



**劳动法实务系列（二）新规解析《外国人在中国就业管理规定》
2017修改版及外国人在华就业所涉法律风险分析**

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New Legislative Development

最新法律规定

Part.1



New Legislative Development



- Amendment (立法修改)
 - Z visa (职业签证)
- Notice (通知)
 - Combination of Work Permission and Expert Permission
(“专家许可”与“就业许可”两者合并)

General Procedure (一般程序)

Employment Permission/Notice
(就业许可(通知))



Z Visa
(Z字签证)



Working Permit
(就业证)



Residence Permit
(居住许可)

具体资料

Health Records, Employer Certificate
and Biz License, Resume,
No Criminal Records Certificate

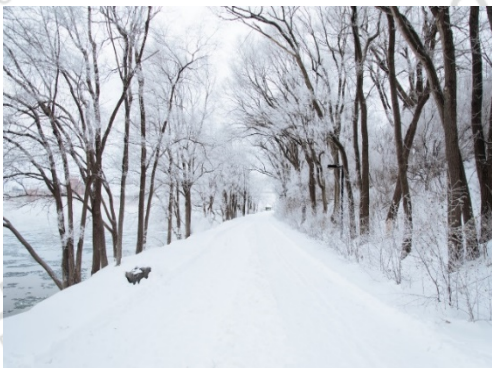
Employment Permission and Notice
Physical Exam Report
Employer Invitation

Employment Permission, Z Visa
Physical Exam Report, Labor Contract

Working Permit
Health Certificate
Employer Certificate and Business License



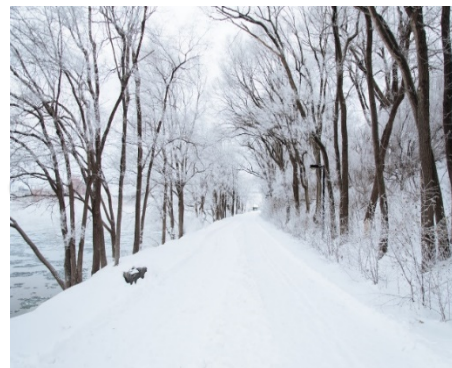
Visa Type (签证类型) :



L 旅游



F 访问



Z 职业



X 学习

Employment Prohibition

就业禁止

Part.2



Employment Prohibition

Student

Intern

Family Member

未取得居留证件的外国人（即持F、L、C、G字签证者）、在中国留学、实习的外国人及持职业签证外国人的随行家属不得在中国就业。



Important Formula: (重要公式)

Employment = Working + Payment

就业 = 工作 + 报酬



Penalty against Illegal Employment (非法就业处罚)

For employee: (个人处罚)

Stop employment ; (终止雇佣)

Fine below 1000 RMB ; (给予人民币1000元以下罚款)

Deportation on serious occasion. (严重的情形驱逐出境)

For employer: (用人单位处罚)

Stop employment ; (终止雇佣)

Fine between 5000 and 50,000RMB ;

(给予人民币5000元到50000元罚款)

To undertake the deportation expense.

(承担驱逐出境相关费用)

**Intern
实习生**

Part.3

III. Intern

What Visa can Intern apply for ?

(哪一类型的签证实习生可以申请？)

What can Intern do in China?

(实习生在中国可以做什么？)

Can Intern get paid in China, in what form?

(实习生在华是否可以获取工作报酬，通过何种方式获取？)



Intern Category (目录)

Nationality (国籍)	Study Venue (学习场所)
Chinese (中国人)	Abroad (国外)
Foreigner (外国人)	Local (国内)
Foreigner (外国人)	Abroad (国外)
HK/MC/TW (香港、澳门、台湾)	Abroad (国外)
HK/MC/TW (香港、澳门、台湾)	Local (国内)

Recent New Legislation for Interns :
(实习生最新管理规定)

Notice of the Ministry of Education and Four Other Departments on Issuing the Regulation on Administration of Internship Practices by Students at Vocational School .

教育部等五部门关于印发《职业学校学生实习管理规定》的通知 [保华月刊](#)

Application of Law to Foreigner Dispute 外籍人士争议法律适用与处理

Part.4

Application of Law to Foreigner Dispute

- **RULES FOR THE ADMINISTRATION OF EMPLOYMENT OF FOREIGNERS IN CHINA** 外国人在中国就业管理规定
- Article 22 The working hours , rest and vacation , work safety and hygiene as well as the social security of the foreign employees in China shall follow the relevant provisions of the state.
- 22条 在中国就业的外国人的工作时间、休息休假、劳动安全卫生以及社会保险按国家有关规定执行。

► Interpretation (解读) :

Minimum Protection (最低保护原则)	Conditioned At-Will Employment (有限自由雇佣)
	Default System (一般适用原则)
	Exception System (例外适用规定)

Work Permit Non-renewal/Revocation

(就业证不续期/注销)

Obligation Vs Right?

(义务与权利?)

Disqualification?

(不适格?)

Compensation?

(补偿?)



Non-fixed Term Contract Vs Work Permit Term (无固定期限合同 – 就业证期限)

第17条 用人单位与被聘用的外国人应依法订立劳动合同。劳动合同的期限最长不得超过五年。劳动合同期限届满即行终止，但按本规定第十九条的规定履行审批手续后可以续订。



中国签证种类



- 旅游签证（L）发给前往中国旅游、探亲或因其他私人事务入境的人员；访问签证（F）发给应邀赴中国访问、考察、讲学、经商、进行学术交流、短期进修实习不超过六个月的人员，须提供中方的邀请函电。
- **职业签证（Z）** 发给赴华任职、就业人员及其随行家属。申请人须提供《外国人在华就业许可证》或《聘请外国专家确认件》、中国被授权单位的邀请函及本人体检证明（本地体检只限在新加坡中央医院）。
- 学习签证（X）发给前往中国留学、进修、实习六个月以上的人员。申请人须提供入学通知书、中国被授权单位邀请函，或被授权单位签发的JW201或JW202表以及本人体检证明（本地体检只限在新加坡中央医院）。定居签证（D）发给前往中国定居的人员。须提供经中国公安部门批准的定居身份确认表及体检证明（本地体检只限在新加坡中央医院）。定居身分确认表由申请人或其委托的在华亲属向申请定居的中国市、县公安部门申请获得。
- 过境签证（G）发给须经中国过境的人员。申请人须持有前往第三国的机票、车票或船票。已订妥联程座位搭乘国际航班从中国直接过境、在过境城市停留24小时以内不出机场者，可免办过境签证。
- 乘务签证（C）发给前往中国执行国际乘务、航空、航运任务的列车乘务员、飞机机组人员、海员及随行家属。
- 记者签证（J） J-1签证发给申请常驻中国的记者；J-2签证发给临时前往中国采访的记者。申请记者签证，须提供中国主管部门的批准函电。常驻人员还须提供体检证明（本地体检只限在新加坡中央医院）。

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THANK YOU !

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