Law of the PRC on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purpose of protecting the lawful rights and interests of returned overseas Chinese and the family members of overseas Chinese, and giving full play to their positive role in the socialist modernization drive.

Article 2 — Returned overseas Chinese are overseas Chinese who have returned to China and settled in the country. Overseas Chinese are Chinese citizens who have settled abroad. Family members of overseas Chinese include the spouses, parents, children and the children's spouses, brothers and sisters, paternal and maternal grandparents, and grandchildren and grandchildren's spouses of overseas Chinese and returned overseas Chinese, as well as other relatives who have a long-term or permanent dependency relationship of maintenance with overseas Chinese or returned overseas Chinese.

Article 3 — Returned overseas Chinese and the family members of overseas Chinese shall enjoy the rights and perform the duties of citizens in accordance with the Constitution and laws. No organization or individual may discriminate against them.

Article 4 — The state shall protect the lawful rights and interests of returned overseas Chinese and the family members of overseas Chinese in accordance with law. Local people's governments at or above the county level and their departments in charge of overseas Chinese affairs shall organize and coordinate relevant departments in the work of protecting the rights and interests of returned overseas Chinese and the family members of overseas Chinese.

Article 5 — The state shall give appropriate preferential treatment to returned overseas Chinese who have made outstanding contributions to the state or who are in special difficult circumstances.

Article 6 — Overseas Chinese who have returned to settle in China and the family members of overseas Chinese who have settled in China shall register as residents in accordance with the relevant state regulations. The state shall give appropriate arrangements and care to returned overseas Chinese who have returned to settle in China and to the family members of overseas Chinese who have settled in China.

Chapter II — Rights of Political Participation

Article 7 — Returned overseas Chinese and the family members of overseas Chinese shall have the right to elect and stand for election in accordance with law. During the election of deputies to the people's congresses, there shall be an appropriate number of deputies from among returned overseas Chinese. During the election of deputies to the National People's Congress and to the local people's congresses at or above the county level in areas with a relatively large number of returned overseas Chinese, there shall be an appropriate number of deputies from among returned overseas Chinese.

Article 8 — Returned overseas Chinese and the family members of overseas Chinese may apply to establish social organizations in accordance with law, and such social organizations shall carry out activities in accordance with their charters and in compliance with the law. Their lawful property shall be protected by law.

Chapter III — Economic and Property Rights

Article 9 — The state shall protect the lawful property of returned overseas Chinese and the family members of overseas Chinese in accordance with law. Their lawful property shall not be infringed upon by any organization or individual. The state shall, in accordance with law, protect the investments made by returned overseas Chinese and the family members of overseas Chinese, as well as their income from such investments. Their lawful rights and interests in investment shall not be infringed upon by any organization or individual.

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Article 10 — The state shall protect the right of returned overseas Chinese and the family members of overseas Chinese to inherit property both within and outside China in accordance with law. The state shall protect the right of returned overseas Chinese and the family members of overseas Chinese to dispose of their property outside China in accordance with law.

Article 11 — When the state expropriates or requisitions the houses of returned overseas Chinese or the family members of overseas Chinese, it shall provide compensation in accordance with the relevant state regulations and make proper arrangements for their resettlement.

Article 12 — The state shall support returned overseas Chinese and the family members of overseas Chinese in initiating enterprises, developing production, and engaging in various forms of economic activities. Departments concerned under people's governments at or above the county level shall give support and preferential treatment to such economic activities in accordance with the relevant state regulations.

Article 13 — The state shall protect the lawful rights and interests of returned overseas Chinese and the family members of overseas Chinese in agricultural contractual operations and other forms of contractual operations in accordance with law.

Article 14 — The state shall protect the income of returned overseas Chinese and the family members of overseas Chinese that is lawfully remitted or brought into China from abroad in accordance with law. Such income shall not be infringed upon by any organization or individual.

Chapter IV — Education and Cultural Rights

Article 15 — The state shall support returned overseas Chinese and the family members of overseas Chinese in initiating public welfare undertakings such as schools, hospitals, and cultural facilities. The lawful rights and interests of such public welfare undertakings shall be protected by law.

Article 16 — The children of returned overseas Chinese and the children of the family members of overseas Chinese shall enjoy equal rights to education as other citizens. The relevant government departments shall give appropriate care to the children of returned overseas Chinese and the children of the family members of overseas Chinese in attending school, entering a higher school, and seeking employment.

