

外籍人士在华工作生活的必要证明办理小贴士

Tips for Foreigners Working and Living in China to Apply for some Necessary Certificates

作者：粟伟炜 郭倩雯

Author: Vivian Su Daisy Guo

常看我们公众号的老粉都知道，我们如闻所不仅提供诉讼或者非诉讼等常规的境内或涉外法律服务，我们还为很多外国人或外商投资企业处理过多项与外籍人士在华工作和生活所必须的有效证件相关服务。如为外籍人士办理来华工作许可，外国人居留许可，获取无犯罪记录证明，获取在华工作期间的薪金收入的完税证明以及处理外籍人士在华的银行账户注销等相关事宜，可以自信地说在协助外国人这件事儿也算个小专家啦！

Fans who often read our official account shall know that we not only provide conventional domestic or foreign-related legal services like litigation or non-litigation, but also handle a number of matters for foreigners or foreign-invested enterprises related to valid certificates necessary for working and living in China. We can confidently say that we are experts in assisting foreigners in matters such as applying for work permits and residence permits, obtaining non-criminal record certificates and tax payment certificates of salary income during their working in China, and cancelling foreigners' bank accounts in China, etc.

在提供相关服务的过程中，遇到过挺多有意思的情况，今天就利用我们公众号这个平台跟大家分享，同时呢，也想以问答形式为大家汇总一些小贴士，避免各位在协助外籍人士办理相关业务或外籍人士自身面临相关情况时，因为不清楚相关政策或者流程而发愁或者错过最佳处理期限而造成严重影响或后果。那首先，我们一起来看看近期碰到的一些案例吧。

In the process of providing relevant services, we have encountered many interesting cases, and today we would like to share with you through this official account platform. At the same time, we would also like to summarize some tips in the form of Q&A, so as to help you avoid the serious impact or consequences causing by being unclear about relevant policies or processes or missing the best processing period when assisting foreigners in handling relevant business or facing relevant situations by yourself. First of all, let's take a look at some recent cases.

1. 外籍人士 Y 申请来华工作许可 Foreigner Y applies for work permit in China

背景：Y 是拥有美国护照的华人，其已经上海生活多年，其有效证件是随同其丈夫（德国国籍）的工作居留许可的私人事务签。如今，Y 即将入职上海一家咨询公司任职，可以办理对应的工作许可证件，但在办理过程中，遇到重重困难，让我们一一说来。

Background: Y is a Chinese with an American passport, who has lived in Shanghai for many years. Her valid certificate is a *private affairs visa* accompanying her husband's (German nationality) residence permit for work type. Now, Y is going to work in a consulting company in Shanghai and she would like to apply for the corresponding work permit. However, there are many difficulties during the process of application. Let's talk about them one by one.

问题： Questions

a) 首先我们先梳理正常办理来华工作许可需要提供的文件有哪些？

——首先我们需确认，为 Y 办理的是境内申请外国人来华工作（来华工作 90 日以上）许可类型。

Firstly, let's sort out what documents should be provided for the normal application of work permits in China?

——First , we need to confirm that what we help Y to apply for is the domestic application for foreigners to work in China (work in China for more than 90 days).

- i. 外国人来华工作许可申请表 **Foreigner Work Permit Application Form**
- ii. 工作资历证明——申请人原工作过的单位出具与现聘任职务相关的工作资历证明

Work Qualification Certificates - certificate of working qualifications related to the current position issued by the applicant's previous employer

- iii. 最高学位（学历）证书或相关批准文书、职业资格证明

Highest degree (education) certificate or relevant approval documents, professional qualification certificates

- iv. 无犯罪记录证明

Non-Criminal Record Certificate

- v. 体检证明

Medical Certificate

- vi. 聘用合同或任职证明
Employment contract or certificate of employment
 - vii. 申请人护照或国际旅行证件
Applicant's passport or international travel document
 - viii. 申请人 6 个月内正面免冠照片
Full-face bareheaded photos within 6 months of the applicant
 - ix. 在华有效居留证件
Valid Residence Certificate in China
- b) Y 曾是中国人，后加入美国国籍，由于中国不认可双重国籍，故，在办理工作许可证时，被上海科学技术委员会要求提供注销中国国籍的户籍注销凭证。如何获取呢？

