

The Legal Guides for
Foreigners in
Guangdong Province



外国人在粤 法律法规指南

The Legal Guides for
Foreigners in
Guangdong Province

01

第一章
日常生活

CHAPTER I
DAILY LIFE

广东省司法厅 广东省普法办 广州市司法局 编印

来源：广东省公安厅、广州市委外办、广州市公安局、
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广东省司法厅 广东省普法办 广州市司法局 编印

第一章 日常生活

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STAY AND RESIDENCE



第一篇 停留居留

SECTION I STAY AND RESIDENCE



一.外国人停留期限规定

I.Regulations on the duration of stay of foreigners

根据《中华人民共和国出境入境管理法》第二十九条的规定：

According to the provisions of Article 29 of the *Exit and Entry Administration Law of the People's Republic of China*:

外国人所持签证注明的停留期限不超过一百八十日的，持证人凭签证并按照签证注明的停留期限在中国境内停留。

When the duration of stay specified in a visa held by a foreigner does not exceed 180 days, the holder may stay in China within the duration specified therein.

需要延长签证停留期限的，应当在签证注明的停留期限届满七日前向停留地县级以上地方人民政府公安机关出入境管理机构申请，按照要求提交申请事由的相关材料。经审查，延期理由合理、充分的，准予延长停留期限；不予延长停留期限的，应当按期离境。

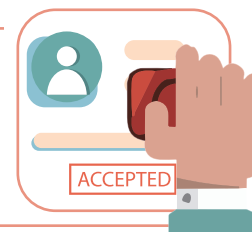
When the duration of stay needs to be extended, the visa holder shall file an application with the exit/entry administration of public security organ under the local people's government at or above the county level in the place of his stay seven days prior to the expiry of the duration specified in the visa, and shall submit information of specific application matters in accordance with relevant requirements. If upon examination, the reasons for extension are appropriate and sufficient, such extension shall be granted; if an extension is denied, the foreigner shall leave China on the expiry of the duration.

延长签证停留期限，累计不得超过签证原注明的停留期限。

The accumulated length of extension shall not exceed the original duration of stay specified in the visa.

二.外国人居留证件办理规定

II.Regulations on the application for residence permit for foreigners



根据《中华人民共和国出境入境管理法》第三十条的规定：

According to the provisions of Article 30 of the *Exit and Entry Administration Law of the People's Republic of China*:

外国人所持签证注明入境后需要办理居留证件的，应当自入境之日起三十日内，向拟居留地县级以上地方人民政府公安机关出入境管理机构申请办理外国人居留证。

申请办理外国人居留证件，应当提交本人的护照或者其他国际旅行证件，以及申请事由的相关材料，并留存指纹等人体生物识别信息。

Where visas held by foreigners specify that foreigners need to apply for residence permits after entry, such foreigners shall, within 30 days from the date of their entry, apply to the exit/entry administrations of public security organs under local people's governments at or above the county level in the proposed places of residence for foreigners' residence permits.

Applicants for foreigners' residence permits shall submit their passports or other international travel documents, as well as relevant information of specific application matters, and provide biometric identification information such as fingerprints.

三.外国人来华日常查验制度

III. Regulations on the daily inspection on foreigners in China



根据《中华人民共和国出境入境管理法》第三十八条的规定：

According to the provisions of Article 38 of the *Exit and Entry Administration Law of the People's Republic of China*:

年满十六周岁的外国人在中国境内停留居留，应当随身携带本人的护照或者其他国际旅行证件，或者外国人停留居留证件，接受公安机关的查验。

Foreigners over the age of 16 who stay or reside in China shall carry with them their passports or other international travel documents, or foreigners' stay or residence permits, for the inspection of public security organs.

在中国境内居留的外国人，应当在规定的时间内到居留地县级以上地方人民政府公安机关交验外国人居留证件。

Foreigners who reside in China shall, within the prescribed time limit, submit foreigners' residence permits to public security organs under local people's governments at or above the county level in the places of residence for examination.

四.外国人住宿登记管理规定

IV. Regulations on foreigners' accommodation registration



根据《中华人民共和国出境入境管理法》第三十九条的规定：

According to the provisions of Article 39 of the *Exit and Entry Administration Law of the People's Republic of China*:

外国人在中国境内旅馆住宿的，旅馆应当按照旅馆业治安管理的有关规定为其办理住宿登记，并向所在地公安机关报送外国人住宿登记信息。

When foreigners stay in hotels in China, the hotels shall register their accommodation in accordance with the regulations on the public security administration of the hotel industry, and submit foreigners' accommodation registration information to the public security organs in the places where the hotels are located.

外国人在旅馆以外的其他住所居住或者住宿的，应当在入住后二十四小时内由本人或者留宿人，向居住地的公安机关办理登记。

For foreigners who reside or stay in domiciles other than hotels, they or the persons who accommodate them shall, within 24 hours after the foreigners' arrival, go through the registration formalities with the public security organs in the places of residence.

五.其他停留居留证件办理规定

V. Regulations on the application for residence for other stay or residence permits



根据《中华人民共和国出境入境管理法》第四十条的规定：

According to the provisions of Article 40 of the *Exit and Entry Administration Law of the People's Republic of China*:

在中国境内出生的外国婴儿，其父母或者代理人应当在婴儿出生六十日内，持该婴儿的出生证明到父母停留居留地县级以上地方人民政府公安机关出入境管理机构为其办理停留或者居留登记。

For foreign infants born in China, their parents or agents shall, within 60 days after birth, on production of the birth certificates, go through the formalities for stay or residence registration for them with the exit/entry administrations of public security organs under people's governments at or above the county level in the places of their parents' stay or residence.

外国人在中国境内死亡的，其家属、监护人或者代理人，应当按照规定，持该外国人的死亡证明向县级以上地方人民政府公安机关出入境管理机构申报，注销外国人停留居留证件。

For foreigners who decease in China, their relatives, guardians or agents shall, in accordance with relevant regulations, on production of the death certificates, report their death to the exit/entry administrations of the public security organs under local people's governments at or above the county level to cancel their stay or residence permits.

来华在华的外籍人员必须遵守中国法律， 常见违法行为及其处罚

Foreigners in China must abide by laws and regulations of China. Common illegal acts and corresponding penalties.



一. 弄虚作假骗取停留居留证件的处罚

I. Penalties for dishonestly acquiring residence permits

根据《中华人民共和国出境入境管理法》第七十三条的规定：

According to the provisions of Article 73 of the *Exit and Entry Administration Law of the People's Republic of China*:

弄虚作假骗取签证、停留居留证件等出境入境证件的，处二千元以上五千元以下罚款；情节严重的，处十日以上十五日以下拘留，并处五千元以上二万元以下罚款。

Persons who obtain exit/entry documents such as visas or stay or residence permits by resorting to fraudulent acts shall be fined not less than RMB 2,000 Yuan but not more than RMB 5,000 Yuan; where circumstances are serious, they shall be detained for not less than 10 days but not more than 15 days and shall also be fined not less than RMB 5,000 Yuan but not more than RMB 20,000 Yuan.

单位有前款行为的，处一万元以上五万元以下罚款，并对其直接负责的主管人员和其他直接责任人员依照前款规定予以处罚。

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 Yuan but not more than RMB 50,000 Yuan; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

二. 拒绝查验出入境证件的处罚

II. Penalties on the foreigners who refuse to accept examination of their exit/entry documents by public security organs



根据《中华人民共和国出境入境管理法》第七十六条（一）至（五）的规定：

According to the provisions of items (1)-(5) of Article 76 of the *Exit and Entry Administration Law of the People's Republic of China*:

有下列情形之一的，给予警告，可以并处二千元以下罚款：

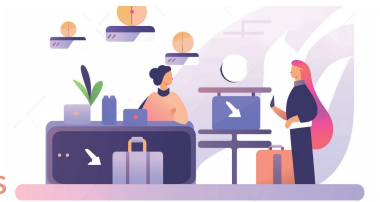
- （一）外国人拒不接受公安机关查验其出境入境证件的；
- （二）外国人拒不交验居留证件的；
- （三）未按照规定办理外国人出生登记、死亡申报的；
- （四）外国人居留证件登记事项发生变更，未按照规定办理变更的；
- （五）在中国境内的外国人冒用他人出境入境证件的；

Under any of the following circumstances, a warning shall be given, and a fine of not more than RMB 2,000 Yuan may also be imposed:

- (1) Foreigners refuse to accept examination of their exit/entry documents by public security organs;
- (2) Foreigners refuse to submit their residence permits for examination;
- (3) Persons concerned fail to go through the formalities for foreigners' birth registration or death declaration in accordance with relevant regulations;
- (4) Foreigners fail to go through the formalities for altering registration in accordance with the relevant regulations when there is any change in the registered items in their residence permits;
- (5) Foreigners in China use others' exit/entry documents;

三. 违反住宿登记管理的处罚

III. Penalties for violating the regulations on foreigners' accommodation registration



根据《中华人民共和国出境入境管理法》第七十六条（六）的规定：

According to the provisions of item (6) of Article 76 of the *Exit and Entry Administration Law of the People's Republic of China*:

有下列情形之一的，给予警告，可以并处二千元以下罚款：

Under any of the following circumstances, a warning shall be given, and a fine of not more than RMB 2,000 Yuan may also be imposed:

（六）未按照本法第三十九条第二款规定办理登记的。

(6) Persons concerned fail to go through registration formalities in accordance with the provisions in the second paragraph of Article 39 of this Law.

