

附件

Appendix

须知！在华外国人疫情期间要遵守这些法律

IMPORTANT! Foreigners in China during the epidemic must abide by the following

病毒不分国别，抗疫人人有责。疫情发生以来，中国政府始终高度重视中国境内包括外籍人士在内所有人员的生命安全和身体健康，依法保障外籍人士的合法权益。当前，我国疫情防控阶段性成效进一步巩固，国家移民管理局汇集了涉外人士疫情防控权利义务的相关法律规定，希望所有在中国境内的外籍人士严格遵守，积极配合防疫措施，共同防范疫情风险，维护好自己及他人的健康安全。

Virus knows no national borders. Everyone worldwide must take responsibility in fighting the epidemic. Since the outbreak of COVID-19, the Chinese government has attached great importance to the safety and health of all people in China, including foreigners, and has protected their legitimate rights and interests according to the law. Presently, as the positive trend in preventing and controlling the epidemic in China has been constantly consolidated and expanded, the National Immigration Administration has been collecting relevant legal provisions relating to the rights and obligations of foreigners in China in epidemic prevention and control. All foreigners in China shall strictly abide by the laws and regulations and actively cooperate when measures are taken to prevent the risks caused by the epidemic, for the good

of your own health and safety, as well as that of others.

一、根据《中华人民共和国宪法》和《中华人民共和国出境入境管理法》，在中国境内的外国人的合法权益和利益受法律保护，在中国境内的外国人应当遵守中国法律，不得危害中国国家安全、损害社会公共利益、破坏社会公共秩序。

I. According to *Constitution of the People's Republic of China* and *Exit and Entry Administration Law of the People's Republic of China*, the legitimate rights and interests of foreigners in China shall be protected by laws. Foreigners in China shall abide by the Chinese laws, and shall not endanger China's national security, harm public interests and disrupt social and public order.

中华人民共和国宪法

Constitution of the People's Republic of China

第三十二条 中华人民共和国保护在中国境内的外国人的合法权利和利益，在中国境内的外国人必须遵守中华人民共和国的法律。……

Article 32 The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China. ...

中华人民共和国出境入境管理法

Exit and Entry Administration Law of the People's Republic of China

第三条 ……在中国境内的外国人的合法权益受法律保护。在中国境内的外国人应当遵守中国法律，不得危害中国国家安全、损害社会公共利益、破坏社会公共秩序。

Article 3 ...The legitimate rights and interests of foreigners in China shall be protected by law. Foreigners in China shall abide by the Chinese law, and shall not endanger China's national security, harm public interests and disrupt social and public order.

二、根据《中华人民共和国出境入境管理法》，外国人在中国境内期间应及时办理住宿登记，并自觉接受公安机关证件查验。同时，根据《中华人民共和国传染病防治法》《中华人民共和国国境卫生检疫法》《突发公共卫生事件应急条例》等法律法规规定，为有效防控传染病传播，切实保障公众生命安全和身体健康，中国各级人民政府和相关部门依法组织实施监测、隔离等有关防疫抗疫措施，在中国境内外国人应予以配合。

II. According to *Exit and Entry Administration Law of the People's Republic of China*, foreigners in China shall register their accommodation on time and comply with the identification inspection of public security organs. In addition, according to *Law of the People's Republic of China on the Prevention and Treatment of Infectious Diseases*, *Frontier Health and Quarantine Law of the People's Republic of China*, and *Regulations on Preparedness for and Response to Emergent Public Health Hazards*, foreigners in China shall cooperate with the People's governments at all levels and relevant departments in China when they take monitoring, isolation as well as other measures for effective prevention and control of the spread of infectious diseases and protection of public safety and health.

中华人民共和国出境入境管理法

Exit and Entry Administration Law of the People's Republic of China

第三十八条 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。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。

Article 38 Foreigners having reached 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, and accept the inspection of public security organs.

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.

第三十九条 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。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。

Article 39 Where 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. 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.

中华人民共和国传染病防治法

Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases

第三十九条 ……对医疗机构内的病人、病原携带者、疑似病人的密切接触者，在指定场所进行医学观察和采取其他必要的预防措施。拒绝隔离治疗或者隔离期未满擅自脱离隔离治疗的，可以由公安机关协助医疗机构采取强制隔离治疗措施。……

Article 39 ...to keep the persons in close contact with the patients, pathogen carriers or suspected patients in medical agencies under medical observation at designated places and to take other necessary preventive measures. With regard to the persons who refuse treatment in isolation or, before the expiration of the period of isolation, break away from treatment in isolation without approval, the public security organs may assist the medical agencies by taking compulsory measures for treatment in isolation...