——这份文件只要申请人本人携带户口簿、身份证原件以及美国护照及其翻译件原件前往户籍所在地的派出所办理注销即可，现场收回身份证后即可可领取户籍注销凭证。

Y used to be a Chinese and then became a naturalized American citizen. Since China does not recognize dual nationality, when she applied for the work permit, she was asked to provide the certificate of household registration cancellation of Chinese nationality by Shanghai Science and Technology Commission. How to get it?

——This document can be cancelled at the police station where the household registration located as long as the applicant carries his/her household register, the original ID card, the original US passport and its translation to the located police station, the ID card will be recovered by the police station on the spot, then the applicant can get the certificate of household registration cancellation.

- c) Y 曾在中国获得学士学位证书，彼时，还是其作为中国公民的中文名，而在其加入美国国籍后，有变更为随夫姓氏的纯英文名。而在申请工作许可时，需要提供相关学历证书文件，就发生了学位证书中持有人姓名与申请人护照中的姓名不一致的情形。如何证明这是同一个人呢？

——可以通过提供美国法院更名文件原件或者在中国办理国籍变更时更名的相关文件作为证明，只要能够达到可以证明学位证书的持有人与申请人是同一人的目的即可。

Y obtained a bachelor's degree certificate in China when she was still a Chinese citizen with a Chinese name. But after she became a naturalized American citizen, she changed it to a pure English one with her husband's surname. When applying for work permit, the holder's name in the degree certificate is inconsistent with the name in the applicant's passport. How to prove that this is the same person?

——It can be proved by providing the original name change document of the American court or the relevant name change documents while changing nationality in China, as long as it can prove that the holder of the degree certificate and the applicant is the same person.

2. 外国人居留许可——工作类 Foreigner residence permit - work type

其实外国人居留许可分好几类，有工作类，私人事务类等等，我们今天先说工作类。办理工作类居留许可的前提是，先完成工作许可证的申请，拿到工作许可证的原件，这一步完成后，我们就可以直接前往出入境管理局办理居留许可啦。所需文件如下：

In fact, there are several types of foreigner's residence permits, including work type, private affairs type, etc. Today, let's talk about residence permit for work type first. The premise of applying for this kind residence permit is to first complete the application for a work permit and obtain the original work permit. After that we can go directly to the Exit-Entry Administration Bureau to apply for a residence permit. The required documents are as follows:

- a) 有效护照及签证原件及复印件

Original and copy of valid passport and visa

- b) 临时住宿登记原件

Original registration of temporary accommodation

- c) 申请人本人到场且填写《外国人签证、居留许可申请表》

Application Form for Foreigner Visa and Residence Permit filled out by the applicant on the spot

- d) 近期白底正面免冠 2 寸照

Recent, full-face bareheaded photo with white background of 2-inch

- e) 营业执照副本原件与复印件

Original and copy of duplicate of business license

f) 居留许可申请报告

Residence Permit Application Report

g) 工作许可证原件

Original work permit

h) 工作证信息页加盖公章（扫描证上二维码获得详细信息页）

The information page of the work permit stamped with the official seal (one can scan the QR code on the work permit to obtain the detailed information page)

3. 外籍高端人才 A 申请在华无犯罪记录证明 Foreign high-end talent A applies for the non-criminal record certificate in China

背景：A 的情况比较特殊和复杂，他在华工作生活十年，使用过 4 本护照其中 2 本到期续签，2 本遗失（其中 1 本未找到居留许可相关电子版本的存档件）；在此十年期间，他曾居住在浙江湖州、上海以及北京三个城市，最初的访华签证是在北京办理签发的，后续几年的工作证以及居留许可证是在上海办理签发的。

Background: A's situation is quite special and complicated. He has worked and lived in China for ten years, used four passports, two of which were renewed upon expiration, and the other two were lost (one of which that the archived copies of the electronic version related to residence permit cannot be found). During this ten years period, he once lived in Huzhou, Zhejiang, Shanghai and Beijing. The initial visa for visiting China was issued in Beijing, and the work permits as well as the residence permits for the following years were issued in Shanghai.

