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## 2018 Shanghai Summer Program: Applying for Visa to P.R.C.

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To: Pratheepan Gulasekaram &lt;pgulasekaram@scu.edu&gt;, Carly Koebel &lt;ckoebel@scu.edu&gt;

Students in the 2018 Santa Clara Shanghai Summer Program:

**Please read these instructions carefully and thoroughly; also review my instructions on Visas in the Introductory Letter.**

I have just received your "Invitation Letters" from KoGuan Law School at Jiao Tong University, and will send those out to you individually under separate cover.

Here is what needs to happen on your end:

### **1) If you are traveling on a People's Republic of China passport,**

You obviously do not need a visa and this information likely does not apply to you. Please, however, check into whatever requirements you may need to fulfill for your travel there. In addition, if you are traveling under a Taiwan document, please procure whatever you need for travel from Taiwan to mainland, with the same caveat of not mentioning the internship in particular (see below), as it tends to complicate matters.

### **2) If you are traveling on a non-Chinese passport:**

**You should begin the getting your visa application ready.** Finals will be upon you soon, and it is nice to get your travel planning and visa issues resolved early. Also, if anything goes wrong on your initial application, we can try to work out the problems well in advance of mid-May.

First, read my instructions in the Introductory Letter.

Second, fill-out your visa application and gather relevant documents. This includes filling out the application (available online), gathering all other documents required by the application, including the invite letter, your flight details, and some passport style pictures (if you haven't already looked, the application requires that you attach passport size pictures - you can get these done at any number of places).

You will need to print the invite letter in color on nice (heavier, card-stock) paper when you receive it; from experience I can tell you that it makes a difference to consular officials. You will note that the "seal" in the signature is red; You will want that seal to appear as red when printed. The seal is what embassy officials look for on the invite letter.

In addition, flight itineraries are really helpful to attach as well. That helps establish (1) the timing of your stay; and (2) that you are definitely leaving China when your time is done.

Finally, I highly recommend - if you are in a location where a service operates - that you use a visa processing service run by third-party processors. You will pay a slightly higher fee, but the convenience and almost-guaranteed positive results, in my view, are well worth it. Again, see my Introductory Letter instructions for more information.

### **3) Type of visa.**

On the visa application, you will not be asked to indicate a specific visa designation, but you will be asked for the purpose of your visit. You can mark both the "tourism" box, as well as the "Short Term Study for Less than 180 days" box.

This will hopefully get you either an "X2" visa for short term cultural exchange/study, or an "L" visa for tourism:

<https://www.travelchinaguide.com/embassy/visa/student.htm>

<https://www.travelchinaguide.com/embassy/visa/tourist.htm>

[NOTE: there is also an X1 visa which is much more onerous to get, and requires additional forms indicating your enrollment in a Chinese school. You are NOT enrolled in a Chinese school and are not applying for that type of visa. You are enrolled in a U.S. Law School and traveling as part of a U.S. law school program. You are NOT earning a degree or

credits from a Chinese law school. At times we've had embassy officials reject applications because they thought students were trying to get an X1 visa, and did not have the additional documents for that. If this happens to you, try to explain that you only need an X2 or L visa, neither of which require the additional documentation required if one is actually enrolled at a school in China.]

There is a box later on in the application (item 3.7) that allows you to write down additional information for your visa. You can use that space to indicate the following:

*You are traveling with a U.S. law school on a U.S. law school program. As part of that program, you will be visiting with professors at KoGuan Law school to learn some basics about Chinese law. In addition, you are a tourist and hope to be able to experience Shanghai and learn about other places in China. You may also want to reiterate the dates on your flight plan here, reminding them of your arrival date and leaving date. Based on your understanding, you believe an X2 or L visa is appropriate.*

*[for those staying in mainland beyond the class portion: you should emphasize that you plan to travel and/or remain in china for a few weeks after your visit at KoGuan; do NOT (see below) indicate you are doing an internship].*

**EXTREMELY IMPORTANT FOR ALL VISA APPLICANTS: DO NOT MENTION THAT YOU ARE DOING AN "INTERNSHIP"**

To be clear, you are not doing anything illegal by engaging in an internship: you are not getting paid, it is not a job, and you are doing it as part of your study. However, in the past, explaining the nuances of internship-style programs has proven to complicate and undermine the visa application process for our students. Visa officers often misunderstand it as "employment" in China (or are suspicious that people are trying to game the immigration system and use the visa to work there). Therefore, it is best that you only discuss the classroom portion of the program and your desire to stay longer to continue your visit/travel to China, without mentioning the internship in particular.

**4) Length of Time/Entry:**

You should ask for a reasonable time period for your visa, that covers your stay in China plus some flexibility. In addition, you will likely need to indicate whether you desire single or multiple entries.

For those doing an internship in Shanghai or Beijing or elsewhere on the mainland, you will likely need a period that covers somewhere between 60-90 days. If you are plan on taking trips outside of the mainland during that time, you will need a multiple entry visa. If you are not planning on leaving mainland for the duration of the summer, then a single entry should suffice (although you could always ask for more and not use them).

Remember that any trips to Hong Kong or Taiwan (or anywhere else) constitute an exit, and therefore a return to the mainland would constitute another entry.

For those doing internships in Hong Kong or Taiwan (or any place outside of the mainland), you will only need a visa that covers the three weeks of class in Shanghai. Therefore, if you receive a 30 day visa, that should be sufficient.

Ultimately, the embassy official will determine how long you will get on your visa and the number of entries. The invite letter from Jiao Tong University will specify that you are in Shanghai from May 21-June 9th for the classroom portion of the program.

If you require staying in the mainland for longer than that period (e.g, you have an internship in Shanghai or Beijing), explain on your application that you are requesting a longer stay in China because after your time at KoGuan Law School, you plan to engage in tourism or language study.

Point them to your return flight itinerary, so that they see that you have already made your plans and that you are planning on leaving at a specified date.

If you do not receive sufficient time on your visa, we will have to fix the problem at a later time. It may require a short trip to Hong Kong or outside the mainland to reapply for another visa, or convincing authorities in Shanghai to extend. Hopefully this will not be an issue for any of us this year, and we will not have to deal with insufficient time on a visa.

**5) For those going to Hong Kong for your internship,**

You may get a request from your internship location to obtain a special visa for HK. Generally, people traveling on U.S., U.K., E.U., or Canadian passports do not need visas to enter HK. However, the rules may have changed this year and we may need to also procure a visa for you as well. That said, certain attorneys are more particular about using particular visas for people in their office, and may require you to get a specific visa. Others, as I mentioned, will have no problem with you entering as a tourist with no special process for obtaining the visa.

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Thank you,

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- <http://ssrn.com/author=563403>

co-author, *The New Immigration Federalism* (Cambridge Univ. Press 2015)

- <http://www.amazon.com/The-Immigration-Federalism-Pratheepan-Gulasekaram/dp/1107530865>