

Immigration Newsletter

September 2009

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In our third newsletter of 2009: China introduces measures to attract regional headquarters to Beijing and draw longer-term foreign talent to Shanghai; Japan announces significant revisions to its immigration laws with measures to retain foreign workers whilst introducing stricter penalties for non-compliance; Taiwan eases the authentication requirements for documentation to support certain work permit applications; and Thailand issues revised immigration regulations to clarify certain existing immigration provisions.

CHINA

Beijing

In a move specifically designed to attract multinational companies to set up their regional headquarters in Beijing, the local municipal authority has recently introduced the following immigration initiatives:

Extension of Residence Permits

Senior management executives working at regional headquarters are eligible to apply for a Residence Permit of up to five years, marking a significant increase from the previous one year duration. The precise validity period granted would vary according to assessment of personal criteria; mid-management and technical staff are anticipated to be granted four years and other expatriate employees, a three year duration.

Business Visa

Senior management executives in regional headquarters may also apply for a multiple entry business visa valid for up to five years; mid-level management up to three years and other levels of employees for up to one year. Family members are also eligible for the same entitlement. This measure is intended to substantially reduce the overall administration and time spent in the preparation of business visa applications.

For urgent short business visits, if an employee who works for a regional headquarters is unable to apply for a visa from the local Chinese embassy or consulate, they may be eligible to apply for a visa-on-arrival at the Beijing International Airport, subject to provision of a supporting letter of invitation or sponsorship by the relevant Beijing entity.

In addition to the extensions for Residence Permit and Business Visa, it is also anticipated that the related processing time for the applications may be reduced, although a specific timeframe has yet to be confirmed.

Shanghai

Pilot programme designed to attract international talent through longer-term residency

The following categories of foreign nationals, who are employed by companies registered in the Pudong District of Shanghai, are also now eligible to apply for residence permits valid for up to five years, along with their spouses and children under the age of 18:

1. Individuals who have been conferred honorary citizenship by the Shanghai government;
2. Foreigners who possess a high level of skills and talent as determined by the Shanghai government;
3. Experts in science and technology employed by national technology and research institutes, universities, and other institutions of higher learning;
4. Legal representatives, executives and senior management employees of companies registered as regional headquarters;
5. Legal representatives, executives and senior management employees of companies which specialise in technology or investment;

6. Legal representatives, executives and senior management employees of companies that have a capital investment of more than US\$3 million.

Applicants who do not belong to the above categories would typically continue to be granted a residence permit limited to one year's validity.

Stricter review of visa applications by ethnic Chinese holding Foreign Passports

The visa application criterion for ethnic Chinese holding foreign passports has recently been tightened. The immigration bureau in Shanghai will review the domicile status and, in circumstances where an applicant's Chinese domicile ("Hukou") is found not to have been cancelled, the visa application may be rejected. This is due to the requirement by China immigration regulations for an individual to de-register their "Hukou" upon obtaining a foreign passport.

JAPAN

In July 2009, the Japanese government announced extensive revisions to its immigration laws. Full details relating to the timing of implementation are yet to be confirmed however these are anticipated to take effect over the next three years. A number of measures are designed to encourage foreigners to live and work in Japan for longer periods. However these new measures are coupled with stricter penalties for non-compliance, sending a clear message to employers and foreigners that the government intends to tighten enforcement of the immigration requirements:

Introduction of a new Residence Card

The existing Alien Registration Card will be replaced by a new Residence Card ("zairyu card"), which displays similar personal details, but will incorporate increased biometric security measures, including an IC chip as an anti-forgery measure.

Duration of Stay and Re-Entry Permit

One of the measures designed to incentivise foreigners to stay in Japan includes the proposed extension to the maximum period of stay from three to five years. Accordingly, the maximum validity period for a Re-Entry Permit will also be extended to five years. In addition, a Re-Entry Permit will now only be required if the foreign resident leaves Japan for a period exceeding one year.

The above measures will be applicable to foreign residents with an immigration status that allows them to remain in Japan for more than three months.

Enforcement of Penalties

The authorities have emphasised that under the revised provisions, further penalties will be introduced and strictly enforced within the following broad categories:

1. **Revocation of Status of Residence:** For example, where this has been obtained through a false or fraudulent application, or where a new home address has not been reported within the stipulated 90 days.
2. **Deportation:** In circumstances including where an individual is found to be in possession of a forged Residence Card or to have abetted illegal employment.
3. **Imprisonment or Fines:** Failure to report information as required by law and/or false reporting may result in imprisonment for up to one year or a fine up to JPY200,000. Where an individual or organisation is considered to have encouraged illegal employment, they may be liable to imprisonment for up to three years or a fine up to JPY3,000,000.

Further information relating to the announced revisions to immigration laws in Japan can be found in our August 2009 PwC Japan International Assignment Services Alert.

TAIWAN

The Council of Labor Affairs in Taiwan has announced the relaxation of documentary requirements relating to work permit applications for intercompany transferees of multinational corporations from certain countries.

With effect from 5 August 2009, the authentication of foreign-issued work experience certificates will no longer be required in applications by intercompany transferees being seconded to perform services at the Taiwan branch or subsidiary company of a multinational corporation. Previously, all relevant foreign-issued supporting documents submitted with a work permit application were required to be authenticated by the Taiwan embassy or consulate of the respective foreign country.

The above provision will apply to the following countries: Afghanistan, Algeria, Bangladesh, Bhutan, Cambodia, Cuba, Indonesia, Iran, Iraq, Laos, Malaysia, Myanmar, Nepal, Nigeria, Pakistan, Philippines, Somalia, Sri Lanka, Syria, Thailand, and Vietnam.

THAILAND

New Work Permit Regulations

On 13 August 2009, the Department of Employment published updated regulations governing the issue of work permits, which will become effective on 14 September 2009. The regulations are intended to provide clarification on the interpretation of the criteria and number of work permits that may be approved for each type of business, which was not expressly stated in the current regulations published in 2004.

Immigration Authorities Relocation

The Immigration Bureau will move from central Bangkok to a suburb near Nonthaburi Province, where many other government authorities are located, by the end of October 2009. This relocation will not affect the services they provide.

The One-Stop Service Centre will be closed from 26 December 2009 to 4 January 2010 and be moved to Chamchuri Square near the Silom district of Bangkok. During that period, the Centre will not provide any services.

How PwC's Global Visa Services can help you

The Global Visa Services (GVS) team of PwC's International Assignment Services is a dedicated team specialising in the provision of immigration advice and assistance with visa requirements and applications for employees. Our global network of immigration specialists based in over 95 countries globally forms one of the largest immigration service providers of its kind in the world.

Please visit our website at www.pwcias.com

This guide is intended as a brief overview only – please contact us for further information and advice.

James Clemence, Partner

+65 6236 3948

james.clemence@sg.pwc.com

Ruth Shaw, Manager

+65 6236 3867

ruth.r.shaw@sg.pwc.com

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