旅馆未按照规定办理外国人住宿登记的，依照《中华人民共和国治安管理处罚法》的有关规定予以处罚；未按照规定向公安机关报送外国人住宿登记信息的，给予警告；情节严重的，处一千元以上五千元以下罚款。

Hotels that fail to process accommodation registration for foreigners shall be punished in accordance with the relevant provisions of the *Law of the People's Republic of China on Penalties for Administration of Public Security*; hotels that fail to submit foreigners' accommodation registration information to public security organs shall be given a warning; where circumstances are serious, such hotels shall be fined not less than RMB 1,000 Yuan but not more than RMB 5,000 Yuan.

四. 从事与停留居留事由不相符活动的处罚

IV. Penalties on the foreigners who engage in activities not corresponding to the purposes of stay or residence

根据《中华人民共和国出境入境管理法》第八十一条的规定：

According to the provisions of Article 81 of the *Exit and Entry Administration Law of the People's Republic of China*:

外国人从事与停留居留事由不相符的活动，或者有其他违反中国法律、法规规定，不适宜在中国境内继续停留居留情形的，可以处限期出境。

外国人违反本法规定，情节严重，尚不构成犯罪的，公安部可以处驱逐出境。公安部的处罚决定为最终决定。

被驱逐出境的外国人，自被驱逐出境之日起十年内不准入境。

Where foreigners engage in activities not corresponding to the purposes of stay or residence, or otherwise violate the laws or regulations of China, which makes them no longer eligible to stay or reside in China, they may be ordered to exit China within a time limit.

Where a foreigner's violation of this Law is serious but does not constitute a crime, the Ministry of Public Security may deport them. The penalty decision made by the Ministry of Public Security shall be final.

Deported foreigners shall not be allowed to enter China within 10 years calculating from the date of deportation.

第二篇 就业

SECTION II EMPLOYMENT

01 外国人在中国就业必须三证齐全

A foreigner seeking employment in China must obtain the Z Visas, employment permit and residence permit

外国人在本国时，要在中国驻本国大使馆办理Z字签证，来到中国后，再到当地劳动部门办理就业证，最后到公安部门办理居留证。上述三证齐全后，才能有聘用外国人资质的单位去工作。

When a foreigner is in his/her home country, he/she must apply for the Z Visas with the Chinese Embassy in his/her home country. After arriving in China, he/she must apply for the Employment Permit for Foreigners with the local labor department, and finally he/she must apply for the foreigner residence permit with the public security department. Only after he/she has obtained the above three certificates can he/she work in an entity that is qualified to hire foreigners.

法律依据：《中华人民共和国出境入境管理法》第四十一条规定：外国人在中国境内工作，应当按照规定取得工作许可和工作类居留证件。任何单位和个人不得聘用未取得工作许可和工作类居留证件的外国人。

Legal basis: According to the provisions of Article 41 of the *Exit and Entry Administration Law of the People's Republic of China*, foreigners who work in China shall obtain work permits and work-type residence permits in accordance with relevant regulations. No entities or individuals shall employ foreigners who have no work permits or work-type residence permits.

《外国人在中国就业管理规定》第八条规定：在中国就业的外国人应持Z字签证入境（有互免签证协议的，按协议办理），入境后取得《外国人就业证》和外国人居留证件，方可在中国境内就业。

According to the provisions of Article 8 of the *Rules for the Administration of Employment of Foreigners in China*, foreigners seeking employment in China shall hold the Z Visas for their entry (In case of agreement for mutual exemption of visas, the agreement shall prevail), and may work within Chinese territory only after they obtain the Employment Permit for Foreigners and the foreigner residence certificate.



02 外国人在中国境内就业必须满足法定条件

A foreigner seeking employment in China must meet the legal prerequisites

就业的岗位必须属于有特殊需求、国内暂缺适当人员的岗位，同时必须满足年满18周岁、身体健康、具有从事相关岗位必须的专业技能和工作经验、无犯罪记录、持有有效护照或其他能代替护照的其他国际旅行证件等要求。

A post to be filled by a foreigner shall be the post of special need, which cannot be filled by any domestic candidates for the time being; and the foreigner must meet the following conditions: (1) 18 years of age or older and in good health; (2) with professional skills and job experience required for the work of intended employment; (3) with no criminal record; and (4) with valid passport or other international travel document in lieu of the passport.

法律依据：《外国人在中国就业管理规定》第六条：用人单位聘用外国人从事的岗位应是有特殊需要，国内暂缺适当人选，且不违反国家有关规定的岗位。用人单位不得聘用外国人从事营业性文艺演出，但符合本规定第九条第三项规定的人员除外。

Legal basis: Article 6 of the *Rules for the Administration of Employment of Foreigners in China*: The post to be filled by the foreigner recruited by the employer shall be the post of special need, a post that cannot be filled by any domestic candidates for the time being but violates no government regulations. No employer shall employ foreigners to engage in commercialized entertaining performance, except for the persons qualified under Article 9 (3) of these Rules.

《外国人在中国就业管理规定》第七条：外国人在中国就业须具备下列条件：（一）年满18周岁，身体健康；（二）具有从事其工作所必须的专业技能和相应的工作经历；（三）无犯罪记录；（四）有确定的聘用单位；（五）持有有效护照或能代替护照的其他国际旅行证件。

Article 7 of the *Rules for the Administration of Employment of Foreigners in China*: Any foreigner seeking employment in China shall meet the following conditions: (1) 18 years of age or older and in good health; (2) with professional skills and job experience required for the work of intended employment; (3) with no criminal record; (4) a clearly-defined employer; (5) with valid passport or other international travel documents in lieu of the passport.

03 国家相关法律

Relevant laws in China

《中华人民共和国外商投资法》

Foreign Investment Law of the People's Republic of China

第四条 国家对外商投资实行准入前国民待遇加负面清单管理制度。

前款所称准入前国民待遇，是指在投资准入阶段给予外国投资者及其投资不低于本国投资者及其投资的待遇；所称负面清单，是指国家规定在特定领域对外商投资实施的准入特别管理措施。国家对负面清单之外的外商投资，给予国民待遇。

负面清单由国务院发布或者批准发布。

中华人民共和国缔结或者参加的国际条约、协定对外国投资者准入待遇有更优惠规定的，可以按照相关规定执行。

Article 4 The State implements a system of pre-establishment national treatment plus negative list for foreign investment.

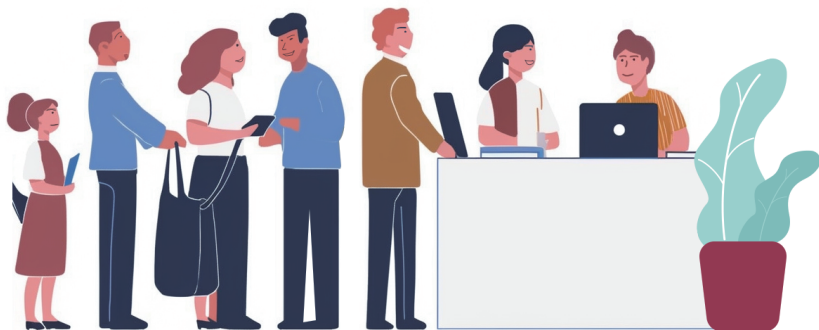
"Pre-establishment national treatment" mentioned in the preceding paragraph refers to the treatment given to foreign investors and their investments during the investment access stage, which is no less favorable than that given to their domestic counterparts; "negative list" mentioned in the preceding paragraph refers to special administrative measures for the access of foreign investment in specific fields as stipulated by the State. The State shall give national treatment to foreign investment beyond the negative list.

The negative list shall be issued by or upon approval by the State Council.

If more preferential treatment concerning access is offered to a foreign investor under any international treaty or agreement that the People's Republic of China concludes or accedes to, relevant provisions in such treaty or agreement shall prevail.

第二十一条 外国投资者在中国境内的出资、利润、资本收益、资产处置所得、知识产权许可使用费、依法获得的补偿或者赔偿、清算所得等，可以依法以人民币或者外汇自由汇入、汇出。

Article 21 A foreign investor may, in accordance with the law, freely remit inward and outward his/her capital contribution, profits, capital gains, proceeds from asset disposal, royalties of intellectual property rights, indemnity or compensation obtained in accordance with law, proceeds from liquidation, etc. made or received within the territory of China in RMB or a foreign currency.



第二十二条 国家保护外国投资者和外商投资企业的知识产权，保护知识产权权利人和相关权利人的合法权益；对知识产权侵权行为，严格依法追究法律责任。

国家鼓励在外商投资过程中基于自愿原则和商业规则开展技术合作。技术合作的条件由投资各方遵循公平原则平等协商确定。行政机关及其工作人员不得利用行政手段强制转让技术。

Article 22 The State protects the intellectual property rights of foreign investors and foreign-invested enterprises (FIEs), and protects the legitimate rights and interests of intellectual property rights holders and related rights holders; in case of any infringement of intellectual property right, legal liability shall be pursued strictly in accordance with law.

During the process of foreign investment, the State encourages technology cooperation on the basis of the voluntary principle and commercial rules. Conditions for technology cooperation shall be determined by all investment parties through negotiation under the principle of equity. Administrative department or its staff members may not force any transfer of technology by administrative means.

第二十六条 国家建立外商投资企业投诉工作机制，及时处理外商投资企业或者其投资者反映的问题，协调完善相关政策措施。

外商投资企业或者其投资者认为行政机关及其工作人员的行政行为侵犯其合法权益的，可以通过外商投资企业投诉工作机制申请协调解决。

外商投资企业或者其投资者认为行政机关及其工作人员的行政行为侵犯其合法权益的，除依照前款规定通过外商投资企业投诉工作机制申请协调解决外，还可以依法申请行政复议、提起行政诉讼。

Article 26 The State has established a complaint mechanism for foreign-funded enterprises to timely solve the problems raised by foreign-funded enterprises or their investors, and coordinate and improve relevant policy measures.

