

## **Appendix 61 -- Measures for the Control of Chinese Citizens Traveling to or from the Region of Taiwan (1992)**

Source: Measure for the Control of Chinese Citizens Travelling to or from the Region of Taiwan. Ministry of Commerce People's Republic of China. 1991. Available at: <http://english.mofcom.gov.cn/aarticle/lawsdata/chineselaw/200211/20021100050676.html> (accessed 28 August 2015).

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Article 1 These Measures are formulated with a view to safeguarding the contact of the persons on both sides of the Taiwan Straits, facilitating the exchanges among various parties, and maintaining public order.

Article 2 These Measures are applicable to Chinese citizens residing in the Mainland (hereinafter referred to as Mainland residents) traveling to or from the Region of Taiwan (hereinafter referred to as Taiwan) and Chinese citizens residing in Taiwan (hereinafter referred to as Taiwan residents) entering or leaving the Mainland. Those matters that are not specified in these Measures, but stipulated in other laws or regulations, shall comply with the laws or regulations.

Article 3 For going to Taiwan, Mainland residents shall pass through open ports or other designated ports of exit and entry on the strength of the travel certificates signed and issued by the exit-entry control departments of the public security organs.

Article 4 For entering the Mainland, Taiwan residents shall pass through open ports or other designated ports of entry and exit on the strength of the travel certificates signed and issued by the competent organs of the State.

Article 5 Chinese citizens traveling between the Mainland and Taiwan may not commit any act harmful to the security, honor or interests of the country.

## CHAPTER II MAINLAND RESIDENTS TRAVELLING TO TAIWAN

Article 6 A Mainland resident who desires to go to Taiwan for purposes of settling down there, visiting relatives and friends, traveling, accepting and disposing of property, undertaking matrimonial or funeral matters or of participating in economic, scientific, technological, cultural, educational, physical and academic activities shall file an application to the public security bureau of the municipality or county where the applicant's registered residence is located.

Article 7 A Mainland resident who applies for permission to go to Taiwan shall go through the following procedures:

- (1) to present for examination the residential registration booklet or the certification of residence status;
- (2) to fill in an application form for traveling to Taiwan;
- (3) to present the written remarks by the applicant's work unit or school concerning the travel to Taiwan, if the applicant is on job or in school; or the written remarks by the police station where the applicant's registered residence is located if the applicant is not on job or in school; and
- (4) to submit the certifications relevant to the reasons for filing the application.

Article 8 The certifications as mentioned in Item (4) of Article 7 of these Measures refer to:

- (1) Where a person wishes to settle down, the person shall present the certification testifying that he is actually able to settle down in Taiwan.
- (2) Where a person wishes to visit relatives and friends, the person shall present the certification testifying to the kinship or relationship between the applicant and his relatives or friends.
- (3) Where a person wishes to travel to Taiwan, the person shall present the certification testifying to the necessary traveling expenses.
- (4) Where a person wishes to accept and dispose of property in Taiwan, the person shall present the notarized certification relevant to the applicant's lawful right of the property.
- (5) Where a person wishes to undertake matrimonial matters, the person shall present the notarized certification testifying to applicant's matrimonial status.
- (6) Where a person wishes to undertake funeral matters of his relative or friend, the person shall present relevant letters and notification.
- (7) Where a person wishes to participate in economic, scientific, technological, cultural, educational, physical and academic activities, the person shall present the certification relevant to the invitation or consent from the corresponding organs, organizations, or individuals in Taiwan.
- (8) Other certifications which the competent department deems it necessary to present.

Article 9 The public security organ shall, after receiving a Mainland resident's application for going to Taiwan, decide within 30 days or 60 days for one residing in a remote and not easily accessible place to approve or disapprove the application and notify the applicant about the decision. In the case of an urgent application, the public security organ shall make a decision as the occasion demands.

Article 10 With respect to a Mainland resident whose application for going to Taiwan has been approved, the public security organ shall issue the applicant a travel certificate or affix an endorsement in his travel certificate.

Article 11 A Mainland resident whose application for going to Taiwan has been approved, shall leave within the time limit specified in his travel certificate and return on schedule, unless he goes there for permanent residence. If a Mainland resident already arriving in Taiwan cannot return on schedule due to disease or other special circumstances on its expiry of the travel certificate, he may file an application for the renewal of his travel certificate to the original-issuing public security organ or the competent organ appointed or authorized by the Bureau of Entry-Exit Administration of the Ministry of Public Security. With special reasons, he may file an application to the public security organ and go through the entry procedures at an entry port.

Article 12 The application filed for permission to go to Taiwan by a Mainland resident who comes under one of the following circumstances shall not be approved:

- (1) being a defendant in a criminal case or a criminal suspect;
- (2) being a person who is notified by a people's court owing to involvement in an unresolved suit case and may not leave the Mainland;
- (3) being a convicted person still serving sentence;
- (4) being a person undergoing rehabilitation through labor;
- (5) being a person whose exit will, in the opinion of the competent department of the State Council, be harmful to the State security or cause a great loss to the State interests;
- (6) being a person who has committed such fraudulent act as fabricating situations or presenting forged certificates.