问题：那么在上述情形下，他可以申请无犯罪记录证明嘛？去哪里申请呢？

Question: Under the above circumstances, could he apply for a non-criminal record certificate? Where should he apply?

答复：经我们查阅其护照、访华签证以及居留许可证扫描件，梳理相关证件的有效期，发现除了未找到居留许可记录的那本外，A 在华期间的护照效期均为连续有效且近 5 年间的居留许可的效期也是连续且有效的。因此，我们建议 A 亲自带着现有护照和居留许可以及临时住宿登记表原件前往上海市出入境管理局申请其在华期间的无犯罪记录证明。具体办理流程，各位也可以查看我们之前发布过的《外国人开具无犯罪记录证明的便捷途径来啦！》。

Answer: After reviewing the scanned copies of his passports, visas and residence permits, and sorting out the validity period of relevant certificates, we found that except for the one with no residence permit records, the validity period of A's

passport during his stay in China is continuous and the validity period of his residence permit in the past five years is also continuous and effective. Therefore, we suggested A take his current passport, residence permit and the original temporary residence registration form to Shanghai Entry-Exit Administration to apply for the non-criminal record certificate during his stay in China. For the specific procedures, you can also check “A Convenient Way for Foreigners to get a Non-Criminal Record Certificate!” we released at this official account earlier.

4. 外籍人士调阅薪金收入的完税证明 Access to tax payment certificate of salary income for foreigners

背景：外籍人士 J 已在华工作 7 年，已于两年前离开中国，现正办理移民美国的绿卡事宜，故需要调阅其在华工作期间反应其纳税情形的完税证明。

Background: J, a foreigner, has been working in China for 7 years and left China two years ago. Now he is applying for a green card to immigrate to the United States, so he needs to access his tax payment certificate which can reflect his tax payment situation during his working in China.

问题：现在，他本人不在中国，如何调阅呢？

Question: Now he is not in China, how can he access it?

答复：可以委托境内的代理人携带申请人的护照复印件，签字版本的授权委托书原件以及代理人的身份证原件前往任一办税服务大厅领取注册码，代理人凭借注册码以及护照信息注册登录后进行线上调阅，详情可以查看我们之前发布过的《外籍个人调去个税完税凭证指南》。

Answer: Domestic agents can be entrusted to carry the copy of the applicant's passport, the original of the signed power of attorney and the original of the agent's ID card to any tax service hall to get the registration code. Then the agent can access online after registering with the registration code and passport information. For details, please refer to “Guidance on the Foreigners Applying IIT Payment receipts” which we released at this official account earlier.

5. 外籍人士 H 在上海封控期间护照及工作证和居留许可等有效证件均过期

Foreigner H's passport, work permit, residence permit and other valid documents have expired during the lockdown period of his/her stay in Shanghai

背景：外籍人士 H 在华工作生活近 8 年，在上海有稳定的工作还有两只非常可爱的宠物猫咪。然而，今年上旬，他的在华有效证件出现了问题。年初，H 发现工作许可将在 4 月初到期，于是办理了续签，尽管只能续签至其护照截止效期的 7 月。在准备去办理居留许可续签时，上海封控了。于是，H 只有在上海封控解除后，向国籍所在国申请了护照更新，但不巧的是，护照申

请更新就花费了近 5 个月的时间，直到 11 月初才拿到新护照原件，在此期间，因其没有有效护照导致工作许可证和居留许可证均过期超过 6 个月，H 还因此收到了行政处罚，罚款金额为 1 万元。

