

Interim Measures for the Participation in Social Insurance by Foreigners Working in China of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents	1
Chapter I — General Provisions	1
Chapter II — Social Insurance Participation	2
Chapter III — Social Insurance Benefits	2
Chapter IV — Supplementary Provisions	3

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Social Insurance Participation
- Chapter III — Social Insurance Benefits
- Chapter IV — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Measures are formulated in accordance with the Social Insurance Law of the People's Republic of China, the Interim Measures for the Collection and Payment of Social Insurance Premiums, and other relevant laws and regulations, for the purpose of safeguarding the lawful rights and interests of foreigners working in China with respect to social insurance participation and the enjoyment of social insurance benefits, and strengthening the administration of social insurance.

Article 2 — For the purposes of these Measures, the term "foreigners working in China" means foreign nationals who legally reside in China and lawfully obtain employment permits, foreign expert certificates, foreign resident journalist certificates, and other types of employment documentation, as well as holders of permanent residence permits for foreigners, who are employed within the territory of China.

Article 3 — Foreigners who are lawfully recruited and employed by enterprises, public institutions, social organizations, privately-run non-enterprise entities, foundations, law firms, accounting firms, and other organizations registered or registered for filing within the territory of China (hereinafter referred to as "employing entities") shall participate in social insurance in accordance with the law. The employing entities and the foreigners employed thereby shall pay social insurance premiums in accordance with the relevant provisions.

Article 4 — Foreigners dispatched by their employers outside the territory of China to work at a branch office or representative office registered or registered for filing within the territory of China (hereinafter referred to as "domestic work unit") shall participate in social insurance in accordance with the law. The domestic work unit and the foreigners themselves shall pay social insurance premiums in accordance with the relevant provisions.

Article 5 — Where an employing entity recruits a foreigner, it shall handle social insurance registration for the foreigner within 30 days from the date on which the foreigner's employment permit is processed. Where foreign nationals dispatched to work at a domestic work unit are concerned, the domestic work unit shall handle social insurance registration on their behalf within 30 days from the date on which the foreigner is assigned.

Article 6 — Foreigners whose home countries have concluded bilateral or multilateral social insurance agreements with the People's Republic of China shall have their social insurance participation handled in accordance with the provisions of such agreements.

Chapter II — Social Insurance Participation

Article 7 — Foreigners working in China shall participate in basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance. Social insurance premiums shall be paid by the employing entity and the foreigner in accordance with the prescribed proportions.

Article 8 — The employing entity shall handle social insurance registration for the recruited foreigner with the local social insurance agency, presenting the foreigner's passport or other identity documents, valid employment documentation, and permanent residence permit for foreigners (if applicable).

Article 9 — Social insurance agencies shall establish a social insurance registration number for each foreigner. Foreigners lawfully working in China shall be issued a social security card by the social insurance agency.

Article 10 — The base amount for calculating social insurance premiums payable by a foreigner shall be the foreigner's monthly wage income. Where the monthly wage income of a foreigner exceeds 300% of the average monthly wage of employees in the locality in the preceding year, the portion in excess shall not be included in the base amount for premium calculation. Where the monthly wage income of a foreigner is less than 60% of the average monthly wage of employees in the locality in the preceding year, the base amount shall be 60% of the average monthly wage.

Article 11 — The contribution rates for social insurance premiums payable by employing entities and foreigners shall be governed by the relevant provisions of the State and the locality where the employing entity is located.

Article 12 — Social insurance premiums payable by foreigners shall be withheld and paid by the employing entity on their behalf. The employing entity shall declare and pay the full amount of premiums due on a monthly basis within the prescribed time limit.

Chapter III — Social Insurance Benefits

Article 13 — Foreigners who have participated in social insurance and meet the conditions for enjoying social insurance benefits shall be entitled to the relevant social insurance benefits in accordance with the law.

Article 14 — Where a foreigner who has participated in social insurance leaves China before reaching the statutory age for receiving a pension, his or her social insurance personal account shall be retained. Where the foreigner returns to work in China, the period of premium payment may be accumulated. Upon written

application by the foreigner to terminate the social insurance relationship, the balance in the social insurance personal account may be paid in a lump sum to the foreigner.

Article 15 — Where a foreigner dies before reaching the statutory age for receiving a pension, the balance in his or her social insurance personal account may be inherited in accordance with the law.

Article 16 — Foreigners who have participated in work-related injury insurance and suffer a work-related injury shall be entitled to work-related injury insurance benefits in accordance with the relevant provisions of the State, provided that the work-related injury is certified or the occupational disease is diagnosed by a qualified institution.

Article 17 — Foreigners who have participated in basic medical insurance shall be entitled to basic medical insurance benefits in accordance with the relevant provisions of the State and the locality.

Article 18 — Foreigners who have participated in unemployment insurance and meet the relevant conditions shall be entitled to unemployment insurance benefits.

Article 19 — Foreigners who have participated in maternity insurance and meet the relevant conditions shall be entitled to maternity insurance benefits, including maternity medical expenses and maternity allowances.

Chapter IV — Supplementary Provisions

Article 20 — Where a foreigner who legally resides in China and holds a permanent residence permit for foreigners works within the territory of China, he or she may, upon presenting the permanent residence permit, handle the relevant social insurance procedures with the social insurance agency, and participate in social insurance and enjoy social insurance benefits in accordance with the provisions of these Measures.

Article 21 — These Measures shall not apply to foreigners dispatched by their employers outside China to work at representative offices of foreign enterprises within China who have not handled employment permits and who are not covered by the Social Insurance Law of the People's Republic of China or bilateral or multilateral social insurance agreements.

Article 22 — The administration, supervision, and handling of disputes concerning the participation of foreigners in social insurance shall be governed by the relevant provisions of the Social Insurance Law of the People's Republic of China and other relevant laws and regulations.

Article 23 — The administrative departments of human resources and social security of the people's governments at or above the county level shall be responsible for the supervision and administration of social insurance participation by foreigners working in China. Social insurance agencies shall undertake the specific work of handling social insurance registration, collecting social insurance premiums, and paying social insurance benefits.

Article 24 — Where an employing entity or a foreigner fails to participate in social insurance or fails to pay social insurance premiums as required, the administrative department of human resources and social security shall order rectification and may impose penalties in accordance with the provisions of the Social Insurance Law of the People's Republic of China and other relevant laws and regulations.

Article 25 — These Measures shall take effect as of October 15, 2011.

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