第四十一条 对已经发生甲类传染病病例的场所或者该场所内的特定区域的人员，所在地的县级以上地方人民政府可以实施隔离措施，……。

Article 41 With respect to the places where there are cases of infectious diseases under Class A or to the persons in the special areas within such places, the local people's governments at or above the county level where the above places are located may carry out isolation measures...

中华人民共和国国境卫生检疫法

Frontier Health and Quarantine Law of the People's Republic of China

第十二条 国境卫生检疫机关对检疫传染病染疫人必须立即将其隔离，隔离期限根据医学检查结果确定；对检疫传染病染疫嫌疑人应当将其留验，留验期限根据该传染病的潜伏期确定。……

Article 12 A person having a quarantinable infectious disease shall be placed in isolation by the frontier health and quarantine office for a period determined by the results of the medical examination, while a person suspected of having a quarantinable infectious disease shall be kept for inspection for a period determined by the incubation period of such disease. ……

突发公共卫生事件应急条例

Regulations on Preparedness for and Response to Emergent Public Health Hazards

第四十四条 在突发事件中需要接受隔离治疗、医学观察措施的病人、疑似病人和传染病病人密切接触者在卫生行政主管部门或者有关机构采取医学措施时应当予以配合；拒绝配合的，由公安机关依法协助强制执行。

Article 44 In the emergent hazard, patients, suspected patients or persons in close contact with patients of infectious diseases, who are required to be isolated for medical treatment, or be subject to medical observation, shall offer cooperation when the competent health administrative departments or relevant institutions take sanitary measures. If they refuse to do so, the public security organs shall assist to enforce these measures according to law.

三、根据《中华人民共和国治安管理处罚法》《中华人民共和国刑法》等，当事人如拒绝执行健康申报、体温检测、流行病学调查采样等卫生检疫措施，或拒绝执行隔离、留验、就地诊验、转诊等卫生处理措施，将承担相应的法律责任，受到警告、罚款、拘留等处罚，构成犯罪的，依法追究刑事责任。

III. According to *Law of the People's Republic of China on Penalties for Administration of Public Security* and *Criminal Law of the People's Republic of China*, whoever refuses health quarantine measures such as health declaration, temperature check, epidemiological investigation and collection of samples, or refuses health treatment measures such as isolation, inspection,

local treatment and transfer to other hospitals for treatment shall be held accountable in accordance with law and penalized with a warning, a fine or detention. Wherever a crime is constituted, criminal liabilities shall be investigated in accordance with law.

中华人民共和国治安管理处罚法

Law of the People's Republic of China on Penalties for Administration of Public Security

第二十五条 有下列行为之一的，处五日以上十日以下拘留，可以并处五百元以下罚款；情节较轻的，处五日以下拘留或者五百元以下罚款：（一）散布谣言，谎报险情、疫情、警情或者以其他方法故意扰乱公共秩序的；……

Article 25 A person who commits one of the following acts shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than 5 days or be fined not more than 500 yuan:

(1) intentionally disturbing public order by spreading rumors, making false reports of dangerous situations and epidemic situations or raising false alarms or by other means; ……

第五十条 有下列行为之一的，处警告或者二百元以下罚款；情节严重的，处五日以上十日以下拘留，可以并处五百元以下罚款：（一）拒不执行人民政府在紧急状态情况下依法发布的决定、命令的；（二）阻碍国家机关工作人员依法执行职务的；……

Article 50 A person who commits one of the following acts shall be given a warning or be fined not more than 200 yuan; and if the circumstances are serious, he shall be detained for not less than 5 days but not more than 10 days, and may, in addition, be fined not more than 500 yuan:

(1) refusing to carry out the decision or order issued according to law by the people's government in a state of emergency;

(2) obstructing the staff member of a government department from performing his duties according to law……

中华人民共和国刑法
Criminal Law of the People's Republic of China

第一百一十四条 【放火罪、决水罪、爆炸罪、投放危险物质罪、以危险方法危害公共安全罪之一】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

Article 114 【arson, crime of breaching a dike, crime of causing explosion, crime of spreading poison and crimes against public security by other dangerous means】Whoever commits arson, breaches dikes, causes explosions, spreads pathogen of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to endanger public security, but causes no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

第一百一十五条 【放火罪、决水罪、爆炸罪、投放危险物质罪、以危险方法危害公共安全罪之二】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法致人重伤、死亡或者使公私财产遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

Article 115 【arson, crime of breaching a dike, crime of causing explosion, crime of spreading poison and crimes against public security by other dangerous means】Whoever commits arson, breaches dikes, causes explosions, spreads pathogens of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to have inflicted any serious injury or death on people or caused heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death. Whoever commits the crimes in the preceding paragraph negligently is to be sentenced to not less than three years to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or criminal detention, when circumstances are relatively minor.