If foreign-invested enterprises or their investors believe that their legitimate rights and interests are infringed due to the administrative actions of the administrative departments and their staff members, they may apply for coordination to resolve the problems through the complaint mechanism for foreign-invested enterprises.

If foreign-invested enterprises or their investors believe that their legitimate rights and interests are infringed by the administrative actions of the administrative departments or their staff members, they may also apply for administrative review or lodge administrative litigation in accordance with law, in addition to applying for coordination to resolve the problems through the complaint mechanism for foreign-invested enterprises in accordance with the preceding paragraph.

第三十条 外国投资者在依法需要取得许可的行业、领域进行投资的，应当依法办理相关许可手续。

有关主管部门应当按照与内资一致的条件和程序，审核外国投资者的许可申请，法律、行政法规另有规定的除外。

Article 30 If a foreign investor intends to invest in an industry or field where a license is required in accordance with the law, relevant licensing formalities shall be handled as stipulated by law.

Unless otherwise provided by laws or administrative regulations, relevant competent departments shall review the application for license filed by the foreign investor based on the same conditions and procedures as those for domestic investors.

04 广州市相关法规

Guangzhou Municipal Regulations



《广州市优化营商环境条例》

Regulations of Guangzhou Municipality on Optimizing the Business Environment

第十一条 外商投资实施准入前国民待遇加负面清单管理制度。外商投资准入负面清单以外的领域，按照内外资一致的原则实施管理。

Article 11 For any foreign investment, the management system combining pre-establishment national treatment and the negative lists is implemented. Fields outside of the negative lists for foreign investment shall be managed in accordance with the principle of treating domestic and foreign investment equally.

第八十三条 支持境外知名国际商事仲裁、调解等争议解决机构按照规定在中国（广东）自由贸易试验区广州南沙新区片区等区域设立业务机构，就国际商事、海事、投资等领域发生的民商事争议开展仲裁调解业务。

Article 83 Overseas well-known dispute resolution organizations on international commercial arbitration, mediation, etc., are supported to set up branches areas such as GDFTZ (Nansha) in accordance with relevant regulations, so as to carry out arbitration and mediation business on civil and commercial disputes in international commercial, maritime, investment and other fields.

《广州市不动产登记办法》

Guangzhou Real Estate Registration Measures

第十一条 申请人向不动产登记机构提交外文申请材料的，应当附有中文译本，并对外文申请材料及其中文译本的真实性、准确性负责。

Article 11 When submitting application documents in foreign languages to the real estate registration authority, the applicant shall attach corresponding Chinese translation thereto and be responsible for the authenticity and accuracy of the application documents in both languages.

第三十条 因跨境融资等情形，抵押人依法将其在本市的不动产抵押给境外债权人的，当事人应当向不动产登记机构共同申请办理抵押登记。

Article 30 Where a mortgagor mortgages real estate in Guangzhou to a creditor overseas in accordance with the law due to cross-border financing and other circumstances, the parties concerned shall jointly apply to the real estate registry for registration of the mortgage.

第三篇 交通出行

SECTION III TRANSPORTATION AND TRAVEL

Road

交通事故处理

Handling Traffic Accidents

01

在道路上发生造成人身伤亡或造成道路、供电、通信等设施损毁的交通事故，车辆驾驶人应当立即停车，保护现场。

When a traffic accident occurs on the road that causes any personal injury or death or any damage to road, power supply or communication facilities, the driver shall immediately stop the vehicle and protect the scene.



02

造成人身伤亡的，车辆驾驶人应当立即抢救受伤人员，因抢救受伤人员变动现场的，应当标明位置。

If the accident causes any personal injury or death, the driver shall immediately rescue the injured. If the scene shift due to the rescue of the injured, the location of new scene shall be marked out clearly.



03

发生交通事故未造成人身伤亡且当事人对事实及成因无争议的，双方当事人应当在确认记录表中的交通事故的时间、地点、对方当事人的姓名和联系方式、机动车牌号、驾驶证号、保险凭证号、碰撞部位等信息无误并签名后撤离现场，自行协商损害赔偿事宜。当事人对交通事故事实及成因有争议的，应当迅速报告执勤的交通警察或者公安交通管理部门。

Where the traffic accident does not cause any personal injury or death and the parties concerned have no objections to the facts and causes of the accident, they shall leave the site after signing on the record sheet upon confirmation of information such as the time and location of the traffic accident, the name and contact information of the other party, the license plate number, driver's license number, insurance certificate number, and the collision position, and then negotiate the damage compensation by themselves. If the parties have objections to the facts and causes of the accident, they shall promptly report to the traffic police officer on duty or the traffic administrative department of the public security organ.



交通违法处理 Handling traffic violations

临时入境的外籍人士驾驶机动车，须向入境地或始发地公安车管部门申领中国临时驾驶证并随身携带，依法驾驶。外籍人士在穗驾驶机动车违章被交通民警现场纠正或处罚的，听取交通民警的告知事项后，有权进行申辩，外籍人士的翻译应当场将交通民警的告知事项向外籍人士陈述，对行政处罚不服的可依法提起行政复议或行政诉讼。临时入境的外国车辆，必须按规定向入境地区或始发地的公安机关申领中国临时专用号牌和临时驾驶证，准确登记在穗的通信地址及电话。外籍人士在穗驾驶机动车违章被电子监控摄录的，在现场或通过邮政收到违章处理通知书后，应按通知书上的告知事项进行处理。

A foreigner who enter China temporarily and need to drive motor vehicles shall first apply for a temporary driving permit from the vehicle administrative department of the public security organ at the place of entry or the place of departure, and carry it with them to drive in accordance with the law of China. Foreigners who are corrected on the spot or imposed upon penalties by the traffic police officer for violation of traffic regulations and laws when driving motor vehicle in Guangzhou, after being informed of concerning matters by the police officer, have the right to make a defence. The translator of the foreigner shall immediately convey the instructions of police officer to make the foreigner well informed. Those who are dissatisfied with the administrative punishment may file an administrative reconsideration or administrative lawsuit according to the law of China. A foreign vehicle temporarily entering China shall, in accordance with the regulations of China, apply for for a Chinese temporary special license plate and a temporary driving permit from the public security authorities in the area of entry or departure the vehicle as required, and accurately register the address and telephone number in Guangzhou. If a foreigner violates traffic regulations when driving a motor vehicle in Guangzhou and is recorded by electronic monitoring system, he/she shall handle the violation according to the requirements set forth in the Notice of Violation received on-site or through postal service.



外籍人士对交通技术监控记录的违法行为接受处理所需材料 Materials required for foreigners to accept handling of their road traffic violations recorded by traffic monitoring system

(1) 身份证明原件 The original identity certificates

外国人的身份证明，是其入境时所持有的护照或者其他旅行证件、居（停）留期为三个月以上的有效签证或者停留、居留证件，以及公安机关核发的住宿登记证明。

The identity certificates of foreigners include passports or other travel documents held by them at the time of entry, valid visas or stay or residence permits with a duration of more than three months, and accommodation registration certificates issued by public security organs.

外国驻华使馆、领馆人员、国际组织驻华代表机构人员的身份证件，是外交部核发的有效身份证件。

The identity certificates of members of foreign embassies and consulates in China and members of representative offices of international organizations in China are valid identity documents issued by the Ministry of Foreign Affairs.



(2) 驾驶证原件 Original driving license

驾驶证是指“中华人民共和国机动车驾驶证”。

临时机动车驾驶许可证实应当随身携带，并与所持境外机动车驾驶证及其中文翻译文本同时使用。

The driving license refers to the Motor Vehicle Driving License of the People's Republic of China; The provisional vehicle driving license should be carried, and used together with the overseas vehicle driving license and its Chinese translation text.



(3) 行驶证原件 Original vehicle license

行驶证是指“中华人民共和国机动车行驶证”。当事人因违反《广东省道路交通安全条例》第六十七条规定被扣留行驶证、司法判决等特殊原因无法出示行驶证的，应当出示有关证明材料，民警核实后应予受理。

The vehicle license refers to the Vehicle License of the People's Republic of China. If a person is unable to present the vehicle license due to special reasons such as the license being detained for violating the Article 67 of the *Regulations on Road Traffic Safety of Guangdong Province*, or the person is subject to judicial decisions, etc., he or she shall present relevant supporting materials, which shall be accepted after verification by the police.



(4) 其他材料 Other materials

大队根据调查取证工作实际情况需驾驶人或车辆所有人、管理人配合提供的有关材料。违法行为适用一般程序办理的，当事人还需提供违法行为发生时车辆有效的交通事故责任强制责任保险证明。

They refer to relevant materials required by the traffic police for investigation and evidence collection, shall also be provided by the driver, vehicle owner or manager. When the illegal act can be subject to the general procedure, the parties shall also provide the valid certificate of compulsory liability insurance for traffic accidents of the vehicle when the illegal act occurs.



The Legal Guides for
Foreigners in
Guangdong Province



外国人在粤 法律法规指南

The Legal Guides for
Foreigners in
Guangdong Province

02

第二章
婚姻家庭

CHAPTER II
MARRIAGE
AND FAMILY

广东省司法厅 广东省普法办 广州市司法局 编印

来源：广东省公安厅、广州市委外办、广州市公安局、
广州市民政局、广州市天河区司法局

广东省司法厅 广东省普法办 广州市司法局 编印

第二章 婚姻家庭

CHAPTER II MARRIAGE AND FAMILY

涉外、港澳台、华侨婚姻登记办事指南

MARRIAGE REGISTRATION GUIDE FOR FOREIGNERS, OVERSEAS CHINESE AND RESIDENTS FROM HONG KONG SPECIAL ADMINISTRATION REGION(HONG KONG SAR); MACAO SPECIAL ADMINISTRATION REGION(MACAO SAR); TAIWAN PROVINCE(TAIWAN)

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第一篇 结婚登记

SECTION I MARRIAGE REGISTRATION



一、结婚登记条件

I. Qualification criteria for marriage registration

1

男女双方必须自愿结婚。

A man and a woman shall enter into marriage freely and voluntarily.

