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# 中华人民共和国护照法

# Passport Law of the People’s Republic of China

中华人民共和国主席令第五十号

Order of the President of the People's Republic of China No.50

《中华人民共和国护照法》已由中华人民共和国第十届全国人民代表大会常务委员会第二十一次会议于2006年4月29日通过，现予公布，自2007年1月1日起施行。

The Passport Law of the People's Republic of China, adopted at the 21st Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on April 29, 2006, is hereby promulgated and shall go into effect as of January 1, 2007.

中华人民共和国主席 胡锦涛

President Hu Jintao

2006年4月29日

April 29, 2006

中华人民共和国护照法

Passport Law of the People’s Republic of China

（2006年4月29日第十届全国人民代表大会常务委员会第二十一次会议通过）

(Adopted at the 21st Meeting of the Standing Committee of the Tenth National People's Congress on April 29, 2006)

第一条   为了规范中华人民共和国护照的申请、签发和管理，保障中华人民共和国公民出入中华人民共和国国境的权益，促进对外交往，制定本法。

Article 1 The present law is formulated in order to regulate the application, issuance and management of passports of the People's Republic of China, guarantee the rights and interests of the citizens of the People's Republic of China exiting and entering the People's Republic of China and promote the intercourse with foreign countries.

第二条   中华人民共和国护照是中华人民共和国公民出入国境和在国外证明国籍和身份的证件。

Article 2 Passports of the People's Republic of China are the certificates, upon which the citizens of the People's Republic of China exit and enter China and prove their nationalities and identities when they are staying abroad.

任何组织或者个人不得伪造、变造、转让、故意损毁或者非法扣押护照。

No organization or individual may forge, alter, transfer, deliberately damage or destroy, or illegally detain any passport.

第三条   护照分为普通护照、外交护照和公务护照。

Article 3 Passports are classified into ordinary passports, diplomatic passports and service passports.

护照由外交部通过外交途径向外国政府推介。

Passports are recommended by the Ministry of Foreign Affairs to foreign governments through diplomatic channels.

第四条   普通护照由公安部出入境管理机构或者公安部委托的县级以上地方人民政府公安机关出入境管理机构以及中华人民共和国驻外使馆、领馆和外交部委托的其他驻外机构签发。

Article 4 Ordinary passports shall be issued by the exit/entry administrative departments of the Ministry of Public Security or the exit/entry administrative departments of the public security organs of the local people's governments at or above the county level as authorized by the Ministry of Public Security, and the embassies or consulates stationed abroad of the People's Republic of China or other institutions stationed abroad upon the authorization of the Ministry of Foreign Affairs.

外交护照由外交部签发。

Diplomatic passports are issued by the Ministry of Foreign Affairs.

公务护照由外交部、中华人民共和国驻外使馆、领馆或者外交部委托的其他驻外机构以及外交部委托的省、自治区、直辖市和设区的市人民政府外事部门签发。

Service passports shall be issued by the Ministry of Foreign Affairs, PRC embassies and consulates stationed abroad, other institutions stationed abroad upon the authorization of the Ministry of Foreign Affairs, and the foreign affairs departments of the people's governments of the provinces, autonomous regions, municipalities directly under the Central Government and cities divided into districts upon the authorization of the Ministry of Foreign Affairs.

第五条   公民因前往外国定居、探亲、学习、就业、旅行、从事商务活动等非公务原因出国的，由本人向户籍所在地的县级以上地方人民政府公安机关出入境管理机构申请普通护照。

Article 5 Where a citizen goes abroad for residence, visiting relatives, study, employment, travel, business activities or other non-official service reasons, he shall file an application with the exit/entry administrative department of the public security organ of the local people's government at the county level or above where his own permanent residence is located.

第六条   公民申请普通护照，应当提交本人的居民身份证、户口簿、近期免冠照片以及申请事由的相关材料。国家工作人员因本法第五条规定的原因出境申请普通护照的，还应当按照国家有关规定提交相关证明文件。

Article 6 When applying for an ordinary passport, a citizen shall submit his own resident identity card, residence register, recent full-face photos without hat and materials related to the reasons for the application. Where a state functionary applies for an ordinary passport for any reason as prescribed in Article 5 of the present Law, he shall additionally submit the relevant certification documents according to the relevant provisions of the state.

公安机关出入境管理机构应当自收到申请材料之日起十五日内签发普通护照；对不符合规定不予签发的，应当书面说明理由，并告知申请人享有依法申请行政复议或者提起行政诉讼的权利。

The exit/entry administrative department of the public security organ shall issue an ordinary passport within 15 days after receiving the application materials. If it disapproves the issuance of a passport because the application materials do not meet the relevant provisions, it shall give an explanation and shall inform the applicant of the right to apply for administrative reconsideration or to file an administrative lawsuit.

