

New Foreign Employee Work Authorizations Policy Sets A Revolutionary Milestone on China's Immigration Laws

Fragomen China

The Foreign Expert Bureau recently announced *Foreign Employee Work Authorizations Pilot Scheme Policy* (工作许可制度试点实施方案), which has revolutionized the current Work Authorization applications practices by categorizing foreign national into three talent categories and placing a score based assessment system to provide a standardized and more individual specific application process nationwide.

The purpose of *the Pilot Scheme Policy* is to simply, unify and standardize Work Authorizations applications and processes across China by combining Employment Permit and Expert Permit into one Work Permit Card and placing uniform data sharing platform for Chinese immigration authorities within and outside of China. It also intends to encourage high-end foreign talents to work in China and strengthen immigration control of other foreign nationals.

The new Policy will provide a standardized score based talent assessment system and application process across China. Work Authorizations will be issued to foreign nationals that will be categorized into the following three types:

- Type A – High-end foreign talent
- Type B – Foreign talent
- Type C – Foreign employee

Compared to the current practice, a company in China (sponsoring entity) must now have an online account registered with the Expert Bureau in order to submit its foreign employee employment license (EL) online application. The new Policy adds a new online application for the Chinese immigration authority to assess if a foreign national falls into one of the three Foreign Talent categories and subsequently approves or declines the application accordingly. If the online application is approved, a Notification Letter of Work Permit of the approved Talent type will be issued to the applicant for him or her to apply for China entry visa (Z or R visa) to enter China for the purpose of procurement of the Work Authorizations of categorized talent type within China. If the application is declined, the applicant will be issued a written document stating the reason for failed application and right to appeal against the decision. A foreign national's right of administrative appeal

against a decision made by the Foreign Expert Bureau is a very new concept to the Chinese immigration law.

Due to the new Work Authorizations application process, which is more individual specific, a future foreign national applicant should expect to provide more detailed personal information and application documents (i.e. his or her non-criminal record, medical report and academic credential issued and legalized in his or her home country) and experience longer application processing time.

The new Policy particularly encourages Type A (High-end Foreign Talent) to work in China and no limitation is imposed on the number of Type A Work Authorizations that would be issued by the Chinese immigration authority. However, Type B Work Authorizations will be issued in accordance with the market demand and quota might be given to Type C Work Authorizations issuance.

What's more, Type A or B Work Authorizations holder might be entitled to a number of additional benefits in China associated with R China entry visa (Talent Visa) that an applicant might be eligible to obtain in order to enter China prior to Work Authorizations procurement process. Additional benefits include having an option to sponsor Nanny Visa, longer permits validity and relaxed China green card applicant eligibility etc. In addition, foreign nationals holding any type of Chinese visa residing in China would be allowed to apply for Work Authorizations within the country if their online applications have been approved for Type A High-end Foreign Talent.

The new Policy will take effect nationwide in April 2017 and *the Pilot Scheme* has already taken effect this month in 10 locations including Beijing, Shanghai, Guangdong and Sichuan etc.

Fragomen China believes that the enactment of the new Policy sets a revolutionary milestone on China's immigration laws. Detailed assessment criteria leading more individual specific applications; more transparent and fairer Work Authorization applications and processes, would make China Work Authorizations application system one step closer to the international standard.

About Fragomen

Fragomen is the world's leading single-focus provider of immigration services and support, comprised of law firms and immigration consultancies in 20 countries across all regions globally.

Fragomen makes managing today's globally mobile workforce less stressful and more cost effective for employers. We bring you the knowledge, leadership and dedication to meet your immigration needs. From our offices around the globe, we help businesses and individuals with the full range of immigration matters, and develop immigration strategies that achieve their goals.

Our comprehensive services cover every element of corporate migration, from global and local immigration program development and management, to arranging work visas, permanent residence or citizenship applications.

In the People's Republic of China, Fragomen has offices in Beijing, Guangzhou and Shanghai with approximately 68 immigration professionals and staff. Established in 2006, our China practice has grown to become the largest national immigration business in China.

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