Interim Regulations on Resident Permits of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are enacted for the purposes of promoting the equalization of basic public services in urban and rural areas, protecting the lawful rights and interests of citizens, regulating the administration of resident permits, and promoting the rational and orderly flow of population.

Article 2 — Citizens who leave the place of their permanent residence registration to live in another city shall, in accordance with these Regulations and the relevant provisions of the people's governments of their destination cities, apply for a resident permit. However, these Regulations shall not apply to citizens living in cities divided into districts at or above the administrative level where they have their permanent residence registration. A resident permit is a certificate issued to a holder to certify his or her residence in the place where the permit is issued, to enjoy basic public services and convenience, and to apply for permanent residence registration.

Article 3 — A resident permit shall record the name, gender, ethnicity, date of birth, and photograph of the holder, his or her citizen identity number, the address of his or her permanent residence registration, and his or her residential address in the place where the permit is issued. A resident permit shall specify the authority that issued the permit, the date of issuance, and the endorsement authority. A resident permit that is endorsed shall record the endorsement information.

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Article 4 — A resident permit shall be issued by the public security organ of the people's government at the county level of the place where the applicant resides. The public security organ may, in light of the actual circumstances, entrust community service administration organs to handle the relevant matters, such as acceptance and issuance of resident permits.

Chapter II — Application and Issuance

Article 5 — The public security organ of the people's government at or above the county level shall be responsible for the application acceptance, production, issuance, endorsement, and other administration of resident permits. The departments of human resources and social security, industry and commerce administration, health and family planning, housing and urban-rural development, and education of the people's governments at or above the county level shall, in accordance with their respective functions and duties, properly handle the work relating to the protection of the rights and interests of resident permit holders, the provision of public services, and other administration.

Article 6 — Citizens who intend to apply for a resident permit shall register their residence with the public security organ of the place where they reside, and file an application for a resident permit with the public security organ if they meet the conditions prescribed by the people's government of their destination city.

Article 7 — To apply for a resident permit, the applicant shall submit to the public security organ of the place where he or she resides, or to a community service administration organ entrusted by the public security organ, his or her resident identity card, his or her photograph, and relevant certification materials concerning his or her residential address, employment, study, or other information. Where the applicant is a minor or a person under limited capacity for civil conduct, the application shall be filed on his or her behalf by a guardian, a close relative, or another legal representative.

Article 8 — The public security organ or the community service administration organ entrusted by the public security organ shall accept the application if the application materials are complete and conform to the requirements, and shall issue a receipt for receiving the application materials. Where the application materials are incomplete, the applicant shall be informed at one time of the supplementary materials required.

Article 9 — The public security organ shall, within 15 days from the date of accepting the application, produce and issue the resident permit; in remote areas, areas with difficult transportation, or under special circumstances, the time limit for producing and issuing the resident permit may be extended appropriately, provided that the extended time shall not exceed 30 days.

Article 10 — A resident permit shall be issued free of charge for the first application. Fees for replacement or reissuance of a resident permit shall be collected in accordance with the rates prescribed by the financial department.

Article 11 — The period of validity of a resident permit shall be prescribed by the public security organ of the people's government of each province, autonomous region, or municipality directly under the Central Government.

Article 12 — Where a resident permit is damaged and cannot be recognized, or where any item recorded on the resident permit is to be altered, the holder shall apply for a replacement. Where a resident permit is lost, the holder shall apply for a reissuance.

Chapter III — Administration and Services

Article 13 — The departments of the people's governments at or above the county level and their staff members shall provide the following basic public services to resident permit holders: (1) compulsory education; (2) basic public employment services; (3) basic public health services and family planning services; (4) public cultural and sports services; (5) legal aid and other legal services; (6) other basic public

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services prescribed by the state and the people's governments of their destination cities.

Article 14 — Resident permit holders shall enjoy the following conveniences in the places where their resident permits are issued: (1) undergoing the formalities for exit and entry in accordance with the relevant state provisions; (2) replacing or reissuing resident identity cards; (3) undergoing the formalities for motor vehicle registration; (4) applying for a motor vehicle driving license; (5) registering for vocational qualification exams and applying for the grant of vocational qualifications; (6) undergoing the formalities for giving birth registration and other family planning certification materials; (7) other conveniences prescribed by the state and the people's governments of their destination cities.

Article 15 — The people's governments of the places where resident permits are issued and the relevant departments of the people's governments at or above the county level shall actively create conditions, gradually expand the coverage of public services and conveniences provided to resident permit holders, improve service standards, and periodically announce to the public the scope of public services and conveniences enjoyed by resident permit holders.

Article 16 — The people's governments of the places where resident permits are issued shall incorporate the population of resident permit holders into the planning for the development of public services in their respective administrative regions. The relevant departments of the people's governments at or above the county level shall, in accordance with their respective functions and duties, make arrangements for the provision of relevant public services and management.

Article 17 — The relevant departments of the people's governments at or above the county level shall establish and improve population information databases, strengthen information sharing, and improve service levels.

Chapter IV — Legal Liability

Article 18 — Where a person commits any of the following acts, the public security organ shall issue a warning and impose a fine of not more than RMB 200: (1) using a false certification material to fraudulently obtain a resident permit; (2) using another person's resident permit; (3) illegally leasing, lending, or transferring a resident permit. Where the act constitutes a violation of public security administration, a public security administration punishment shall be imposed in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 19 — Where a state organ or its staff member commits any of the following acts in the course of resident permit administration, the competent department at a higher level or the entity to which the staff member belongs shall order rectification and impose sanctions on the directly responsible person in charge and other directly responsible persons in accordance with the law: (1) failing to perform resident permit administration duties in accordance with the provisions; (2) violating relevant provisions by charging fees for the first application for a resident permit; (3) taking advantage of the production and issuance of resident permits to collect fees beyond prescribed rates or to seek improper benefits; (4) purchasing, selling, or leaking personal information obtained in the course of resident permit administration; (5) other acts in violation of these Regulations that should be subject to legal liability.

Article 20 — Staff members of state organs who abuse their powers, neglect their duties, or commit malpractice for personal gain in the administration of resident permits shall be subject to sanctions in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter V — Supplementary Provisions

Article 21 — The public security organ of the people's government of each province, autonomous region, or municipality directly under the Central Government may, in accordance with these Regulations, formulate

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rules for the implementation of resident permit administration in its respective administrative region.

Article 22 — The Ministry of Public Security shall be responsible for formulating the specific form of the resident permit and the relevant technical standards.

Article 23 — These Regulations shall come into force on January 1, 2016. Where the relevant provisions on resident permits previously formulated by each locality or each department are inconsistent with these Regulations, these Regulations shall prevail.

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