在偏远地区或者交通不便的地区或者因特殊情况，不能按期签发护照的，经护照签发机关负责人批准，签发时间可以延长至三十日。

If the passport cannot be issued within the time limit because of the remoteness of the area, inconvenient transport or for special reasons, the period may be extended to 30 days with the approval of the responsible person of the passport issuing authority.

公民因合理紧急事由请求加急办理的，公安机关出入境管理机构应当及时办理。

If a citizen requests for an urgent handling of his application for reasonable emergency reasons, the exit/entry administrative department of the public security organ shall handle the application in a timely manner.

第七条   普通护照的登记项目包括：护照持有人的姓名、性别、出生日期、出生地，护照的签发日期、有效期、签发地点和签发机关。

Article 7 The items registered on an ordinary passport shall include the name, gender, birth date and birth place of the passport holder, as well as the issuance date, valid period, issuance place and issuance organ of the passport.

普通护照的有效期为：护照持有人未满十六周岁的五年，十六周岁以上的十年。

Ordinary passports shall be valid for five years if the holder is under 16 years of age and for 10 years if the holder is above 16 years of age.

普通护照的具体签发办法，由公安部规定。

The specific measures for the issuance of ordinary passports shall be formulated by the Ministry of Public Security.

第八条   外交官员、领事官员及其随行配偶、未成年子女和外交信使持用外交护照。

Article 8 Diplomatic officials, consular officials and their accompanying spouses and minor children, and diplomatic messengers shall hold and use diplomatic passports.

在中华人民共和国驻外使馆、领馆或者联合国、联合国专门机构以及其他政府间国际组织中工作的中国政府派出的职员及其随行配偶、未成年子女持用公务护照。

The staff assigned by the Chinese Government to work in foreign embassies, consulates or the United Nations, the special agencies of the United Nations and other international inter-governmental organizations and their accompanying spouses and minor children shall hold and use service passports.

前两款规定之外的公民出国执行公务的，由其工作单位依照本法第四条第二款、第三款的规定向外交部门提出申请，由外交部门根据需要签发外交护照或者公务护照。

Where any citizen other than those as prescribed in the preceding two paragraphs goes abroad to execute any official business, his working entity shall file an application with the department of foreign affairs according to the provisions of paragraphs 2 and 3 of Article 4 of the present Law. And the department of foreign affairs shall, in light of actual needs, issue a diplomatic passport or service passport.

第九条   外交护照、公务护照的登记项目包括：护照持有人的姓名、性别、出生日期、出生地，护照的签发日期、有效期和签发机关。

Article 9 The items registered on a diplomatic passport or service passport shall include the name, gender, birth date and birth place of the passport holder, as well as the issuance date, valid period and issuance organ of the passport.

外交护照、公务护照的签发范围、签发办法、有效期以及公务护照的具体类别，由外交部规定。

The issuance scope, issuance measures and valid period of diplomatic and service passports, and the specific category of service passports shall be prescribed by the Ministry of Foreign Affairs.

第十条   护照持有人所持护照的登记事项发生变更时，应当持相关证明材料，向护照签发机关申请护照变更加注。

Article 10 Where any passport holder modifies any of the items registered on the passport, he shall, upon the strength of relevant certification materials, file an application with the issuance organ for modifying the passport or adding a note to the passport.

第十一条   有下列情形之一的，护照持有人可以按照规定申请换发或者补发护照：

Article 11 Under any of the following circumstances, the passport holder may apply for changing the passport for a new one or reissuing a passport according to relevant provisions:

（一）护照有效期即将届满的；

1. The valid period of the passport will expire soon;

（二）护照签证页即将使用完毕的；

2. The visa pages of the passport will be used up;

（三）护照损毁不能使用的；

(III) The passport is damaged or destroyed and it cannot be used any more;

（四）护照遗失或者被盗的；

(IV) The passport is lost or stolen;

（五）有正当理由需要换发或者补发护照的其他情形。

(V) Other circumstances under which it is justifiable to change or reissue a passport.

