

Interim Measures for Social Insurance System Coverage of Foreigners Working within the Territory of China

Article 1 These Measures are formulated pursuant to Social Insurance Law of the People's Republic of China (hereinafter referred to as “Social Insurance Law”), with a view to securing the legitimate rights and interests of foreigners working within the territory of China to social insurance participation and benefits in accordance with the law, as well as strengthening social insurance administration.

Article 2 For the purpose of these Measures, a foreigner working within the territory of China shall refer to a non-Chinese national who is in possession of an employment permit, such as Employment Permit for Foreigners, Foreign Expert Certificate, or Resident Foreign Correspondent’s Press Card, and the Permanent Residence Permit of Foreigners, and is lawfully working within the territory of the People’s Republic of China.

Article 3 Foreigners lawfully recruited and employed by enterprises, public institutions, social organizations, privately-run non-enterprise entities, foundations, law firms, accounting firms and other organizations duly registered within the territory of China (hereinafter referred to as the “employers”) shall participate in the basic old-age insurance for employees, basic medical insurance for employees, work injury insurance, unemployment insurance and maternity insurance in accordance with the law, with the employers and the persons in question paying social insurance contributions as prescribed.

Foreigners who, after having signed labour contracts with overseas employers, are dispatched to work in their branches or representative offices duly registered within the territory of China (hereinafter referred to as the “host service entities”) shall participate in the basic old-age insurance for employees, basic medical insurance for

employees, work injury insurance, unemployment insurance and maternity insurance in accordance with the law, with the host service entities and the persons in question paying social insurance contributions as prescribed.

Article 4 The employer who hires foreigners shall process social insurance registration for the foreigners recruited and employed within 30 days from the date of its processing their employment permits.

For foreigners dispatched by their overseas employers to work at host service entities, the host service entities shall process social insurance registration on their behalf in accordance with the preceding paragraph.

The agencies processing employment permits for foreigners in accordance with the law shall pass the information related to new employment of foreigners in China on to the local social insurance agencies in a timely manner. The social insurance agencies shall enquire relevant agencies of information regarding employment permits processed for foreigners on a regular basis.

Article 5 Foreigners covered in the social insurance system shall be entitled to social insurance benefits in accordance with the law once the qualifying conditions are met.

For a foreigner who leaves China before reaching the statutory pension age, the social insurance individual account shall be retained, and shall be renewed on a cumulative basis when the person in question returns to work in China. Alternatively, upon written application for closing the social insurance account from the person in question, the proceeds in the individual account can be paid lump-sum to the said person.

Article 6 The balance in the social insurance individual account of a deceased foreigner may be inherited pursuant to the law.

Article 7 A foreigner who receives monthly social insurance benefits and resides outside the territory of China shall, at least on a yearly basis, submit to the social insurance agency that pays the benefits a document of living proof issued by the Chinese embassy or consulate, or a document of living proof notarized or certified by an agency of the residence country and recognized by the Chinese embassy or consulate.

A foreigner who is lawfully residing in China may present him or her in person to the social insurance agency as the living proof and is thus no longer required to provide the document stipulated in the preceding paragraph.

Article 8 If a dispute occurs over social insurance between a foreigner legally covered in the social insurance system and his or her employer or host service entity, the person in question may apply for mediation, arbitration, or file a lawsuit in accordance with the law. A foreigner whose social insurance rights and interests are infringed upon by his or her employer or host service entity may demand redress from an administrative agency of social insurance or the agency responsible for collection of social insurance contributions in accordance with the law.

Article 9 A foreign national working within the territory of China from a state which has signed a bilateral or multilateral social insurance agreement with China shall be governed by the said agreement with regard to his or her social insurance affairs.

Article 10 Social insurance operating agencies shall, in accordance with Rules on Compiling Social Security Numbers for Foreigners, assign social security numbers

and issue social security cards of the People's Republic of China to foreigners covered in the system.

Article 11 Social insurance administrative agencies shall exercise supervision and inspection over participation of foreigners in social insurance system according to the provisions in Social Insurance Law. Where an employer or host service entity fails to process social insurance registration or pay social insurance contributions in accordance with the law for a foreigner whom it recruits and employs, the case shall be addressed in accordance with the provisions of Social Insurance Law, Regulations on Labor and Social Security Inspection, and other administrative regulations and rules.

