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China Links Export Controls to Exit Bans: What State Council Order No. 841 Means for Multinational Companies

On July 22, 2026, China's State Council issued a new immigration regulation – the Regulation on Exit and Entry Administration (State Council Order No. 841, the Regulation) – that should be on the radar of multinational companies operating in or within China, particularly those in technology-intensive industries. The Regulation took effect on Sept. 15, 2026.

While the Regulation primarily strengthens China's immigration framework, one provision stands out for its potential impact on cross-border business operations. The Regulation expressly identifies violations of China's export control or technology import and export administration rules as a potential ground for imposing exit bans on Chinese citizens, preventing them from leaving China, where the violation may endanger national, industrial, or technological security. This means that a Chinese employee, engineer, researcher, or executive could – in certain circumstances – be barred from departing China in connection with export control or technology transfer concerns, potentially without prior notice.

For multinational companies, the practical stakes are significant. Cross-border personnel mobility, joint research and development activities, technology collaboration agreements, and internal compliance programs may all be affected. The Regulation does not specify the duration of exit bans imposed on export control grounds, and no implementing rules or administrative guidance have been issued to date, leaving important questions about scope and application unanswered.

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This GT Alert provides an overview of the Regulation's key provisions and examines the specific intersection of China's export control regime and its immigration administration system. It then discusses practical implications for multinational companies, particularly those that regularly move personnel between China and overseas locations or engage in technology-related collaboration with Chinese partners.

Key Takeaways

- China has expressly linked certain export control and technology import and export violations to its exit ban authority, confirming that, in specified circumstances, violation of these rules may now have consequences for the mobility of Chinese personnel.
- Chinese employees or executives subject to an exit restriction may not receive advance notice, creating potential disruption to planned international travel, overseas assignments, or expatriate rotations.
- Technology-intensive industries – including semiconductors, artificial intelligence, telecommunications, biotechnology, and advanced manufacturing – face heightened relevance, but the Regulation is not limited to these sectors.
- Multinational companies may wish to reassess cross-border mobility planning, joint research arrangements, and internal compliance coordination, as the Regulation underscores the growing importance of cross-functional coordination in managing issues that may implicate both export control compliance and personnel mobility.

I. Overview of State Council Order No. 841

A. Legislative Background

According to explanatory remarks issued by officials from the Ministry of Justice, the Ministry of Public Security, and the National Immigration Administration following promulgation of the Regulation, it was adopted to supplement implementation of the Exit and Entry Administration Law of the People's Republic of China, which took effect in 2013, and to address new challenges that have emerged in immigration administration. The stated objectives include addressing safety risks associated with outbound travel by Chinese citizens, strengthening oversight of foreign nationals entering China, and improving regulation of the immigration intermediary service market.

B. Regulation of Chinese Citizens' Exit from China

Article 3 provides that applications for entry, exit, stay, or residence – including those submitted by Chinese citizens – must be based on truthful and lawful grounds. Immigration and visa authorities may require applicants to provide relevant documents, materials, or electronic data where necessary to verify identity or the basis for an application. Article 3 further provides that the entity or individual issuing an invitation letter or other supporting materials is responsible for the authenticity of the invitation and certified matters and must cooperate with verification.

Article 2 addresses safety risks associated with overseas travel by Chinese citizens. Under the Regulation, the Ministry of Foreign Affairs, authorities responsible for culture and tourism, Chinese embassies and consulates abroad, and other relevant authorities may publish travel advisories and risk information regarding foreign destinations in response to armed conflicts, significant deterioration of public security conditions, natural disasters, infectious disease outbreaks, and similar circumstances.

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Article 4 establishes a framework for imposing exit bans on Chinese citizens. Examples include:

- An exit ban ranging from six months to three years following completion of an administrative detention penalty imposed for fraudulently obtaining exit-entry documents or engaging in illegal entry or exit activities.
- An exit ban ranging from six months to three years following a person's return to China where the individual engaged in illegal or criminal activities abroad that harmed China's national security or national interests.