护照持有人申请换发或者补发普通护照，在国内，由本人向户籍所在地的县级以上地方人民政府公安机关出入境管理机构提出；在国外，由本人向中华人民共和国驻外使馆、领馆或者外交部委托的其他驻外机构提出。定居国外的中国公民回国后申请换发或者补发普通护照的，由本人向暂住地的县级以上地方人民政府公安机关出入境管理机构提出。

When applying for changing an ordinary passport for a new one or reissuing a ordinary passport, the passport holder, if within China, shall file an application with the exit/entry administrative department of the public security organ of the local people's government at the county level or above where his permanent residence is located; if outside China, he himself shall file an application with the embassy or consulate stationed abroad of the People's Republic of China, or with any other institution stationed abroad upon the authorization of the Ministry of Foreign Affairs. Where a Chinese citizen, who resides abroad, after returning to China, applies for changing an ordinary passport for a new one or reissuing a new one, he himself shall file an application with the exit/entry administrative department of the public security organ of the local people's government at the county level or above where his temporary residence is located.

外交护照、公务护照的换发或者补发，按照外交部的有关规定办理。

The change or replacement of diplomatic and service passports shall be handled in accordance with the relevant provisions of the Ministry of Foreign Affairs.

第十二条   护照具备视读与机读两种功能。

Article 12 Passports can be read by sight or by machine.

护照的防伪性能参照国际技术标准制定。

The anti-counterfeiting performance of a passport shall be made by referring to the international technical standards.

护照签发机关及其工作人员对因制作、签发护照而知悉的公民个人信息，应当予以保密。

The passport issuance departments and their functionaries shall keep confidential the personal information of the citizens that they have accessed to when making or issuing passports.

第十三条   申请人有下列情形之一的，护照签发机关不予签发护照：

Article 13 Under any of the following circumstances, the passport issuance departments shall not issue any passport to the applicant:

（一）不具有中华人民共和国国籍的；

1. He does not have the nationality of the People's Republic of China;

（二）无法证明身份的；

2. being unable to prove his identity;

（三）在申请过程中弄虚作假的；

(III) He cheats during the process of application;

（四）被判处刑罚正在服刑的；

(IV) He has been sentenced to any criminal punishment and is serving the sentence at present;

（五）人民法院通知有未了结的民事案件不能出境的；

(V) He is not permitted to leave the country because the people's court has notified him of any pending civil case;

（六）属于刑事案件被告人或者犯罪嫌疑人的；

(VI) He is a defendant or criminal suspect of a criminal case; or

（七）国务院有关主管部门认为出境后将对国家安全造成危害或者对国家利益造成重大损失的。

(VII) being a person whose exit will, in the opinion of the competent department of the State Council, be harmful to State security or cause a major loss to the interests of the State.

第十四条   申请人有下列情形之一的，护照签发机关自其刑罚执行完毕或者被遣返回国之日起六个月至三年以内不予签发护照：

Article 14 In case an applicant is under any of the following circumstances, the passport issuance departments shall not issue to him any passport within 6 months to 3 years as of the day when he completes the criminal punishment or he is repatriated:

（一）因妨害国（边）境管理受到刑事处罚的；

1. he/she is subject to criminal punishment for hindering territory (border) administration;

（二）因非法出境、非法居留、非法就业被遣返回国的。

(II) Being repatriated for illegal leaving the country, residing or working abroad illegally.

第十五条   人民法院、人民检察院、公安机关、国家安全机关、行政监察机关因办理案件需要，可以依法扣押案件当事人的护照。

Article 15 The people's courts, people's procuratorate, organs of public security, organs of state security, organs of administrative supervision may, in light of the needs for handling cases, detain the passports of the parties concerned in the cases.

案件当事人拒不交出护照的，前款规定的国家机关可以提请护照签发机关宣布案件当事人的护照作废。

Where a party concerned in a case refuses to hand over his passport, the state organs as mentioned in the preceding paragraph may request the passport issuance department to announce the invalidation of the passport of the party concerned.

第十六条   护照持有人丧失中华人民共和国国籍，或者护照遗失、被盗等情形，由护照签发机关宣布该护照作废。

Article 16 Where a passport holder loses his nationality of the People's Republic of China, or the passport of the holder is lost or stolen, the passport shall be announced to be invalidated by the passport issuance department.

伪造、变造、骗取或者被签发机关宣布作废的护照无效。

Passports that are forged, altered and fraudulently obtained, and passports declared invalid by the passport issuing authorities shall be invalid.

第十七条   弄虚作假骗取护照的，由护照签发机关收缴护照或者宣布护照作废；由公安机关处二千元以上五千元以下罚款；构成犯罪的，依法追究刑事责任。

Article 17 Where any person obtains a passport by cheating, the passport shall be taken over by the passport issuance department or be announced invalid. The organ of public security shall give him a fine not less than 2, 000 Yuan but not more than 5, 000 Yuan. If any crime is constituted, he shall be subject to criminal liabilities.