An employer recruiting and employing a foreigner without a legally obtained employment permit or the Permanent Residence Permit of Foreigners shall be subjected to Rules for the Administration of Employment of Foreigners in China.

Article 12 These Measures shall come into effect on October 15, 2011.

Attachment: **Rules on Compiling Social Security Numbers for Foreigners**

Rules on Compiling Social Security Numbers for Foreigners

The social insurance number (SSN) assigned to a foreigner covered in social insurance system in China shall be a combination of the person's home country or area code and his or her valid identity document number. The valid identity document means either a passport or a Permanent Residence Permit of Foreigners. Between the home country or area code and the identity document number, one digit shall be reserved. The composition of the SSN is thus as follows:

XXX	X	XXXXXXXXXXXXXXXX
(country/area code)	(reserved digit)	(valid identity document number)

1. A foreigner’s home country or area code shall follow the standard from Part 1: country codes of ISO 3166-1:2006 Codes for the representation of names of countries and their subdivisions, and consist of a 3-letter code. For instance, Germany is coded as DEU, Denmark is coded as DNK. Once the international standard is upgraded, Ministry of Human Resources and Social Security will determine a date for nationwide concurrent code upgrading.

For a foreigner who has satisfied qualifications for permanent residence in China, the three-letter code of his or her home country or area shall be identical to the first three letters in the number of his or her Permanent Residence Permit, which serve to represent his or her country or area in the Permit.

2. One digit is reserved in the SSN. Number 0 is applied by default, and it can be a number between 1 and 9 under special circumstances.

3. When a valid passport number is included in a SSN, all the English alphabets and Arabic numerals in the passport number shall be retained, whereas special symbols like “.” or “-” are excluded. When the number of a Permanent Residence Permit of Foreigners is included in a SSN, the 4th to the 15th digits in the Permit shall be retained.

(1) Example 1: A man of German nationality works for an employer in China and his passport number is G01234—56, then his SSN shall be DEU0G0123456.

Country or area code	reserved digit	valid passport number
DEU	0	G0123456

(2) Example 2: A women of Danish nationality works for an employer in China and her Permanent Residence Permit of Foreigners is DNK324578912056, then her SSN shall be DNK324578912056.

Country or area code	reserved digit	No. of Permanent Residence Permit of Foreigners
DNK	0	324578912056

4. The database will allow for a maximum of 18 digits for a foreigner's SSN, among which a maximum of 14 digits are allocated to the valid passport number. If a SSN is less than 18 digits, the original number shall stand.

5. The SSN assigned to a foreigner is unique and remains unchanged for life in China. When a foreigner changes his or her identity document number, the SSN assigned upon his or her first registration with social insurance agency shall remain valid and serve as the only identification. Social insurance agencies shall keep records of the changes of the identity documents and their numbers of the foreigners covered in social insurance system.

在中国境内就业的外国人参加社会保险暂行办法

第一条 为了维护在中国境内就业的外国人依法参加社会保险和享受社会保险待遇的合法权益，加强社会保险管理，根据《中华人民共和国社会保险法》（以下简称社会保险法），制定本办法。

第二条 在中国境内就业的外国人，是指依法获得《外国人就业证》、《外国专家证》、《外国常驻记者证》等就业证件和外国人居留证件，以及持有《外国人永久居留证》，在中国境内合法就业的非中国国籍的人员。

第三条 在中国境内依法注册或者登记的企业、事业单位、社会团体、民办非企业单位、基金会、律师事务所、会计师事务所等组织（以下称用人单位）依法招用的外国人，应当依法参加职工基本养老保险、职工基本医疗保险、工伤保险、失业保险和生育保险，由用人单位和本人按照规定缴纳社会保险费。

与境外雇主订立雇用合同后，被派遣到在中国境内注册或者登记的分支机构、代表机构（以下称境内工作单位）工作的外国人，应当依法参加职工基本养老保险、职工基本医疗保险、工伤保险、失业保险和生育保险，由境内工作单位和本人按照规定缴纳社会保险费。