2

结婚年龄：男方年满22周岁，女方年满20周岁。

Marriage Age: Man over 22, woman over 20.

3

双方均无配偶（未婚、离婚、丧偶）。

Both man and woman have no spouse (marital status: unmarried, divorced or widowed).

4

双方没有直系血亲和三代以内旁系血亲关系。

Both man and woman are not lineal relatives by blood, or collateral relatives by blood up to the third degree of kinship.

二、结婚登记提交的证件和材料

II. Certificates and documents to submit for marriage registration



(一)本市居民 (I)Residents of Guangdong

1

本人常住户口簿、有效居民身份证件。

The applicant's household register and valid resident ID card.

2

本人无配偶以及与对方当事人没有直系血亲和三代以内旁系血亲关系的签字声明。

A signed statement that the applicant has no spouse and that the applicant is not the other party's lineal relative by blood, or collateral relative by blood up to the third degree of kinship.

(二)香港居民 (II) Hong Kong residents

- 1** 港澳居民来往内地通行证或者港澳同胞回乡证。
The (original) Mainland Travel Permit for Hong Kong and Macao Residents or the Hong Kong and Macao residents' home return.
- 2** 香港居民身份证。
Hong Kong ID Card.
- 3** 经香港委托公证人公证的本人无配偶以及与对方当事人没有直系血亲和三代以内旁系血亲关系的声明。
The statement that the applicant having no spouse and having no lineal relative relation and collateral relative relation up to the third degree of kinship with the counterpart as notarized by the Hong Kong notary authority.

(三)澳门居民 (III) Macao residents

- 1** 港澳居民来往内地通行证或者港澳同胞回乡证。
The (original) Mainland Travel Permit for Hong Kong and Macao Residents or the Hong Kong and Macao residents' home return.
- 2** 澳门居民身份证。
Macao ID Card.
- 3** 经澳门公证机构公证的本人无配偶以及与对方当事人没有直系血亲和三代以内旁系血亲关系的声明。
The statement that the applicant having no spouse and having no lineal relative relation and collateral relative relation up to the third degree of kinship with the counterpart as notarized by the Macao notary authority.

(四)台湾居民 (IV) Chinese Taiwan residents

- 1** 台湾居民来往大陆通行证或者其他有效旅行证件。
Mainland Travel Permit for Taiwan Residents or other valid travel documents.
- 2** 本人在台湾地区居住的有效身份证件。
The applicant's valid ID document for residing in Taiwan, China
- 3** 台湾公证机构公证的本人无配偶以及与对方当事人没有直系血亲和三代以内旁系血亲关系的声明。
The statement that the applicant having no spouse and having no lineal relative relation and collateral relative relation up to the third degree of kinship with the counterpart as notarized by the Taiwan notary authority.

(五)华侨 (V) Overseas Chinese

- 1** 本人的有效护照。
The applicant's valid passport.
- 2** 居住国公证机构或者有权机关出具的、经中华人民共和国驻该国使（领）馆认证的本人无配偶以及与对方当事人没有直系血亲和三代以内旁系血亲关系的证明，或者中华人民共和国驻该国使（领）馆出具的本人无配偶以及与对方当事人没有直系血亲和三代以内旁系血亲关系的证明。
The certificate issued by the notary office or competent authority in the country of residence and authenticated by the embassy (consulate) of the People's Republic of China in the country that the applicant has no lineal relative relation and collateral relative relation up to the third degree of kinship with the counterpart, or the certificate issued by the embassy (consulate) of the People's Republic of China in the country that the applicant has no spouse and has no lineal relative relation and collateral relative relation up to the third degree of kinship with the counterpart.

(六)外国人 (VI) Foreigners

- 1** 本人的有效护照或者其他有效的国际旅行证件。
The applicant's valid passport or other valid international travel documents.
- 2** 所在国公证机构或者有权机关出具的、经中华人民共和国驻该国使（领）馆认证或者该国驻华使（领）馆认证的本人无配偶的证明；或者所在国驻华使（领）馆出具的本人无配偶的证明。
The certificate of no spouse issued by a notary office or competent authority in the country where the party lives and authenticated by the embassy (consulate) of the People's Republic of China in that country or the country's embassy (consulate) in China, or the original certificate of no spouse issued by the embassy (consulate) of that country in China.


香港、澳门、台湾地区及国外的无配偶声明或者证明，自出具之日起6个月内有效。

No spouse certificates from Hong Kong, Macao, Taiwan region and foreign countries is valid for 6 months after the date when the certificates are notarized or legalized.

三、结婚登记的程序

III. Procedures for marriage registration

1



要求结婚登记的男女双方共同到婚姻登记处提出申请。

The man and the woman shall apply for marriage registration in the marriage registration office together.

2



申请补办结婚登记或复婚登记的，按照结婚登记程序办理。

The application for post-registration of marriage or registration of resumption of marriage shall be handled in accordance with the procedures for marriage registration.

3



结婚登记双方当事人各填写一份《申请结婚登记声明书》。

Both the man and the woman intending to enter into marriage (the applicants) shall respectively complete the *Statement on Application for Marriage Registration*.

4



结婚登记双方当事人必须在婚姻登记员面前亲自在《申请结婚登记声明书》中“声明人”一栏签名并按指印。

Both the applicants shall, under the witness of the registrar of marriage, personally affix their signatures and fingerprints into the field of “Stated By” in the *Statement on Application for Marriage Registration*.

5



结婚登记双方当事人向婚姻登记员宣读本人的声明书。

Both the applicants shall read out their own statements to the marriage registrar.

6



当事人提交3张2寸近期半身免冠彩色合影相片。

The applicants shall submit 3 recently taken two-inch half-length and bareheaded color group photos.

7



婚姻登记机关对当事人提交的证件、证明、声明进行审查，符合结婚条件的，予以登记。

The marriage registration authority shall review the documents, certificates and statements submitted by the parties intending to enter into marriage, and register the marriage if it meets the requirements.

四、结婚登记的时限、收费标准

IV. Time limit and charging standard for marriage registration

(一) 登记时限：证件材料齐全，予以登记，发给结婚证。

(I) Registration time limit: If the documents for the application are complete, the marriage shall be registered, and the marriage certificate shall be issued.

(二) 收费标准：无收费事项。

(II) Charging standard: Free of charge.

第二篇 离婚登记

SECTION II DIVORCE REGISTRATION



一、离婚登记的条件

I. Requirements for divorce registration

- 1** 男女双方必须自愿离婚。
Both the man and woman must conduct divorce voluntarily.
- 2** 男女双方均具有完全民事行为能力。
Both the man and the woman shall have full capacity for performing civil juristic acts.
- 3** 男女双方持有离婚协议书，协议书中必须载明双方自愿离婚的意思表示以及对子女抚养、财产及债务处理等事项协商一致的意见。
Both parties shall hold the divorce agreement, which sets out the intention of both parties to divorce voluntarily and the consensus on child support, property and debt management.
- 4** 当事人持有内地婚姻登记机关或者中国驻外使（领）馆颁发的结婚证。
Both parties shall hold the marriage certificate issued by the marriage registration authority in Chinese mainland or by Chinese embassies (consulates) outside of Chinese mainland.

二、离婚登记提交的证件和材料

II. Certificates and documents to submit for divorce registration



- 1** 当事人本人常住户口簿、居民身份证、通行证、护照或者其他有效国际旅行证件。
The parties' household register(s), resident ID card(s), valid Mainland Travel Permit(s), passport (s) or other valid international travel documents.
- 2** 男女双方的结婚证。
Marriage certificates of both parties.
- 3** 男女双方的离婚协议书。
The Divorce Agreement of both parties.
- 4** 当事人各提交2张2寸近期半身免冠彩色照片。
Each of the parties shall respectively submit 2 recently taken two-inch half-length and bareheaded color single-person photos.

三、离婚登记的程序

III. Procedures for divorce registration

1



要求离婚登记的男女双方共同到婚姻登记处提出申请。

Both the man and the woman shall apply for divorce in the marriage registration office together.

2



男女双方填写《离婚登记申请书》；并在婚姻登记员面前在《离婚登记申请书》“申请人”一栏签名或按指印。

Both the man and the woman shall complete the Divorce Registration Application; and shall, under the witness of the marriage registrar, affix their signatures or fingerprints into the field of “Applicants” in the Divorce Registration Application.

3



婚姻登记机关对当事人提交的证件和证明材料进行初审，初审无误后，发给《离婚登记申请受理回执单》。

The marriage registration authority shall conduct a preliminary examination on the certificates and certified documents submitted by the applicants. If these certificates and certified documents are correct upon the preliminary examination, it shall issue the *Receipt for Acceptance of the Divorce Registration Application*.

4



当事人收到《离婚登记申请受理回执单》之日起三十日内（自婚姻登记机关收到离婚登记申请之日的次日开始计算期间，期间的最后一日是法定休假日的，以法定休假日结束的次日为期间的最后一日），任何一方不愿离婚的，可以持本人有效身份证件等材料向受理离婚登记的婚姻登记机关撤回离婚登记申请，并亲自填写《撤回离婚登记申请书》。经婚姻登记机关核实无误后，发给《撤回离婚登记申请确认单》。自离婚冷静期届满后三十日内，双方未共同到婚姻登记机关申请发给离婚证的，视为撤回离婚登记申请。

Within 30 days (the cooling-off period) from the date when the two parties receive the *Receipt for Acceptance of the Divorce Registration Application* (the period shall commence from the day following the date when marriage registration authority received the Divorce Registration Application. Where the last day of the period falls on a legal holiday, the day after the holiday is deemed as the last day of the period), where either party is unwilling to divorce, he/she may, by presenting his/her valid identity document and other documents, withdraw the Divorce Registration Application from the marriage registration authority, and in person, complete the *Withdrawal of the Divorce Registration Application*. If concerned documents are correct upon verification by the marriage registration authority, the *Confirmation for Withdrawal of the Divorce Registration Application* shall be issued. Within 30 days after expiration of the cooling-off period for divorce, both parties shall personally visit the marriage registration authority to apply for issuance of a divorce certificate, and failing to do so will cause the Divorce Registration Application to be deemed as withdrawn.