C. Entry Administration Applicable to Foreign Nationals

Article 5 establishes rules governing the entry of foreign nationals into China, including:

- A ban on entry for one to five years where a foreign national submits false materials or makes false statements in connection with a Chinese visa application or immigration inspection.
- A ban on entry for one to five years following completion of a criminal penalty or administrative sanction imposed for illegal exit-entry, fraudulent acquisition of exit-entry documents, interference with border administration, or similar conduct.
- Visa denial, entry bans, or other restrictive measures against foreign nationals included on the Countermeasure List under China's Anti-Foreign Sanctions Law, the Unreliable Entity List, or other sanctions-related lists.

These provisions demonstrate that China's immigration administration system serves not only as an immigration management mechanism but also as a tool for implementing the country's national security and economic security policies.

D. Regulation of Immigration Intermediary Service Providers

Articles 7 through 10 establish a new regulatory framework for immigration intermediary services.

Article 7 introduces a filing requirement for businesses and personnel providing services such as immigration policy consulting, visa application assistance, and immigration procedure support. Businesses must complete a filing with the competent local immigration authority within 15 days after establishment. Service providers that operated before the Regulation took effect must complete the filing within 90 days after the effective date.

Article 8 requires immigration intermediary service providers to maintain certain personnel, operational, and internal compliance capabilities. Article 10 prohibits, among other things:

- Soliciting clients through false or misleading advertising;
- Preparing or assisting in the provision of false application materials;
- Participating in the fraudulent acquisition of exit-entry documents;
- Disclosing clients' personal information or trade secrets; and
- Engaging in conduct that disrupts immigration administration order.

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Article 11 imposes penalties for issuing false invitation letters or other false application materials. Fines of RMB 5,000 to RMB 10,000 may be imposed on individuals, while legal entities may be fined between RMB 10,000 and RMB 50,000. Illegal gains may also be confiscated.

II. The Intersection of Export Controls and Exit Administration

Among the Regulation's provisions, Article 4 concerning export controls and technology import and export administration may be of particular interest to multinational companies.

Article 4 provides that:

"Where a Chinese citizen violates export control regulations, technology import and export administration regulations, or other relevant provisions and may thereby endanger the nation's industrial security or technological security, the competent commerce authorities of the State Council and other relevant authorities may decide not to permit that individual to leave China."

A. The Link Between the Export Control Regime and Immigration Administration

The regulation's significance in this regard lies not merely in providing greater specificity to the grounds for imposing an exit ban. Rather, it links China's export control regime and its immigration administration system at the regulatory level.

Traditionally, export control compliance has generally focused on:

- Exporting goods;
- Transferring technical data abroad;
- Transferring software; and
- Sharing know-how.

The regulation may signal that, under certain circumstances, violations of export control and technology import and export administration rules may also have implications for the cross-border movement of individuals with access to controlled technology.

The regulation does not directly restrict overseas travel by researchers, engineers, or other professionals, nor does it specify the circumstances under which an individual will be deemed likely to endanger China's industrial security or technological security.

By comparison, the U.S. Export Administration Regulations (EAR) primarily regulate transfers of goods, technology, and software. Where human interaction becomes relevant under the EAR, it is generally because the interaction constitutes a transfer of technology or technical information – not because of the movement of people as such.

The Regulation, by contrast, contemplates restrictions on departure based on export control or technology transfer concerns, confirming that China's immigration administration regime may serve as an enforcement mechanism in this context.

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B. Absence of a Specified Duration for Export Control-Related Exit Bans

As noted above, Article 4 specifies exit ban durations of six months to three years for violations such as fraudulent entry or exit activities. However, the Regulation does not specify a duration for exit bans imposed based on violations of export control regulations or technology import and export administration regulations.

Future implementing rules or administrative guidance may provide additional clarity on how such measures will be applied. As a matter of legislative design, the Regulation's treatment of export control-related exit bans differs from its approach to other categories of exit ban.

C. Notice Requirements and Exceptions

Article 6 provides that, when an exit ban is imposed, the affected individual must generally be notified in writing of:

- The existence of the exit ban;
- The reasons for the measure;
- The legal basis supporting the measure; and
- Available avenues for relief.