Article 17 — The state shall encourage returned overseas Chinese and the family members of overseas Chinese to inherit and carry forward the fine traditional culture of the Chinese nation, and to carry out cultural exchanges with overseas Chinese, foreign citizens of Chinese origin, and foreigners.

Chapter V — Social Security Rights

Article 18 — The state shall protect the rights of returned overseas Chinese and the family members of overseas Chinese to social security benefits in accordance with law. Departments of labor and social security, civil affairs, and other relevant departments under people's governments at or above the county level shall protect their lawful rights and interests in old-age pensions, medical care, unemployment insurance, and other social security benefits.

Article 19 — Returned overseas Chinese and the family members of overseas Chinese who have lost the ability to work, have no sources of income, and have no statutory supporters or other persons obliged to provide for them shall be entitled to receive relief from the local people's governments in accordance with the relevant state regulations. Local people's governments at all levels shall give appropriate care to returned overseas Chinese who have returned to settle in China and who are in financial difficulties.

Article 20 — The state shall give appropriate care to returned overseas Chinese and the family members of overseas Chinese in their employment. Enterprises and public institutions shall, under equal conditions, give priority to the employment of returned overseas Chinese and the family members of overseas Chinese. After

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being taken over by state organs, public organizations, enterprises, or public institutions, returned overseas Chinese and the family members of overseas Chinese shall not be discriminated against in terms of their position, rank, professional title, wage, or welfare benefits.

Chapter VI — Rights of Contact with Overseas Relations

Article 21 — The state shall protect the freedom of correspondence and the freedom of exit and entry of returned overseas Chinese and the family members of overseas Chinese in accordance with law. Such freedoms shall not be infringed upon by any organization or individual. Returned overseas Chinese and the family members of overseas Chinese who apply to leave China to settle abroad shall be granted approval by the relevant authorities unless the circumstances fall within those for which exit is prohibited by law.

Article 22 — The state shall protect the right of returned overseas Chinese and the family members of overseas Chinese to visit relatives and contact friends abroad in accordance with law. The procedures for returned overseas Chinese, the family members of overseas Chinese, and state employees who are family members of overseas Chinese to leave China to visit relatives shall be handled in accordance with the relevant state regulations. The employers shall provide convenience for returned overseas Chinese and the family members of overseas Chinese to visit relatives abroad.

Article 23 — Returned overseas Chinese and the family members of overseas Chinese shall have the right to receive financial assistance, gifts, or inheritances from their relatives and friends abroad. Returned overseas Chinese and the family members of overseas Chinese shall have the right to dispose of their property abroad in accordance with law, and their lawful right to receive pensions, annuities, relief funds, and other benefits from abroad shall be protected by law.

Chapter VII — Legal Liability

Article 24 — Where a state organ or a state functionary, in the exercise of their functions, infringes upon the lawful rights and interests of returned overseas Chinese or the family members of overseas Chinese, the organ at a higher level or the relevant department shall order the infringement to be corrected, and shall impose administrative sanctions on the persons directly in charge and other directly responsible persons in accordance with law. Where the infringement constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 25 — Where any organization or individual infringes upon the lawful property of returned overseas Chinese or the family members of overseas Chinese, or engages in any act prohibited by this Law, the infringing party shall bear civil liability such as cessation of the infringement, return of property, and compensation for losses in accordance with law. Where the infringement constitutes a crime, criminal liability shall be investigated in accordance with law.

Article 26 — Where returned overseas Chinese or the family members of overseas Chinese believe that their lawful rights and interests have been infringed upon, they shall have the right to file a complaint with the department concerned or to apply for administrative reconsideration, and shall also have the right to institute legal proceedings in a people's court in accordance with law.

Chapter VIII — Supplementary Provisions

Article 27 — The State Council may, in accordance with this Law, formulate measures for its implementation. The standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government may, in accordance with this Law and the actual local conditions, formulate measures for its implementation.

Article 28 — This Law shall apply to the lawful rights and interests of Chinese citizens who have returned to settle in China after studying abroad, as well as to the lawful rights and interests of the family members of

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Chinese citizens studying abroad, mutatis mutandis.

Article 29 — Where there are provisions in relevant laws, administrative regulations, or local regulations that are more favorable than the provisions of this Law for the protection of the rights and interests of returned overseas Chinese or the family members of overseas Chinese, those provisions shall prevail.

Article 30 — This Law shall go into effect as of January 1, 1991.

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