5



自离婚冷静期届满后三十日内（自冷静期届满日的次日开始计算期间，期间的最后一日是法定休假日的，以法定休假日结束的次日为期间的最后一日），双方当事人应持规定有效的证件和证明材料，共同到婚姻登记机关申请发给离婚证。婚姻登记员分别询问当事人离婚意愿，并进行笔录；当事人双方在离婚协议书（一式三份）上签署同意协议内容的意愿，并在婚姻登记员面前在《离婚登记协议书》“协议人”一栏签名并按指印。

Within 30 days after expiration of the cooling-off period for divorce (the period shall commence from the day following the date of expiration of the cooling-off period for divorce. Where the last day of a period falls on a legal holiday, the day after the holiday is deemed as the last day of the period), both parties shall, by presenting the specific valid certificates and certified documents, personally visit the marriage registration authority to apply for issuance of a divorce certificate. The marriage registrar shall separately ask the two parties about their willingness to divorce and make a transcript; the two parties shall sign their willingness to agree to the contents of the divorce agreement (in triplicate), and shall, under the witness of the registrar of marriage, affix their signatures and fingerprints into the field of "Agreed By" in *Divorce Registration Agreement*.

6



婚姻登记机关对当事人提交的证件、协议书、证明材料进行审查，符合离婚条件的，予以登记。

The marriage registration authority shall review the documents, certificates and statements submitted by the parties intending to enter into divorce, and register the divorce if it meets the requirements.

四、离婚登记的时限、收费标准

IV. Time limit and charging standard for divorce registration

(一) 登记时限：证件材料齐全，予以登记，发给离婚证。

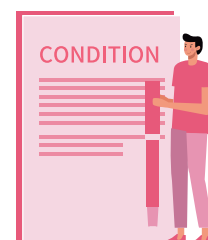
(I) Registration time limit: If the documents for the application are complete, the divorce shall be registered, and the divorce certificate shall be issued.

(二) 收费标准：无收费事项。

(II) Charging standard: Free of charge.

第三篇 补领婚姻登记证

SECTION III RE-ISSUANCE OF MARRIAGE REGISTRATION



一、补领婚姻登记证的条件

I. Conditions for re-issuance of marriage registration

1

婚姻当事人依法登记结婚或者离婚，至今仍维持该婚姻状况。

The parties to marriage register marriage or divorce by law, since then they have kept the marriage condition.

2

婚姻当事人遗失、损坏婚姻登记证的。

The parties to marriage register lost or attainted the certificates of marriage registration.

二、补领婚姻登记证提交的证件和材料

II. Certificates and documents to submit for re-issuing marriage registration



1

本人常住户口簿、居民身份证、通行证、护照或者其他有效的国际旅行证件。

The applicant's household register, resident ID card, valid Mainland Travel Permit, passport, or other valid international travel documents.

2

婚姻登记档案保管部门出具的婚姻登记档案记录证明。

The certificate of marriage registration record issued by the department in charge of the marriage registration records.

3

婚姻登记档案遗失的，当事人应当提交能够证明其婚姻状况的证明。

Where the marriage/divorce registration archive is lost, the applicants shall submit the certificate that can prove their marital status.

4


当事人提交3张2寸近期半身免冠彩色合影照片（补领结婚证）或2张2寸单人近期半身免冠彩色单人照片（补领离婚证）。

The parties concerned shall submit 3 recently taken two-inch half-length and bareheaded color group photos (for re-issuing the marriage certificate) and 2 recently taken two-inch half-length and bareheaded color single-person photos (for re-issuing the divorce certificate).

三、补领婚姻登记证的程序

III.The procedures for re-issuing the marriage/
divorce certificates

1



婚姻当事人应向原办理该婚姻登记的机关或一方常住户口所在地的婚姻登记机关申请补领。

The applicants should apply to reissue the marriage/divorce certificates at marriage registration authority which handled the original marriage registration or located in the city of permanent registered residence of either applicant.


2



当事人亲自到婚姻登记机关提出申请，填写《申请补领婚姻登记证声明书》。

The applicants shall personally visit the marriage registration authority to submit the application, and to complete the *Statement on Application for Re-issuance of the Marriage/Divorce Certificates*.

3



当事人因故不能到原办理婚姻登记的机关申请补领婚姻登记证的，有档案可查且档案信息与身份信息一致的，可以委托他人办理。委托办理应当提交经公证机关公证的当事人的身份证件复印件和委托书。委托书应当写明当事人办理婚姻登记的时间及承办机关、目前的婚姻状况、委托事由、受委托人姓名和身份证证件号码。受委托人应当同时提交本人的身份证件。

If the applicant could not apply the reissue of marriage/divorce certificates in the marriage registration authority by himself/herself, and the marriage archive information is same as the identity information, the applicant shall entrust others with this matter. The entrusted agent shall provide the copy of the applicant's identity card and power of attorney which has been notarized by a notary public office. The power of attorney shall clearly state the time and marriage registration authority name of the marriage/divorce, the marital status of the applicant, the matters of entrustment, the name and identity document number of the entrusted agent. The entrusted agent shall present his/her identity document at the same time.

4



外国有权机构或公证机构出具的证明或委托书应经中国驻该国使领馆认证。

A certificate or power of attorney issued by a foreign competent authority or a notary public office shall be authenticated by the Chinese embassy or consulate in that country.

5



婚姻登记机关对办理补领婚姻登记证当事人出具的证件、证明、声明书进行审查，符合补领婚姻登记证条件的，予以补领登记。

The marriage registration authority shall review the documents, certificates, and statements issued by the applicants. If the applicants meet the conditions for re-issuing the marriage/divorce certificates, the registration shall be completed.

四、补领婚姻登记证的时限、收费标准

IV. Time limit and charging standard for re-issuing the
marriage/divorce certificates

(一) 登记时限：证件材料齐全，予以登记，发给婚姻登记证。

(I) Registration time limit: If the documents for the application are complete, the registration shall be completed, and the marriage/divorce certificates shall be issued.

(二) 收费标准：无收费事项。

(II) Charging standard: free of charge.

第四篇 出具婚姻登记记录证明

SECTION IV ISSUANCE OF THE MARRIAGE REGISTRATION RECORD CERTIFICATE



一、出具婚姻登记记录证明的条件 I. Conditions for issuing the marriage registration record certificate

按民政部文件要求，除对涉及台湾和哈萨克斯坦、芬兰、奥地利、荷兰、德国、阿根廷、乌拉圭、墨西哥和波兰的公证事项出具证明外，不向任何个人或部门出具（无）婚姻登记记录证明。

According to the documents requirements of the Ministry of Civil Affairs of the People's Republic of China, the *Certificate of Marriage Registration Record/No Marriage Registration Record* shall be issued for notarization concerning Chinese Taiwan, Kazakhstan, Finland, Austria, Netherlands, Germany, Argentina, Uruguay, Mexico, and Poland only, and other such applications will not be accepted.

二、出具婚姻登记记录证明提交的证件和材料

II. Certificates and documents to submit for issuing marriage registration record certificate



- 1** 当事人亲自到婚姻登记机关提出申请的，应提供本人有效身份证件（内地居民提供户口簿和居民身份证，华侨、外国人提供有效护照，港澳台居民提供有效身份证、通行证；下同）。
Where the party personally visits the marriage registration authority to submit the application, he/she shall provide his/her valid identity documents (a resident in Chinese mainland shall provide his/her household register and ID card; an overseas Chinese or a foreigner shall provide his/her valid passport; and a resident in Hong Kong, Macao, or Taiwan region shall provide his/her valid ID card and travel permit; the same hereinafter).
- 2** 当事人委托他人申请的，受托人应提供本人有效身份证件、委托人身份证件原件以及委托人写明具体委托事项的委托书；受托人不能提供委托人身份证件原件的，应提供委托人身份证件复印件和经公证机关公证的写明具体委托事项的委托书。
Where the party entrusts another party to apply, the agent shall provide his/her valid ID card, the original ID card of the principal and the power of attorney written by the principal stating the specific entrustment matters; If the agent cannot provide the original identity certificate of the principal, it shall provide a copy of the identity certificate of the principal and a power of attorney notarized by a notary authority stating the specific entrustment matters.
- 3** 外国有权机构或公证机构出具的证明或委托书应经中国驻该国使领馆认证。
A certificate or power of attorney issued by a foreign competent authority or notary authority shall be certified by the Chinese embassy or consulate in that country.

三、出具婚姻登记记录证明的程序

III. Procedures for issuing the marriage registration record certificate

1



当事人应向户籍所在地的婚姻登记机关提交出具婚姻登记记录证明申请。

The party shall submit the application for issuing the marriage registration record certificate to the marriage registration authority where his/her registered permanent residence is located.

2



当事人在婚姻登记机关填写并提交《申请出具<婚姻登记记录证明>声明书》。

The party shall complete and submit the *Statement on Application for Issuance of Marriage Registration Record Certificate* to the marriage registration authority;

3



婚姻登记机关对办理出具婚姻登记记录证明的当事人出具的证件、证明、声明书等材料进行审查，符合条件的，予以出具婚姻登记记录证明。

The marriage registration authority shall review the document, certificate, statement and other materials submitted by the party. If he/she meets the conditions, the marriage registration record certificate shall be issued.