第二百七十七条 【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。……在自然灾害和突发事件中，以暴力、威胁方法阻碍红十字会工作人员依法履行职责的，依照第一款的规定处罚。

Article 277 【crime of disrupting public service】Whoever by means of violence or threat, obstructs a functionary of a State organ from carrying out his functions according to law shall be sentenced to fixed-term imprisonment of not more than 3 years, criminal detention, or public surveillance or be fined. ……Whoever during natural calamities or emergencies obstructs, by means of violence or threat, the workers of the Red Cross Society from performing their functions and duties according to law shall be punished in accordance with the provisions of the first paragraph.

第三百三十条 【妨害传染病防治罪】违反传染病防治法的规定，有下列情形之一，引起甲类传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑……(四)拒绝执行卫生防疫机构依照传染病防治法提出的预防、控制措施的。

Article 330 【crime of impairing infectious disease prevention】 Whoever, in violation of the provisions of the Law on Prevention and Treatment of Infectious Diseases, commits any of the following acts and thus causes the spread or a grave danger of the spread of an A Class infectious disease shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 7 years……(4) refusal to execute the preventive and control measures proposed by the health and anti-epidemic agencies according to the Law on Prevention and Treatment of Infectious Diseases.

第三百三十二条 【妨害国境卫生检疫罪】违反国境卫生检疫规定，引起检疫传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 332 【crime of obstructing frontier health and quarantine】 Whoever, in violation of the provisions on frontier health and quarantine, causes the spread or a grave danger of the spread of a quarantinable infectious disease shall be sentenced to fixed-term imprisonment of not more than 3 years or criminal detention and shall also, or shall only, be fined.

四、根据《中华人民共和国出境入境管理法》，对违反中国法律法规的外国人，公安机关将视其违法情形依法作出宣布证件作废、注销或收缴证件、限期出境、遣送出境、驱逐出境等决定。其中，被遣送出境的外国人，自被遣送出境之日起一至五年内不准入境；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。

IV. According to *Exit and Entry Administration Law of the People's Republic of China*, where foreigners violate the laws or regulations of China, the public security organ shall make decisions including invalidating, canceling or confiscating their visa or other documents, ordering them to exit China within a time limit, repatriating or deporting them according to their

violation circumstances. Repatriated foreigners shall not be allowed to enter China for one to five years, calculating from the date of repatriation. Deported foreigners shall not be allowed to enter China within 10 years calculating from the date of deportation.

中华人民共和国出境入境管理法

Exit and Entry Administration Law of the People's Republic of China

第六十二条 外国人有下列情形之一的，可以遣送出境：（一）被处限期出境，未在规定期限内离境的；（二）有不准入境情形的；（三）非法居留、非法就业的；（四）违反本法或者其他法律、行政法规需要遣送出境的……被遣送出境的人员，自被遣送出境之日起一至五年内不准入境。

Article 62 Under any of the following circumstances, foreigners may be repatriated:

(1) Are ordered to exit China within a prescribed time limit but fail to do so; (2) Are involved in circumstances in which they are not allowed to enter China; (3) Illegally reside or work in China; or (4) Need to be repatriated for violation of this Law or other laws or administrative regulations……Repatriated persons shall not be allowed to enter China for 1 to 5 years, calculating from the date of repatriation.

第六十七条 签证、外国人停留居留证件等出境入境证件发生损毁、遗失、被盗抢或者签发后发现持证人不符合签发条件等情形的，由签发机关宣布该出境入境证件作废。伪造、变造、骗取或者被证件签发机关宣布作废的出境入境证件无效。公安机关可以对前款规定的或被他人冒用的出境入境证件予以注销或者收缴。

Article 67 In such cases that the exit/entry documents such as visas or foreigners' stay or residence permits are damaged, lost or stolen, or that after the issuance of such documents, the holders are found not eligible for being issued such documents, the issuing authorities shall declare the aforesaid documents void. Exit/entry documents which are forged, altered, obtained by fraudulent means or are declared void by issuing authorities shall be invalid. Public security organs may cancel or confiscate the exit/entry documents prescribed in the preceding paragraph or used fraudulently by persons other than the specified holders.

第八十一条 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。

Article 81 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.

国家移民管理局

2020年4月10日

National Immigration Administration of the PRC

April 10th, 2020

Note: The English version of the above legal provisions is from the official websites of the Supreme People's Court of PRC, the Ministry of Foreign Affairs of PRC, the National Health Commission of the PRC and other government departments. Parts of the quote are from the www.pkulaw.cn.