化营商环境，服务经济社会发展，便利外籍商贸人员顺畅、高效来华开展贸易合作、考察洽谈等商务活动，有助于国内企业抢时机、抓订单、拓展国际市场、在新一轮产业革命中抢占先机，更好地保障国际人员要素流通、保持产业链供应链安全稳定。

Jia Tongbin, Deputy Director of the Department of Foreigners Management of the National Immigration Administration, said at the press conference that since China implemented the “Class B and B management” for COVID-19, the entry-exit policy

has been fully restored, and international personnel exchanges have gradually returned to normal. Some domestic enterprises and foreigners have realistic and urgent needs to quickly apply for visas and facilitate business activities in China. In order to comply with the rules of trade and assist domestic export-oriented enterprises in “going out” and “introducing in”, the Ministry of Public Security and the National Immigration Administration have decided to provide convenience for foreign business personnel with port visa and domestic multiple visas renewal. This Measures will further promote cross-border business personnel exchanges, continuously optimize the business environment, serve economic and social development, facilitate foreign business personnel to carry out trade cooperation, visit and negotiation and other business activities in China smoothly and efficiently, and help domestic enterprises seize the opportunity, obtain orders, expand the international market, seize the first opportunity in the new round of industrial revolution, better ensure the international flow of personnel factors and maintain the security and stability of industrial and supply chains.

按照现行规定，在华外国人申办居留证件时，应将护照交付公安机关出入境管理部门留存审核7-15个工作日不等、在领取居留证件时返还。本项措施推出后，意味着在外籍人士在递交居留许可申请后的审批期间，也可以灵活自由的使用护照办理其他事宜。这一措施重点针对在华工作、学习、科研、投资、创新创业以及探亲等常住外国人，方便他们在申办居留证件期间可继续持护照开展旅行、住宿、税务、银行、邮寄等社会事务。此举预计每年至少惠及70万人次以上，有助于营造更加高效便捷的营商环境和宽松友好的涉外环境，进一步激发市场活力，促进高水平开放高质量发展。

According to the current regulations, when applying for a residence permit in China, foreigners shall submit their passports to the exit-entry administration department of the public security bureau for 7-15 working days and the passports will be returned upon the foreigners collecting the residence permit. The implementation of this Measures means that foreigners can also flexibly and freely use their passports for other matters during the approval period after submitting their residence permit applications. This Measures focus on permanent foreigners working, studying, scientific research, investment, innovation and entrepreneurship in China, as well as visiting their families in China, making it convenient for them to continue to carry out social affairs such as travel, accommodation, taxation, banking and mailing with their passports during the period of applying for residence permits. This Measures are expected to benefit at least 700,000 people annually, which will help create a more



efficient and convenient business environment and a relaxed and friendly foreign-related environment, further stimulate market vitality, and promote high-level openness and high-quality development.

至于在本项举措实施后，办好居留许可之后，如何将居留签证许可页贴到护照上等具体操作细节还有待相关出入境管理部门出台官方实施细则。让我们期待第一个成功案例吧！

As for the specific operational details such as how to attach the residence permit page onto the passport after obtaining the residence permit upon the implementation of this Measures, it's still waiting for the relevant entry-exit administration departments issuing official implementation rules. Let's look forward to the first successful case!

根据目前情况，相关部门表示力争在8月底前实施以上条款，但考虑到全国各地的具体操作存在差异化，还是建议小伙伴们提前做好确认，再根据实际情况安排行程哦。

Based on the current situation, relevant departments have expressed that they will strive to implement the above Clauses by the end of August. However, considering the differences in the specific operations across the country, it is still recommended that you guys shall confirm in advance, and then arrange your itinerary according to the actual situation.