四、出具婚姻登记记录证明的时限、收费标准

IV. Time limit and charging standard for issuing the marriage registration record certificates

(一) 登记时限：证件材料齐全，予以登记，出具证明

(I) Registration time limit: If the documents for the application are complete, the registration shall be completed, and the marriage registration record certificate shall be issued.

(二) 收费标准：无收费事项。

(II) Charging standard: free of charge.

温馨提示

当事人所提交的外语证明内容需经中国驻外国使领馆、当事人所在国驻华使领馆或者我国公证机构翻译成中文。

Warm Reminder:

All the paper the applicant provided in foreign languages should be translated into Chinese by the Chinese embassy (consulate) in the foreign country, foreign embassy (consulate) in China or the notary authority in China.

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03

第三章
法律服务

CHAPTER III
LEGAL
SERVICES

广东省司法厅 广东省普法办 广州市司法局 编印

来源：广东省公安厅、广州市委外办、广州市公安局、
广州市民政局、广州市天河区司法局

广东省司法厅 广东省普法办 广州市司法局 编印

第三章 法律服务

CHAPTER III LEGAL SERVICES

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SECTION I NOTARIZATION	
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SECTION III MEDIATION	
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SECTION IV ARBITRATION	

外国人、外国企业和组织需要律师提供非诉讼法律服务的，应委托持中华人民共和国律师执业证的律师代理。外国律师事务所以驻穗代表机构及其代表只能从事不包括中国法律事务的活动。外国人、外国企业和组织到人民法院起诉、应诉的，可以委托本国人作为诉讼代理人，也可以委托本国律师以非律师身份担任诉讼代理人；需要委托律师代理诉讼的，必须委托中华人民共和国律师。

If foreign nationals, foreign enterprises and organizations need lawyers to provide non-litigation legal services, they shall entrust lawyers with practicing licenses of lawyers of the People's Republic of China to represent them. The representative offices of foreign law firms in Guangzhou and their representatives can only engage in activities not involving Chinese legal affairs. If foreign nationals, foreign enterprises and organizations go to the institute and respond to an action in a people's court, they may entrust persons from their home country as agents ad litem, or they may entrust lawyers from their home country to act as agents ad litem as non-lawyers; If they need to entrust a lawyer to represent the lawsuit, they must entrust a lawyer of the People's Republic of China.

第一篇 公证

SECTION I NOTARIZATION



什么是公证？ What is notarization?

公证是公证机构根据自然人、法人或者其他组织的申请，依照法定程序对民事法律行为、有法律意义的事实和文书的真实性、合法性予以证明的活动。

Notarization shall means an act performed by a notarial institution to certify the authenticity and legality of a civil juristic act, a fact or a document of legal significance in accordance with the statutory procedures upon the application of a natural person, legal person or other organization.



公证适用场景 Application of Notarization

- | | |
|--|---|
| (一) 遗嘱、财产继承；
1. Will and inheritance of property; | (二) 房产、存款的转名过户；
2. Transfer of real estate and deposit; |
| (三) 房屋产权份额划分；
3. Division of share of house property right; | (四) 意定监护；
4. Guardianship by conduct; |
| (五) 委托值得信赖的人办事；
5. Reliable Authorization; | (六) 出国旅游、留学；
6. Travel and study abroad; |
| (七) 资金监管；
7. Fund escrow; | (八) 保全证据、保管文书；
8. Preservation of evidence and custody of documents; |
| (九) 经济合同；
9. Economic contract; | (十) 赋予债权文书具有强制执行效力。
10. Equipped the creditor's document with mandatory enforcement. |

公证办理流程

Procedure of Notarization

01 公证 Notarization

咨询公证所需材料→提交材料申办公证→公证员审查无误出具公证书→当事人领取并核查公证书内容有无疑误（可邮寄）→如若需要认证应向公证处申请密封公证书及出具介绍信。
Notarization: consulting the documents required for notarization → submitting the documents → notarial notary deed issued after examination by the notary → applicants receive the notarial notary deed and verify the contents of it (it can be sent by mail) → if authentication is needed, applicants should apply to the notary public office for sealed notarial certificate and reference letter.

02 翻译 Translation

提交资料申请→公证处审核→定价→缴费→公证处翻译→当事人领取并核查翻译内容有无疑误（可邮寄）。
Translation: submitting documents for application → the notary public office examines the materials → pricing → payment → the notary public office issued the translation → applicants receive the translation and verify the contents of it (it can be sent by mail).

第二篇 法律援助

SECTION II LEGAL AID

根据《中华人民共和国刑事诉讼法》的有关规定，外国籍、无国籍的犯罪嫌疑人、被告人是盲、聋、哑人，或者是尚未完全丧失辨认或者控制自己行为能力的精神病人，没有委托辩护人的；外国籍、无国籍的犯罪嫌疑人、被告人可能被判处无期徒刑、死刑，没有委托辩护人的，人民法院、人民检察院和公安机关应当通知法律援助机构指派律师为其提供刑事辩护。法律援助机构在接到通知后，将派出律师为外国籍、无国籍的犯罪嫌疑人、被告人提供免费的刑事辩护的法律援助服务。

According to the relevant provisions of the *Criminal Procedure Law of the People's Republic of China*, for foreign and stateless criminal suspects and defendants who are is vision, hearing or speech impaired, or who is a mentally challenged person but has not lost entirely the ability of recognition or the ability to control his/her conducts, and have not entrusted defenders; and foreign and stateless criminal suspects and defendants who may be sentenced to life imprisonment or death penalty and have not entrusted defenders, the people's courts, people's procuratorates and public security organs shall inform a legal aid agency to designate a lawyer as his/her defender. After receiving the notice, the legal aid agency will appoint lawyers to provide free legal aid services for criminal defense for the foreign or stateless criminal suspects or defendants.

- 申请人需提交的证件和证明材料如下：
1. 护照或其他有效的身份证明，代理申请人还应当提交其有代理权的证明；
 2. 家庭经济困难的证明；
 3. 与所申请的法律援助事项有关的案件材料。

Documents and supporting materials to be submitted by the applicant are as follows:

1. Passport or other valid identity certificates, the proxy applicant shall also submit the proof certifying he/she has the power of agency;
2. Proof of family financial difficulty;
3. Case materials related to the legal aid matters applied for.

第三篇 调解

SECTION III MEDIATION

人民调解，是指人民调解委员会通过说服、疏导等方法，促使当事人在平等协商基础上自愿达成调解协议，解决民间纠纷的活动。

"Civil Mediation" shall refer to the activities of civil mediation committees in promoting the parties to voluntarily reach mediation agreements through consultation on the basis of equality by persuasion, guidance and other methods to resolve disputes among people.

怎样申请人民调解？

How to apply for Civil Mediation?



(一) 申请主体

1. Applicants

发生纠纷后，可以由一方当事人向人民调解委员会申请调解；也可以由双方当事人共同向人民调解委员会申请；此外，还可以由当事人委托的亲属、邻里、同事等代其向人民调解委员会申请。

After a dispute occurs, one party may apply to the Civil Mediation Committee for mediation; both parties may also apply together; in addition, relatives, neighbors, and colleagues may be commissioned by the party concerned to apply to the Civil Mediation Committee.


(二) 申请形式

2. Form of Application

当事人申请人民调解可以口头申请，也可以书面申请。当事人书面申请调解的，应当如实填写人民调解申请书，写明纠纷发生的时间、地点、经过以及存在的争议，列明希望通过调解解决的事项，并且提供相关的证据材料。

The party can apply for People's Mediation either in oral or written form. If applying in written form, the applicant should fill the application for mediation according to the fact, stating the time, place, things that have happened and issue of the disputes, clarifying their claims and providing relevant evidence.

人民调解委员会不得受理调解以下纠纷： The People's Mediation Committee shall not accept the following disputes:

- 01** 法律、法规规定只能由专门机关管辖处理的；
Disputes that can only be settled by a special agency according to Laws and regulations;
- 02** 法律、法规禁止采用人民调解方式解决的；
Disputes that are prohibited by Laws and regulations to be settled by People's Mediation;
- 03** 国家机关、仲裁机构已经处理或者受理，且未委托人民调解委员会进行调解或者邀请人民调解委员会协助调解的。
Disputes that have been settled or accepted by state organs or arbitration institutions, and they have not delegated or invited the Civil Mediation Committee to intervene.
- 04** 如当事人一方明确拒绝调解的，不得调解。
If one party explicitly refuses mediation, no mediation may be conducted.
- 

调解不成功的纠纷怎么办？ What if the mediation fails?

调解活动中有下列情形之一的，人民调解员应当终止调解，并依据有关法律、法规的规定，告知当事人可以依法通过仲裁、行政、司法等途径维护自己的权利：

In any of the following circumstances occurs during the mediation, the people's mediator shall terminate the mediation and, in accordance with provisions of relevant laws and regulations, inform the parties of rights to safe guard their rights through such channels as arbitration, administration and judicature:

- 01** 查明纠纷不属于人民调解范围的；
It is found that the dispute does not fall within the scope of Civil Mediation;
- 02** 一方当事人拒绝或者退出调解的；
One of the parties refuses or withdraws from the mediation;
- 03** 超过调解期限未能达成调解协议的；
Failure to reach a mediation agreement within the time limit of mediation;
- 04** 发生特定事由使调解不能进行的；
The mediation cannot be carried out due to specific reasons;
- 05** 法律、法规规定应当终止调解的其他情形。
Other circumstances under which laws and regulations stipulate that mediation should be terminated.