### CHAPTER III TAIWAN RESIDENTS ENTERING THE MAINLAND

Article 13 Taiwan residents who wish to enter the Mainland shall apply to one of the following organs for travel certificates:

- (1) Those who wish to enter the Mainland directly from Taiwan shall file an application to the competent organs appointed or authorized by the Bureau of Entry-Exit Administration of the Ministry of Public Security. With special reasons, they may apply to the public security organ at designated port of entry and exit.
- (2) Those who wish to enter the Mainland after their arrival in the Regions of Hong Kong or Macao shall file an application to the relevant organs in the Regions of Hong Kong or Macao appointed or authorized by the Bureau of Entry-Exit Administration of the Ministry of Public Security.
- (3) Those who wish to enter the Mainland by way of foreign countries shall apply to the People's Republic of China's diplomatic missions or consular offices or any other resident agency abroad authorized by the Ministry of Foreign Affairs in accordance with the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens.

Article 14 Taiwan residents applying for permission to enter the Mainland shall go through the following procedures:

- (1) to present for the examination the valid certifications of residence status in Taiwan and

exit-entry permits;

(2) to fill in the application forms;

(3) for Taiwan residents to enter the Mainland through other regions or countries, they shall present reentry permits issued by these regions or countries, except the regions and countries which do not need transit endorsement;

(4) for those who wish to settle down, to meet relatives or friends, to travel, to accept and dispose of the property, to undertake matrimonial and funeral matters, they shall present the corresponding certifications concerning the applicant's reasons for filing the application:

(5) for those who wish to engage in economic, scientific, technological, cultural, educational, physical or academic activities, they shall present the invitation letter (s) or the certifications of consent from the corresponding organs, organizations, or individuals in the Mainland.

Article 15 For a Taiwan resident whose application for entering the Mainland has been approved, the State's competent department shall issue the travel certificate or endorse the travel certificate.

Article 16 A Taiwan resident who comes to the Mainland for the purposes of taking part in the economic activities such as making investment and doing business or of handling other affairs and need to make frequent trips to and from the Mainland may file an application to the local public security organ of the municipality or county for the endorsement of the validity for multiple trips.

Article 17 Taiwan residents wishing to go to foreign countries after their arrival in the Mainland shall comply with the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens and the Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens.

Article 18 Taiwan residents who come to the Mainland for a short stay shall, in accordance with the provisions of the administration of residence registration, go through the procedures for the registration of temporary residence; those who are accommodated in such enterprises and institutions as guest houses, hotels, inns, hostels and schools, or in State organs, public organizations and other institutions shall fill in the registration forms for temporary residence; those who stay in the homes of their relatives or friends shall, within 24 hours (72 hours in rural areas), go through the registration procedures for temporary residence by themselves, or by their relatives or friends, with the local police station or office for residence registration.

Article 19 A Taiwan resident who desires to stay in the Mainland for over three months shall apply to the local public security organ of the municipality or county for temporary residence permit.

Article 20 A Taiwan resident who desires to settle down in the Mainland shall file an application, before entering the Mainland, to the relevant organs appointed or authorized by the Bureau of Entry-Exit Administration of the Ministry of Public Security, or entrust his relatives or friends to file an application on his behalf to the public security bureau of

the municipality or county where the applicant intends to settle down. After the approval is obtained, the public security organ shall issue to the applicant the certification for permanent residence.

Article 21 Taiwan residents shall leave the Mainland within the term of validity specified in their certificates, except for those who have settled down in the Mainland. Those who are really in need of extending their stay in the Mainland shall submit the relevant certifications to the public security bureau of the municipality or county and go through the procedures for extension.

Article 22 The application filed for permission to come to the Mainland by a Taiwan resident who comes under one of the following circumstances shall not be approved:

- (1) being a person deemed to have committed criminal act;
- (2) being a person considered prone, after entering the Mainland, to the activities that may jeopardize the State's security and interests;
- (3) being a person who has committed such fraudulent acts as fabricating situations or presenting forged certifications;
- (4) being a person suffering from mental diseases or serious infectious diseases. Those who enter the Mainland for treating their diseases or for other special reasons and whose application for entry may be approved are excepted.

#### CHAPTER IV EXIT-ENTRY INSPECTION

Article 23 Mainland residents who travel to and from Taiwan and Taiwan residents who enter or leave the Mainland shall show their credentials to the frontier inspection posts at open ports or at designated ports of exit- entry, fill in and present the exit-entry registration cards and accept the inspection thereof.

Article 24 With respect to those who come under one of the following circumstances, the frontier inspection posts have the power to forbid them the exit or the entry:

- (1) those who do not hold travel certificates;
- (2) those who hold and use such invalid certificates as forged or altered;
- (3) those who refuse to present travel certificates for inspection;
- (4) those who are denied exit or entry under the provisions of Article 12 and Article 22 of these Measures.