Background: Foreigner H has worked and lived in China for nearly 8 years, with a stable job in Shanghai and two very cute pet cats. However, earlier this year, his valid credentials in China met problems. At the beginning of the year, H found that the work permit would expire at the beginning of April, so he applied for renewal, although it could only be renewed until July when his passport expired. At the beginning of the year, H found out that his work permit would expire in early April, so he renewed it, albeit only until July, when his passport expired. When preparing to apply for residence permit renewal, Shanghai was locked down. As a result, H applied for the renewal of his passport to the country of his nationality only after the Shanghai lockdown was lifted. Unfortunately, it took nearly 5 months to renew his passport, and he didn't get the original passport until early November. During this period, his work permit and residence permit expired for more than 6 months because he didn't have a valid passport. H also received an administrative penalty of 10,000 yuan because of this.

问题：当外籍人士碰到有效证件过期而无法正常续签工作许可和居留许可时，该怎么办呢？

Question: What should foreigners do when their valid certificates expire so that they cannot renew their work permit and residence permit normally?

答复：其实，上海出入境管理局对于外国人的办证事宜还是给予了很大的宽限度的，尤其是在上海封控解除之后，出入境管理局对有效证件过期的外国人有相应的补救政策与措施，在 7 月底之前申请的，都可以采用快速通道且免于责罚。而即使在非疫情或封控期间给予的补救政策，外国人还是可以通过与出入境管理局的及时沟通与现场协商，诉说当前遇到的困难之处，可以申请最长不超过 30 天的停留签证，并且该停留签证是可以每月一续的，需要注意的是，该停留签证是要在有效证件到期之前尽快协商沟通，将相关情况与事实确认并录入进出入境管理局确认窗口的系统，这样，即使在证件到期，外国人还是保留一定的余地而免于收到处罚。

Answer: In fact, the Shanghai Entry-Exit Administration has given a great deal of latitude for foreigners in handling their certificates. Especially after the lockdown of Shanghai was lifted, the Shanghai Entry-Exit Administration has corresponding remedial policies and measures for foreigners whose valid certificates have expired. Those who applied for their certificates before the end of July could use fast pass and be exempted from punishment. Even if the remedy policy is not given during the period of epidemic or lockdown, foreigners can still complain about the difficulties encountered through timely communication and on-site consultation with the Exit-Entry Administration Bureau. They can apply for a stay visa for no more than 30 days, and the stay visa can be renewed monthly. It should be noted

that the stay visa should be negotiated and communicated as soon as possible before the expiry of the valid certificate, the relevant information and facts should be confirmed and inputted in the confirmation window system of the Entry-Exit Administration, so that even when the certificate expires, foreigners can still retain some room to avoid punishment.

通过上述案例，我们可知，在外国人申请任何证件中都会碰到意料之外的情况，我们要善于把握处理良机以及及时与出入境管理局等受理部门窗口沟通，以寻求最佳处理方案。避免外国人遭受无法补救的后果或处罚等等。但是，各位也请不要担心，有小编为您保驾护航呢，后续在相关事宜中若碰到各种棘手情形，都可以向我们寻求帮助哦！

From above cases, we can understand that foreigners may encounter unexpected situations when applying for any certificates. We should be good at grasping the correct opportunities and communicating with the Entry-Exit Administration and other acceptance departments in time to seek the best solution to avoid foreigners from incurable consequences or penalties, etc. Anyway, please don't worry, we can help to prevent those things from you. If you encounter any relevant difficult situations, please feel free to ask us for help!

上海如闻律师事务所 Shanghai Rewin Law Firm

栗伟炜（创始合伙人）

郭倩雯（项目负责人）

Vivian Su (Founding Partner)

Daisy Guo (Project Leader)

Email: Vivian.su@wlawyers.com.cn Email: Daisy.guo@wlawyers.com.cn

Tel: 13901878793

Tel: 13916413804

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