注意事项 Important Notice

- 01** 应依据法律、法规、规章和政策进行，没有明确规定的，依据社会主义道德进行调解；
Mediation shall be conducted in accordance with laws, regulations, rules and policies. If the above is not clearly provided for, it shall be conducted in accordance with social morality;
- 02** 调解民间纠纷应在双方当事人平等自愿的基础上进行调解；
The mediation shall be conducted on the basis of equality and voluntariness of both parties;
- 03** 不得因未经调解或者调解不成而阻止当事人向人民法院起诉；
The parties shall not be prevented from instituting a lawsuit to the people's court due to absence or failure of the mediation;
- 04** 人民调解不收取任何费用。
The mediation is free of charge.



第四篇 仲裁

SECTION IV ARBITRATION

外国人在中国境内发生的合同纠纷和其他财产权益纠纷，包括涉外经济贸易、运输和海事中发生的纠纷，可以仲裁。婚姻、收养、监护、扶养、继承纠纷和其他依法应当由行政机关依法处理的行政争议不能仲裁。当事人采用仲裁方式解决纠纷，应当双方自愿，达成仲裁协议。仲裁实行一裁终局的制度。裁决作出后，当事人就同一纠纷再申请仲裁或者向人民法院起诉的，仲裁委员会或者人民法院不予受理。

Contract disputes and other property rights and interest disputes involving foreigners in China, including disputes arising from foreign economic, trade, transportation or maritime matters may be arbitrated. Disputes over marriage, adoption, guardianship, child maintenance and inheritance, as well as the administrative disputes falling within the jurisdiction of the relevant administrative organs according to law may not be arbitrated. When the parties settle disputes by arbitration, they shall reach an arbitration agreement voluntarily. The system of final and binding arbitral award shall apply to arbitration. After an arbitral award is rendered, where the parties apply for arbitration or initiate an action to the people's court in respect of the same dispute, an arbitration commission or a people's court accept the action.

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04

第四章
特别管理

CHAPTER IV
SPECIAL
MANAGEMENT

广东省司法厅 广东省普法办 广州市司法局 编印

来源：广东省公安厅、广州市委外办、广州市公安局、
广州市民政局、广州市天河区司法局

广东省司法厅 广东省普法办 广州市司法局 编印

第四章 特别管理

CHAPTER IV SPECIAL MANAGEMENT

第一篇 “三非” 外国人管理篇 02

SECTION I MANAGEMENT OF THE ILLEGAL ENTRY, ILLEGAL RESIDENCE, AND ILLEGAL EMPLOYMENT OF FOREIGN NATIONALS IN CHINA

第二篇 境外非政府组织境内活动管理 05

SECTION II ADMINISTRATION OF ACTIVITIES OF OVERSEAS NONGOVERNMENTAL ORGANIZATIONS IN THE MAINLAND OF CHINA

第一篇 “三非” 外国人管理篇

SECTION I MANAGEMENT OF THE ILLEGAL ENTRY, ILLEGAL RESIDENCE, AND ILLEGAL EMPLOYMENT OF FOREIGN NATIONALS IN CHINA

01 什么是“三非”外国人？

Who are the "three types of illegal" foreigners?

“三非”外国人是指未经合法手续而在中国非法就业、非法入境和非法居留的所有外国人的统称。

"Three types of illegal foreigners" refer to the foreigners who are involved in the illegal entry, residence, and employment, without legitimate procedures in China.



非法入境 ILLEGAL ENTRY

指外国人未持有中国主管机关签发的有效入境签证或合法有效的入境证件、或从未从中国对外开放、指定的口岸入境、或未经边防检查站查验而进入我国国境的违法行为。

Illegal entry refers to the illegal act that foreigners enter China territory without holding a valid entry visa or legal and valid entry certificate issued by the competent authorities of China, or without entering China from the ports open to foreign countries or designated ports, or without inspection by border inspection authorities.

非法居留 ILLEGAL RESIDENCE

1

超过签证、停留居留证件规定的停留居留期限停留居留的

The foreigner's stay or residence exceeds the duration specified in his or her visa, stay permit or residence permit.

2

免办签证入境的外国人超过免签期限停留且未办理停留居留证件的

The foreigner overstays the visa-free period and fails to obtain a stay permit or residence permit.

3

外国人超出限定的停留居留区域活动的

The activities of the foreigner go beyond the restricted area of stay or residence.

4

其他非法居留的情形

Other circumstances where foreigners reside illegally.

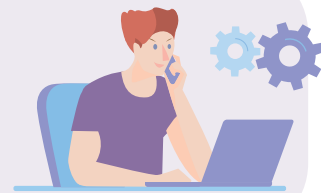
非法就业 ILLEGAL EMPLOYMENT



A

未按照规定取得工作许可和工作类居留证件在中国境内工作的；

Work in China without obtaining work permits or work-type residence permits in accordance with relevant regulations;



B

超出工作许可限定范围在中国境内工作的；
Work in China beyond the scope prescribed in the work permits;



C

外国留学生违反勤工助学管理规定，超出规定的岗位范围或者时限在中国境内工作的。

Foreign students work in violation of the regulations on the administration of foreign students working to support their study in China and work beyond the prescribed scope of jobs or prescribed time limit.



02 “三非”相关法律法规及相应处罚 LAWS AND REGULATIONS RELATING TO THE "THREE TYPES OF ILLEGALS" AND CORRESPONDING PENALTIES



1 违反外国人住宿登记规定

Violation of the regulations on accommodation registration for the foreigners

“违反外国人住宿登记规定”是指：外国人在旅馆以外的其他住所居住或者住宿的，外国人或者留宿人未按《中华人民共和国出境入境管理法》第三十九条第二款的规定，在入住后24小时内向住宿地公安机关办理登记行为。

"Violation of the regulations on accommodation registration for the foreigners" refers the circumstance in which, for foreigners who reside or stay in domiciles other than hotels, they or the persons who accommodate them fail to go through the registration formalities with the public security organs in the places of residence within 24 hours after the foreigners' arrival in accordance with the provisions of the second paragraph of Article 39 of the *Exit and Entry Administration Law of the People's Republic of China*.

根据《中华人民共和国出境入境管理法》第七十六条第一款第六项规定，违反住宿登记规定，给予外国人或留宿人警告，可以并处二千元以下罚款。

According to the provisions of item (6) in the first paragraph of Article 76 of the *Exit and Entry Administration Law of the People's Republic of China*: The foreigner or the person who accommodates the foreigner fails to go through the registration formalities shall be given a warning; and shall be fined no more than RMB 2,000 Yuan.

2 容留、藏匿非法入境、非法居留外国人 Harboring or hiding foreigners who illegally enter or reside in China



“容留、藏匿非法入境、非法居住的外国人”是指：为非法居留、非法入境的外国人提供住所、临时居所或者其他用来躲藏的场所等行为。

"Harboring or hiding foreigners who illegally enter or reside in China" refers to acts such as providing housing, temporary residence, or other places of hiding for foreigners who have illegally resided in China or illegally entered China.

根据《中华人民共和国出境入境管理法》第七十八条规定，外国人非法居留情节严重的，处每非法居留一日五百元，总额不超过一万元的罚款或者五日以上十五日以下拘留。

According to the provisions of Articles 78 of the *Exit and Entry Administration Law of the People's Republic of China*: Foreigners who reside in China illegally, where circumstances are serious, shall be imposed with a fine of RMB 500 Yuan per day, with a cap of RMB 10,000 Yuan in total, or be detained for no less than five days but no more than fifteen days.

根据《中华人民共和国出境入境管理法》第七十九条规定，容留、藏匿非法入境、非法居留的外国人情节严重的，处五日以上十五日以下拘留，并处五千元以上二万元以下罚款，有违法所得的，没收违法所得。

According to the provisions of Article 79 of the *Exit and Entry Administration Law of the People's Republic of China*: Persons harboring or hiding foreigners who illegally enter or reside in China, where circumstances are serious, shall be detained for no less than five days but no more than fifteen days and shall also be fined no less than RMB 5,000 Yuan but no more than RMB 20,000 Yuan, with the illegal gains confiscated if there are any.

3 非法聘用外国人 Illegal employment of foreigners

非法聘用外国人”是指：
"Illegal employment of foreigners" means:

- A. 聘用未取得工作许可和工作类居留证件的外国人在中国境内工作的；
Employing foreigners who have no work permits or work-type residence permits;
- B. 聘用超出工作许可限定地域的外国人在中国境内工作的；
Employing foreigners who work in China beyond the regions prescribed in the work permits;
- C. 聘用超出工作许可限定单位的外国人在中国境内工作的；
Employing foreigners who work in China beyond the entities prescribed in the work permits;
- D. 违反勤工助学岗位范围和限时的规定聘用外国留学生中国境内工作的；
Employing foreign students who work beyond the prescribed scope of jobs or prescribed time limit in their work for supporting their study in China.
- E. 其他非法聘用外国人的情形。
Other circumstances of illegal employment of foreigners.

根据《中华人民共和国出境入境管理法》第八十条第三款规定，非法聘用外国人的，处每非法聘用一人一万元，总额不超过十万元的罚款；有违法所得的，没收违法所得。

According to the provisions of the third paragraph of Article 80 of the *Exit and Entry Administration Law of the People's Republic of China*: Individuals or entities that illegally employ foreigners shall be fined RMB 10,000 Yuan for each illegally employed foreigner, with a cap of RMB 100,000 Yuan in total; and the illegal gains, if any, shall be confiscated.

第二篇 境外非政府组织境内活动管理

SECTION II ADMINISTRATION OF ACTIVITIES OF OVERSEAS NONGOVERNMENTAL ORGANIZATIONS IN THE MAINLAND OF CHINA

1 什么是境外非政府组织？ What are overseas nongovernmental organizations?

