

Law of the PRC on Resident Identity Cards

Dan Young Business Consultancy — www.danyoungcpa.com
Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents	1
Chapter I — General Provisions	1
Chapter II — Application and Issuance	2
Chapter III — Use and Examination	2
Chapter IV — Legal Liability	3
Chapter V — Supplementary Provisions	4

Adopted at the Third Session of the Standing Committee of the Tenth National People's Congress on June 28, 2003;
amended in accordance with the Decision on Amending the Law of the People's Republic of China on Resident
Identity Cards adopted at the Twenty-Third Session of the Standing Committee of the Eleventh National People's
Congress on October 29, 2011
Effective: January 1, 2004; January 1, 2012 (amended)

Table of Contents

- Chapter I — General Provisions
- Chapter II — Application and Issuance
- Chapter III — Use and Examination
- Chapter IV — Legal Liability
- Chapter V — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of proving the identity of citizens residing within the territory of the People's Republic of China, protecting the lawful rights and interests of citizens, facilitating citizens in carrying out social activities, and maintaining social order.

Article 2 — Chinese citizens who have reached the age of 16 and reside within the territory of the People's Republic of China shall apply for and receive a resident identity card in accordance with the provisions of this Law. Chinese citizens under the age of 16 may apply for and receive a resident identity card in accordance with the provisions of this Law. Where the State Council provides otherwise for the resident identity cards of servicemen of the People's Liberation Army and members of the People's Armed Police Force, such provisions shall apply.

Article 3 — The items registered on a resident identity card shall include: name, sex, ethnicity, date of birth, address of permanent residence, citizen identity number, photograph of the holder, fingerprint information, validity period, and issuing authority. The citizen identity number is unique to each citizen and remains

unchanged for life, and shall be compiled by the public security organ in accordance with the national standard for citizen identity numbers.

Article 4 — Resident identity cards shall be written in standard Chinese characters and in a language in conformity with the national standards, and may also be written in the language of the ethnic group implementing regional autonomy or in a local common language. The public security organs shall be responsible for the application, issuance, and administration of resident identity cards.

Article 5 — The validity period of a resident identity card shall be 5 years, 10 years, 20 years, and long-term. For persons 16 to 25 years of age, a resident identity card with a validity period of 10 years shall be issued. For persons 26 to 45 years of age, a resident identity card with a validity period of 20 years shall be issued. For persons 46 years of age and above, a long-term valid resident identity card shall be issued. For citizens under the age of 16, a resident identity card with a validity period of 5 years shall be issued.

Article 6 — The form of resident identity cards shall be determined by the public security department under the State Council. Resident identity cards shall be manufactured using chips and shall have the function of machine-readable information. Resident identity cards shall be uniformly produced and issued by the public security organs. Resident identity cards shall have the function of visual reading and machine reading, and the contents of visual reading and machine reading shall be limited to the items specified in the first paragraph of Article 3 of this Law.

Chapter II — Application and Issuance

Article 7 — A citizen shall, within three months from the date of reaching the age of 16, apply to the public security organ at the place of his or her permanent residence for a resident identity card. For a citizen under the age of 16, the application for a resident identity card shall be made by his or her guardian on the citizen's behalf.

Article 8 — A resident identity card shall be applied for at the public security organ of the local people's government at the county level at the place of permanent residence, which shall issue the card.

Article 9 — When applying for a resident identity card, a Hong Kong, Macao, or Taiwan compatriot who has moved to the Mainland to settle, an overseas Chinese who has returned to the country to settle, or a foreigner or stateless person who is naturalized within the territory of the People's Republic of China and resides within the territory of China shall apply for a resident identity card in accordance with the provisions of this Law.

Article 10 — When applying for a resident identity card, the applicant shall fill out a registration form for the application of a resident identity card and submit the resident household register. The public security organ shall, in accordance with the provisions, promptly process the application. The public security organ shall issue the resident identity card within 60 days from the date of receipt of the application by the citizen. In areas with inconvenient transportation, the processing time may be extended appropriately, but the extension shall not exceed 30 days.

Article 11 — Where the validity period of a resident identity card expires, where the citizen changes his or her name, or where the resident identity card is seriously damaged beyond recognition, the citizen shall apply for a new card. Where the registered items of a resident identity card are incorrect, the public security organ shall correct the error and issue a new card. When receiving a new card, the original card must be returned. Where a resident identity card is lost, a replacement shall be applied for.

Chapter III — Use and Examination

Article 12 — When a citizen engages in relevant activities and it is necessary to prove his or her identity, the citizen shall have the right to use his or her resident identity card to prove his or her identity, and the relevant units and their functionaries shall not refuse. The relevant units and their functionaries shall keep confidential

the personal information recorded on a resident identity card that comes to their knowledge in the course of performing their duties or providing services.