#### CHAPTER V THE ADMINISTRATION OF CERTIFICATES

Article 25 The travel certificates held by Mainland residents for traveling to or from Taiwan mean the travel passes or other valid travel certificates for Mainland residents to travel to or from Taiwan.

Article 26 The travel certificates held by Taiwan residents for entering or leaving the Mainland mean the travel passes or other valid travel certificates for Taiwan residents to enter or leave the Mainland.

Article 27 The travel passes for Mainland residents to travel to or from Taiwan and the travel passes for Taiwan residents to enter or leave the Mainland shall be kept by the holders and

the period of validity of the passes shall be five years.

Article 28 The travel passes for Mainland residents to travel to or from Taiwan and the travel passes for Taiwan residents to enter or leave the Mainland shall be endorsed once every time. The endorsement affixed in the travel pass is valid for one trip or for multiple trips.

Article 29 In the event of the loss of the travel certificates by Mainland residents, they must report the loss to the original-issuing public security organ; the organ may, having proved the case to be true through investigation, re-issue new corresponding travel certificates.

Article 30 In the event of the loss of the travel certificates by Taiwan residents in the Mainland, they must report the loss to the local public security organ of the municipality or county. After the public security organ has, through investigation, proved the case to be true, they are permitted to apply for receiving new corresponding travel certificates or the public security organ shall issue an exit pass which is valid for one trip only.

Article 31 The travel certificates held by Mainland residents for going to Taiwan or held by Taiwan residents for coming to the Mainland shall be revoked or declared null and void, if their holders come under one of the circumstances as stipulated in Article 12 and Article 22 of these Measures.

Article 32 The organ that examines and issues travel certificates shall have power to revoke travel certificates issued by it or declare them null and void. The Ministry of Public Security may, whenever necessary, change the endorsement, revoke travel certificates or declare them null and void.

## CHAPTER VI PENALTIES

Article 33 Any person who has held and used such an invalid travel certificate as forged or altered or used another person's travel certificate for exit and entry may be solely or concurrently punished with a fine of 100 to 500 yuan (RMB), in addition to the penalties stipulated in Article 23 of the Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens.

Article 34 Any person who has forged, altered, transferred or sold travel certificates at a profit, may be solely or concurrently punished with a fine of 500 to 3,000 yuan (RMB), in addition to the penalties stipulated in Article 24 of the Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens.

Article 35 Any person who has fabricated situations, presented a forged certificate or resorted to bribery to obtain a travel certificate may be solely or concurrently punished with a fine of 100 to 500 yuan (RMB), in addition to the penalties stipulated in Article 25 of the Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens. For those who have committed the aforesaid acts, their application for exit and entry shall not be accepted and handled within six months from the

enforcement of their punishments.

Article 36 In the event that organs, organizations, enterprises or institutions are discovered to have fabricated situations, or provided forged certificates in order to help applicants obtain travel certificates, the exercise of their certificates-issuing power shall be suspended; if the circumstances are serious, their certificates-issuing qualifications shall be cancelled. Those persons who bear direct responsibility for the offence may be solely or concurrently punished with a fine of 500 to 1,000 yuan (RMB), in addition to the penalties stipulated in Article 25 of the Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens.

Article 37 Those who fail to apply for temporary residence registrations or permits in violation of the stipulations in Article 18 or 19 of these Measures shall be given a warning or be punished with a fine of 100 to 500 yuan (RMB).

Article 38 Those who stay in the Mainland illegally beyond the specified period of time in violation of the stipulations in Article 21 of these Measures shall be given a warning or may solely or concurrently be punished with a fine of 100 yuan (RMB) for each day beyond the time limit.

Article 39 If person who is punished does not accept the penalties imposed by the public security organ, he may, within 15 days of receiving the notice, appeal to the public security organ at the next higher level for a final decision; he may also bring a suit directly in a local people's court.

Article 40 For those Taiwan residents who violate the stipulations in these Measures or commit other offences or criminal acts after entering the Mainland, besides punished according to these Measures and other relevant laws or administrative regulations, the public security organ may curtail their period of stay or order them to leave within a specified period of time or deport them from the Mainland. Those who are under one of circumstances stipulated in Article 22 in these Measures shall be deported immediately.

Article 41 Where a State functionary charged with the duty of implementing these Measures takes advantage of his position to extort or accept bribes, or commits any law-breaking act showing dereliction of duty, if the circumstance is minor, an administrative sanction shall be imposed by the relevant department; if the case is so serious as to constitute a crime, criminal responsibility shall be investigated in accordance with the relevant provisions of the Criminal Law of the People's Republic of China.

Article 42 The property obtained by any person in violation of these Measures shall be recovered, reimbursed or compensated. The personal effects used for committing the crime shall be confiscated. The fines and confiscated property shall be turned over to the State Treasury.

## CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 43 The Ministry of Public Security shall be responsible for the interpretation of these Measures. Article 44 These Measures shall go into effect as of May 1, 1992.