第四条 用人单位招用外国人的，应当自办理就业证件之日起 30 日内为其办理社会保险登记。

受境外雇主派遣到境内工作单位工作的外国人，应当由境内工作单位按照前款规定为其办理社会保险登记。

依法办理外国人就业证件的机构，应当及时将外国人来华就业的相关信息通报当地社会保险经办机构。社会保险经办机构应当定期向相关机构查询外国人办理就业证件的情况。

第五条 参加社会保险的外国人，符合条件的，依法享受社会保险待遇。

在达到规定的领取养老金年龄前离境的，其社会保险个人账户予以保留，再次来中国就业的，缴费年限累计计算；经本人书面申请终止社会保险关系的，也可以将其社会保险个人账户储存额一次性支付给本人。

第六条 外国人死亡的，其社会保险个人账户余额可以依法继承。

第七条 在中国境外享受按月领取社会保险待遇的外国人，应当至少每年向负责支付其待遇的社会保险经办机构提供一次由中国驻外使、领馆出具的生存证明，或者由居住国有关机构公证、认证并经中国驻外使、领馆认证的生存证明。

外国人合法入境的，可以到社会保险经办机构自行证明其生存状况，不再提供前款规定的生存证明。

第八条 依法参加社会保险的外国人与用人单位或者境内工作单位因社会保险发生争议的，可以依法申请调解、仲裁、提起诉讼。用人单位或者境内工作单位侵害其社会保险权益的，外国人也可以要求社会保险行政部门或者社会保险费征收机构依法处理。

第九条 具有与中国签订社会保险双边或者多边协议国家国籍的人员在中国境内就业的，其参加社会保险的办法按照协议规定办理。

第十条 社会保险经办机构应当根据《外国人社会保障号码编制规则》，为外国人建立社会保障号码，并发放中华人民共和国社会保障卡。

第十一条 社会保险行政部门应当按照社会保险法的规定，对外国人参加社会保险的情况进行监督检查。用人单位或者境内工作单位未依法为招用的外国人办理社会保险登记或者未依法为其缴纳社会保险费的，按照社会保险法、《劳动保障监察条例》等法律、行政法规和有关规章的规定处理。

用人单位招用未依法办理就业证件或者持有《外国人永久居留证》的外国人的，按照《外国人在中国就业管理规定》处理。

第十二条 本办法自 2011 年 10 月 15 日起施行。

附件：

外国人社会保障号码编制规则

外国人参加中国社会保险，其社会保障号码由外国人所在国家或地区代码、有效证件号码组成。外国人有效证件为护照或《外国人永久居留证》。所在国家或地区代码和有效证件号码之间预留一位。其表现形式为：

XXX X XXXXXXXXXXXXXXXX

有效证件号码

预留位

国家或地区代码

1. 外国人所在国家或地区代码按“ISO 3166-1-2006”国家及其地区的名称代码的第一部分国家代码规定的 3 位英文字母表示，如德国为 DEU，丹麦 DNK。遇国际标准升级时，人力资源和社会保障部统一确定代码升级时间。

取得在中国永久居留资格的外国人所在国家或地区代码与其所持《外国人永久居留证》号码中第 1-3 位的国家或地区代码一致（也为三位）。

2. 预留位 1 位，默认情况为 0，在特殊情况时，可填写数字为 1 至 9。

3. 编制使用外国人有效护照号码，应包含全部英文字母和阿拉伯数字，不包括其中的“.”、“-”等特殊字符。编制使用《外国人永久居留证》号码，为该证件号码中第 4-15 位号码。

(1)以在我国某用人单位工作的持护照号 G01234—56 的德籍人员为例，其社会保障号码为：DEU0G0123456

国家或地区代码 预留位 有效护照号码

DEU 0 G0123456

(2)以在我国某用人单位工作的持《外国人永久居留证》号 DNK324578912056 的丹麦籍人员为例，其社会保障号码为：DNK0324578912056

国家或地区代码 预留位 《外国人永久居留证》号码

DNK 0 324578912056

4. 数据库对外国人社会保障号码预留 18 位长度（其中有效护照号码最多为 14 位）。编制号码不足 18 位的，不需要补足位数。

5. 外国人社会保障号码在中国唯一且终身不变。其证件号码发生改变时，以初次参保登记时的社会保障号码作为唯一标识，社会保险经办机构应对参保人员的证件类型、证件号码变更情况进行相应的记录。