Article 6 permits authorities to withhold notice where notification could affect national security or interfere with criminal investigations. How this exception may apply in the context of export control or technology transfer-related exit bans remains unclear. As a theoretical matter, it cannot be ruled out that departure restrictions could be imposed without prior notice in certain circumstances.

III. Practical Implications for Multinational Companies

Because the Regulation introduces the possibility of exit restrictions in connection with export control and technology import and export administration matters, it may be particularly relevant to technology-intensive industries such as semiconductors, artificial intelligence, telecommunications, biotechnology, and advanced manufacturing, as well as companies that frequently transfer engineers, researchers, and other personnel between China and overseas locations.

At the same time, no implementing rules or administrative guidance have been issued to date, and the specific scope and standards for application remain unclear.

A. Cross-Border Mobility of Chinese Employees and Executives

Cross-border mobility of Chinese employees and executives is an important feature of many multinational organizations, whether for business meetings, training programs, technical exchanges, research and development activities, or project implementation. Such mobility may involve not only assignments from a China-based entity to an overseas affiliate, but also situations in which Chinese nationals employed by overseas group companies travel to China and subsequently return to their overseas place of employment.

Given the Regulation's express link between export control issues and exit administration, managing such mobility may require consideration not only of traditional HR and travel factors but also of China's export control and technology import and export administration regimes.

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Of particular note, Article 6 permits authorities, under certain circumstances, to refrain from providing notice of an exit-ban measure. Whether this approach will be applied in the context of export control or technology transfer-related matters remains unknown. Nonetheless, as a theoretical matter, it cannot be entirely ruled out that a Chinese employee or executive subject to an exit restriction could discover, shortly before a planned international business trip, overseas assignment, or return travel, that departure from China is not permitted.

Multinational companies may therefore wish to build in additional lead time and identify backup personnel for critical business travel, overseas assignments, executive relocations, or expatriate rotation programs involving Chinese personnel.

B. Potential Impact on Joint Research and Development Activities

The Regulation may also be relevant for companies engaged in joint research, development, or technology collaboration with Chinese companies, universities, research institutions, or other Chinese partners.

Joint research and development projects often involve:

- Sharing technical data;
- Providing know-how;
- Conducting technical evaluations;
- Jointly utilizing research results; and
- Exchanges of engineers and researchers.

Such activities frequently raise issues relating to China's export control regime or technology import and export administration framework. For multinational companies, it may therefore become increasingly important not only to assess export control requirements under their own jurisdictions, but also to develop a shared understanding with Chinese counterparts regarding how relevant technology transfers or information exchanges may be viewed under Chinese law.

Technology transfers permissible under another jurisdiction's laws may still raise concerns under Chinese export control or technology transfer regulations. In such circumstances, implications under the Regulation could extend beyond the transfer itself to affect business travel, technical meetings, research exchanges, or other project activities involving Chinese personnel.

Accordingly, when negotiating joint research agreements, technology cooperation agreements, or similar arrangements, companies may wish to consider not only compliance provisions and information-sharing procedures, but also whether the relevant activities implicate Chinese export control or technology import and export administration requirements and whether any permits, approvals, or other regulatory procedures may be required on the Chinese side.

C. Implications for Internal Compliance Programs

The Regulation also underscores the importance of cross-functional coordination among HR, export control and economic security compliance teams, legal departments, and business units when managing cross-border personnel matters and technology-related projects involving China.

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IV. Conclusion

State Council Order No. 841 primarily addresses China's immigration administration framework. The Regulation may also be relevant to multinational companies because it expressly links export control and technology transfer considerations with exit administration. As implementing rules and enforcement practices develop, companies managing cross-border travel, overseas assignments, or technology collaborations involving Chinese personnel may wish to monitor developments and evaluate any implications under China's export control and technology import and export administration regimes.

Authors

This GT Alert was prepared by:

- Junko Suetomi | +81 (0) 3.4510.2277 | Junko.Suetomi@gtlaw.com
- Maito Tozawa | +81 (0) 3.4510.2200 | Maito.Tozawa@gtlaw.com
- Junya Okura | +81 (0) 3.4510.2257 | Junya.Okura@gtlaw.com

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