Article 13 — Citizens engaged in the following activities shall use their resident identity cards to prove their identity when it is necessary to do so: (1) change of permanent residence registration; (2) military service registration; (3) marriage registration or adoption registration; (4) application for going through exit formalities; and (5) other circumstances provided for by laws or administrative regulations where resident identity cards shall be used to prove one's identity.

Article 14 — Under any of the following circumstances, a citizen shall show his or her resident identity card: (1) where the permanent residence registration of a citizen is changed; (2) where a citizen registers for military service; (3) where the marriage or adoption of a citizen is registered; (4) where a citizen applies for going through exit formalities; and (5) other circumstances provided for by laws or administrative regulations where resident identity cards shall be produced.

Article 15 — When performing their duties in accordance with the law, the people's police may examine resident identity cards under any of the following circumstances: (1) where it is necessary to identify the person of a criminal suspect; (2) where it is necessary to examine the identity of a relevant person at the scene when dealing with a public security emergency on the spot in accordance with the law; (3) where it is necessary to identify the person on the scene in the event of a serious emergency endangering public security in a railway station, long-distance bus station, port, dock, airport, or a major event venue; and (4) other circumstances provided for by laws. Where the people's police examine resident identity cards under any of the circumstances listed in the preceding paragraph, they shall show their law enforcement certificates. Where any organization or individual refuses the examination by the people's police, measures shall be taken to handle the situation in accordance with the provisions of the relevant laws, depending on the circumstances.

Chapter IV — Legal Liability

Article 16 — Under any of the following acts, the public security organ shall issue a warning and impose a fine of not more than RMB 200 yuan, and the illegal gains, if any, shall be confiscated: (1) using another person's resident identity card or using a resident identity card obtained by fraudulent means; or (2) purchasing, selling, or using forged or altered resident identity cards. Where forged or altered resident identity cards and resident identity cards obtained by fraudulent means are used, such cards shall be confiscated.

Article 17 — Where anyone commits any of the following acts, the public security organ shall impose a detention of not less than 10 days but not more than 15 days and may concurrently impose a fine of not more than RMB 1,000 yuan; if the circumstances are relatively minor, a detention of not less than 5 days but not more than 10 days shall be imposed and a fine of not more than RMB 500 yuan may be imposed concurrently: (1) forging or altering a resident identity card; or (2) passing off another person's resident identity card. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 18 — Where any functionary of a public security organ, when handling the application for, issuance, and use of resident identity cards, commits any of the following acts, he or she shall be subject to administrative sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law: (1) issuing resident identity cards in violation of the provisions; (2) illegally collecting a fee or taking a bribe; (3) infringing upon the lawful rights and interests of citizens; or (4) divulging the personal information of citizens obtained in the course of producing, issuing, or examining resident identity cards.

Article 19 — Where any staff member of a unit, such as a state organ, financial institution, telecommunications operator, or educational institution, divulges personal information on a citizen's resident

identity card obtained in the course of performing his or her duties or providing services, he or she shall be investigated for criminal liability in accordance with the law if the act constitutes a crime; if the act does not constitute a crime, the public security organ shall impose a detention of not less than 10 days but not more than 15 days and a fine of not more than RMB 5,000 yuan. Where any unit commits the act provided for in the preceding paragraph, if the act constitutes a crime, criminal liability shall be pursued in accordance with the law; if the act does not constitute a crime, the public security organ shall impose a fine of not less than RMB 100,000 yuan but not more than RMB 500,000 yuan on the unit, and the persons directly in charge and other directly responsible persons shall be punished in accordance with the provisions of the preceding paragraph.

Chapter V — Supplementary Provisions

Article 20 — Where citizens who urgently need a resident identity card may apply for a temporary resident identity card, the public security organ shall handle the application in accordance with the provisions. The specific measures shall be formulated by the public security department under the State Council.

Article 21 — This Law shall come into force on January 1, 2004. The Regulations of the People's Republic of China on Resident Identity Cards promulgated on September 6, 1985 shall be repealed simultaneously.

Disclaimer: This is an unofficial English translation provided for informational purposes only by Dan Young Business Consultancy. While every effort has been made to ensure accuracy and completeness, this translation is not an official version and shall not be relied upon as a substitute for the original Chinese text. Official Chinese versions should be consulted for legal, regulatory, or compliance purposes. Dan Young Business Consultancy assumes no liability for any errors, omissions, or discrepancies in this translation. For professional legal advice, please consult qualified legal counsel.