《中华人民共和国境外非政府组织境内活动管理法》（以下简称《管理法》）规定，境外非政府组织，是指在境外合法成立的基金会、社会团体、智库机构等非营利、非政府的社会组织。这里的“境外”，包括外国、香港特别行政区、澳门特别行政区和台湾地区。社会团体主要是指在境外依法成立的协会、学会、商会等非营利组织，智库机构主要是指在境外依法成立的非营利、非政府的研究中心、咨询中心等。

According to the provisions of the *Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China* (hereinafter referred to as the "Administration Law"): Overseas Nongovernmental Organizations in the Mainland of China (hereinafter referred to as "overseas NGOs") shall mean foundations, social groups, think tanks and other non-profit, nongovernmental social organizations legally established overseas. "Overseas" as referred to in this Law includes foreign countries, the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and Chinese Taiwan. Social groups mainly refer to non-profit organizations such as associations, societies, and chambers of commerce established overseas in accordance with the law. Think tanks mainly refer to non-profit and nongovernmental research centers and consultation centers established overseas in accordance with the law.



2 非政府组织有哪两个主要特征？ What are the two main characteristics of nongovernmental organizations?

非政府组织不属于政府部门，不由国家建立，一般而言，非政府组织的特征主要有两个：
Nongovernmental organizations (NGOs) are not part of the government departments and are not established by the state. Generally speaking, there are two main characteristics of NGOs:

- A. “非政府性”。主要是指该组织具有民间性的特征，其资金、人员来自于民间，决策机制不依赖于政府部门。民间性是非政府组织和政府部门的主要区别。
"Nongovernmental". It mainly indicates that the NGOs have the characteristics of a civil nature. Their funding and personnel come from the private sector, and their decision-making mechanisms do not depend on government departments. Civil nature is the main difference between NGOs and government departments.
- B. “非营利性”。主要是指该组织开展活动不以营利为目的，对于依法取得的收入和利润必须用于公益事业，不得在发起人、成员中分配。“非营利性”是非政府组织和以营利为目的的企业最主要的区别。
"Non-profit." It mainly means that the activities carried out by the NGOs are not for profit, that the income and profits obtained by them in accordance with the law must be used for the public good, and must not be distributed among sponsors or members. "Non-profit" is the main difference between an NGO and a for-profit business.

3 境外非政府组织可以在哪些领域开展活动？ In what areas can overseas NGOs carry out activities?

《管理法》规定，境外非政府组织依照本法可以在经济、教育、科技、文化、卫生、体育、环保等领域和济困、救灾等方面开展有利于公益事业发展的活动。

The *Administration Law* stipulates that overseas NGOs may, in accordance with the provisions of this Law, engage in undertakings of benefit to the public in the areas of the economy, education, science, culture, health, sports and environmental protection, as well as in the areas of poverty and disaster relief.



4 境外非政府组织在中国境内开展活动，应当采取什么方式？

What approaches should be taken by an overseas NGO engaging in activities in the Mainland of China?

境外非政府组织在中国境内开展活动，应当依法登记设立代表机构；未登记设立代表机构需要在中国境内开展临时活动的，应当依法备案。

An overseas NGO engaging in activities in the Mainland of China shall, in accordance with the law, register an established representative office. Where an overseas NGO has not registered an established representative office but needs to carry out temporary activities in the mainland of China, it shall submit documents for the record to this effect in accordance with the law.

境外非政府组织未登记设立代表机构、开展临时活动未经备案的，不得在中国境内开展或者变相开展活动，不得委托、资助或者变相委托、资助中国境内任何单位和个人在中国境内开展活动。

Where an overseas NGO has not registered an established representative office, nor submitted documents for the record stating that it intends to carry out temporary activities, it shall not carry out or covertly engage in any activities, nor shall it entrust or finance, or covertly entrust or finance, any organization or individual to carry out activities in the Mainland of China on its behalf.



5 境外非政府组织未在中国境内设立代表机构，开展临时活动备案，向哪个部门申请办理？

For overseas NGOs that have not established representative offices but need to conduct temporary activities in the Mainland of China, to which department should they submit their applications?

《管理法》规定，省级以上人民政府公安机关，是境外非政府组织在中国境内开展活动的登记管理机构。在广东登记备案的，由广东省公安厅受理审批。

The *Administration Law* stipulates that the public security organs at or above the provincial-level people's governments shall be the registration authorities for activities of overseas NGOs in the Mainland of China. If such activities are registered and filed in Guangdong Province, they shall be accepted and approved by Guangdong Provincial Department of Public Security.

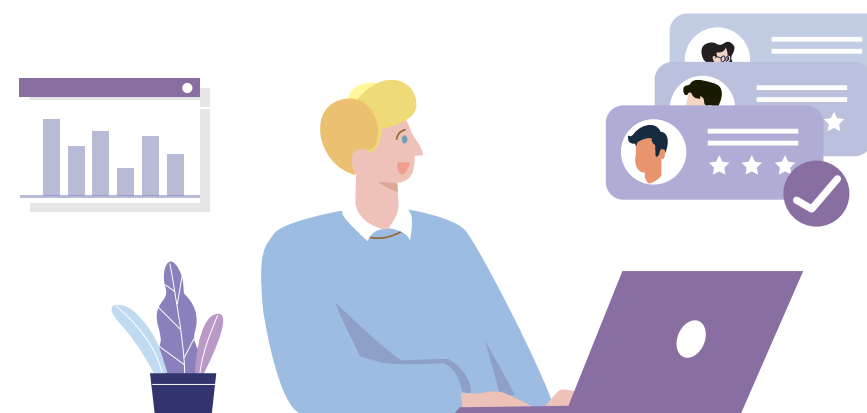


6 中国公民是否可以受聘于已经登记的境外非政府组织代表机构？

Can Chinese citizens be employed by registered representative offices of overseas NGOs?

可以。已经登记的境外非政府组织代表机构聘用中方工作人员必须遵守我国《劳动法》《劳动合同法》等相关法律规定，订立书面劳动合同，依法建立劳动关系，保障劳动者的合法权益，并向业务主管单位和登记管理机关备案。境外非政府组织代表机构聘用中方工作人员违反法律规定，应承担相应的法律责任。

Yes. When hiring Chinese employees, registered representative offices of overseas NGOs must abide by the *Labor Law of the People's Republic of China*, the *Labor Contract Law of the People's Republic of China*, and other relevant laws and regulations, conclude written labor contracts, establish labor relationships in accordance with the law, safeguard the legitimate rights and interests of workers, and submit the necessary documents for record to the organizations in charge of operations and the registration administration authorities. The representative offices of overseas NGOs that hire Chinese employees in violation of laws and regulations shall bear the corresponding legal liability.



7 境外非政府组织在中国境内开展活动，哪些部门负责监督管理？

When overseas NGOs carry out activities in the Mainland of China, which departments are responsible for the oversight and supervision?

境外非政府组织在中国境内开展活动，应当接受公安机关、国家安全、外交外事、财政、金融监督管理、海关、税务、外国专家等部门和业务主管单位的监督管理。

Overseas NGOs carrying out activities in the Mainland of China shall accept the oversight and supervision of public security organs, relevant departments such as national security, foreign affairs, finance, financial regulation, customs, taxation, and foreign expert, and the organizations in charge of operations.



8 未经登记、备案，以境外非政府组织代表机构、境外非政府组织名义开展活动的，应受何种处罚？



What are the penalties for carrying out activities in the name of the representative office of an overseas NGO or an overseas NGO without registering or submitting the necessary documents for the record?

由设区的市级以上人民政府公安机关予以取缔或者责令停止违法行为；没收非法财物和违法所得；对直接责任人员给予警告，情节严重的，处十日以下拘留。

The local public security organ the a people's government at or above the level of a city divided into districts shall issue a ban or order them to cease their illegal behavior, confiscate their illegal gains and property, issue a warning to those directly responsible, and where circumstances are serious, detain them for up to ten days.

9 中国境内单位和个人明知境外非政府组织未登记代表机构、临时活动未备案，与其合作的，或者接受其委托、资助，代理或者变相代理其开展活动、进行项目活动资金收付的，应当受到何种处罚？



What are the penalties for the organizations and individuals in the Mainland of China who knowingly cooperate with an unregistered representative office of an overseas NGO or an overseas NGO that has not submitted the necessary documents for the record to carry out temporary activities, who are willfully entrusted or financed by them, or who act in the capacity of an agent or agent in any other form to carry out activities or receive or make payments of project funds?

由设区的市级以上人民政府公安机关予以取缔或者责令停止违法行为；没收非法财物和违法所得；对直接责任人员给予警告，情节严重的，处十日以下拘留。

The local public security organ of the people's government at or above a prefecture-level city shall issue a ban or order them to cease their illegal behavior, confiscate their illegal gains and property, issue a warning to those directly responsible, and where circumstances are serious, detain them for up to ten days.

10 对境外非政府组织打着公益、慈善的幌子，从事危害我国家安全、损害我国家利益的违法活动，应当如何处罚？



What are the penalties for overseas NGOs operating under the facade of public interest and charity but engaging in acts that endanger China's national security or harm China's national interests?

境外非政府组织、境外非政府组织代表机构有分裂国家、破坏国家统一、颠覆国家政权等犯罪行为的，由登记管理机构吊销登记证书或者取缔临时活动，对直接责任人员依法追究刑事责任。境外人员违反《管理法》规定的，有关机关可以依法限期出境、遣送出境或者驱逐出境。

Where an overseas NGO or the representative office of an overseas NGO engages in criminal acts, such as those aimed at dividing the country, undermining national reunification or subverting State power, the registration authority shall suspend its registration certificate or prohibit temporary activities, and investigate criminal liability against those directly responsible. Where overseas nationals violate the provisions of the *Administration Law*, relevant authorities may order them to leave the country within a certain deadline or decide to expel or deport them.