第十八条   为他人提供伪造、变造的护照，或者出售护照的，依法追究刑事责任；尚不够刑事处罚的，由公安机关没收违法所得，处十日以上十五日以下拘留，并处二千元以上五千元以下罚款；非法护照及其印制设备由公安机关收缴。

Article 18 Where any person offers to others any fabricated or altered passport, or sells any passport, he shall be subject to criminal liabilities. If the circumstance is not serious enough to make him subject to criminal liabilities, the public security organs shall confiscate his illegal gains, detain him for not less than 10 days but not more than 15 days, and impose a fine upon him not less than 2, 000 Yuan but not more than 5, 000 Yuan. The illegal passports as well as the printing and production equipments shall also be taken over by the public security organs.

第十九条   持用伪造或者变造的护照或者冒用他人护照出入国（边）境的，由公安机关依照出境入境管理的法律规定予以处罚；非法护照由公安机关收缴。

Article 19 Where a person exits/enters the national border (frontier) by holding a fabricated or altered passport or by holding the passport of another person, he shall be punished by the public security organs according to the laws and provisions on exit/entry administration, and the illegal passport shall be taken over by the public security organs.

第二十条   护照签发机关工作人员在办理护照过程中有下列行为之一的，依法给予行政处分；构成犯罪的，依法追究刑事责任：

Article 20 Where any functionary of a passport issuance department commits any of the following acts during the process of handling a passport, he shall be given an administrative sanction. If any crime is constituted, he shall be subject to criminal liabilities:

（一）应当受理而不予受理的；

1. Failing to accept an application that he should have accepted;

（二）无正当理由不在法定期限内签发的；

2. Without any justifiable reason, not issuing a passport within the statutory time limit;

（三）超出国家规定标准收取费用的；

(III) Charging any fee beyond the criterions as prescribed by the state;

（四）向申请人索取或者收受贿赂的；

4. Extorting or accepting bribes from any applicant;

（五）泄露因制作、签发护照而知悉的公民个人信息，侵害公民合法权益的；

(V) Divulging any citizen's personal information gained through making or issuing a passport, thus infringing the citizen's lawful rights and interests; or

（六）滥用职权、玩忽职守、徇私舞弊的其他行为。

(VI) Other acts of abusing powers, neglecting duties or practicing favoritism for himself or his relative.

第二十一条   普通护照由公安部规定式样并监制；外交护照、公务护照由外交部规定式样并监制。

Article 21. The Ministry of Public Security shall stipulate the format of and oversee the production of ordinary passports. The Ministry of Foreign Affairs shall stipulate the format of and oversee the production of diplomatic and service passports.

第二十二条   护照签发机关可以收取护照的工本费、加注费。收取的工本费和加注费上缴国库。

Article 22 The passport issuance departments may collect the costs of passports and the note fees for passports. The cost of production and the note fee shall be turned over to the state treasury.

护照工本费和加注费的标准由国务院价格行政部门会同国务院财政部门规定、公布。

The standards of such fees shall be set and announced by the State Council administrative department in charge of pricing in conjunction with the State Council department of finance.

第二十三条   短期出国的公民在国外发生护照遗失、被盗或者损毁不能使用等情形，应当向中华人民共和国驻外使馆、领馆或者外交部委托的其他驻外机构申请中华人民共和国旅行证。

Article 23 As for a citizen whose passport is lost, stolen, destroyed or damaged while he stays abroad for a short period, he shall file an application for a travel certificate with the embassy or consulate stationed abroad by of the People's Republic of China or with any other institution stationed abroad upon the authorization of the Ministry of Foreign Affairs.

第二十四条   公民从事边境贸易、边境旅游服务或者参加边境旅游等情形，可以向公安部委托的县级以上地方人民政府公安机关出入境管理机构申请中华人民共和国出入境通行证。

Article 24 A citizen, who engages in border trade, border travel service or participates in border travel, may file an application for a exit/entry pass with the exit/entry administrative department of the public security organ of the local people's government at or above the county level upon the authorization of the Ministry of Public Security.

第二十五条   公民以海员身份出入国境和在国外船舶上从事工作的，应当向交通部委托的海事管理机构申请中华人民共和国海员证。

Article 25 A citizen, who exits and enters the national border and works in a foreign ship as a seaman, shall file an application for a seaman certificate of the People's Republic of China with the maritime administrative department upon the authorization of the Ministry of Communications.

第二十六条   本法自2007年1月1日起施行。本法施行前签发的护照在有效期内继续有效。（完）

Article 26 This Law shall go into effect as of January 1, 2007. Passports issued before the implementation of this law shall continue to be valid during their period of validity. (End)