



# Measures for the Administration of Foreign Experts Employed in Enterprises with Foreign Investment

## Chapter I

### General Provisions

#### Article 1

These Measures are formulated in compliance with the provisions of China's relevant laws, statutes and regulations, with a view to standardizing the administration of foreign experts working for enterprises with foreign investment, to promoting the exchange of economic and technical personnel between China and foreign countries, and the development of enterprises with foreign investment.

#### Article 2

The enterprises with foreign investment mentioned in these Measures refer to China-foreign equity joint ventures, contractual joint ventures, and solely foreign-invested companies operating in China and having the statuses of Chinese corporate persons, which have been approved by the relevant departments of the Chinese government and are subject to the jurisdiction and protection of China, with a view to meeting the needs of China's economic construction.

#### Article 3

The foreign experts mentioned in these Measures refer to those foreign professionals, technical personnel and managerial personnel employed in the enterprises with foreign investment engaged in production, operation, and administration as are required by the actual needs.

#### Article 4

The State Administration of Foreign Experts Affairs is the government-authorized competent authority in charge of foreign experts affairs. The foreign affairs offices of the provinces, autonomous regions and municipalities directly under the Central Government are the respective local administrative departments in charge of foreign experts affairs.

## Chapter II

## Administration of Foreign Experts

### Article 5

The State Administration of Foreign Experts Affairs and the foreign affairs office of the provinces, autonomous regions and municipalities directly under the Central Government are the respective competent departments in charge of authenticating the identities of foreign experts working for the enterprises with foreign investment. The authentication of the identities of foreign experts of those enterprises with foreign investment under the direct control of the various ministries and commissions of the State Council, or of the specialty-oriented general corporations, shall be processed by the International Cooperation Departments (or Foreign Affairs Departments) of the State Council, or of the specialty-oriented general corporations; and the formulation of relevant provisions regarding the authentication of the identities of foreign experts shall be undertaken by the respective ministries, commissions or specialty-oriented general corporations.

### Article 6

The foreign experts working for enterprises with foreign investment shall engage in the kind of job that is commensurate with their own specialty and skills, and shall meet the following standards: (1) They must have baccalaureate degrees or above, with a professional title of "engineer" or have equivalent degrees and professional titles; (2) They must have working experiences in their respective specialties for 5 years or more, being able to give technical guidance to their Chinese associates and competent to perform their duties; (3) They must possess the expertise related to a particular specialty or special skills or have other knacks of the trade; and (4) They must have working experiences in foreign countries or outside the mainland of China in administration-related jobs for 5 years or more, having ranks of departmental managers or the equivalent positions or higher for large, medium-size enterprises with foreign investment or high-tech, new-tech businesses.

### Article 7

To authenticate the identities of foreign technical and managerial personnel working for enterprises with foreign investment, the organizations employing foreign experts shall present to the authorities in charge of the authentication of the identities of foreign experts the notice of appointment issued by the employing organization, certificate of physical checkup, notarized testimonials of no criminal record, and all those testimonial materials listed in Article 6 of these Measures.

## Article 8

The Document Affirming the Employment of Foreign Experts is an essential piece of documentation for a foreign expert to apply for a work visa bound for China in response to the call to work in this country. For those foreign experts who have been decided by the authority authenticating the identities of the foreign experts to be in need of work visas (Z), the enterprises with foreign investment shall approach the identity authentication authorities concerned for the Documents Affirming the Employment of Foreign Experts; and request the authorized organizations in China to send the applicants letters (telegrams) of invitation in accordance with agreements, protocols, or contracts. The cases of requests for work visas (Z) by those foreign professionals, technical personnel and managerial personnel who have been engaged by the enterprises with foreign investment to come to China to work as part of the programmes of the introduction of foreign technologies and importation of equipment, can be dealt with by the concerned organization directly approaching the identity authentication authority of The State Administration of Foreign Experts Affairs for the Document Affirming the Employment of Foreign Experts,

## Article 9

The foreign experts who have agreed to come to China to work may, with the Document Affirming the Employment of Foreign Experts and letters (telegrams) of invitation as well as valid passports and relevant certificates, go to China's diplomatic missions to foreign countries, the Consulate offices, or other China's missions stationed in the foreign countries duly authorized by the Ministry of Foreign Affairs of China for obtaining their work visas (Z).

## Article 10

When the employing organizations apply for the Documents Affirming the Employment of Foreign Experts Document for the foreign experts, they may at the same time apply for them the Foreign Expert Certificates, with which the foreign experts shall be entitled to preferential treatment by the Chinese Customs.

## Article 11

The Foreign Expert ID Card serves as a certificate indicating the identity of the foreign professional as expert invited to work in China for the contractual period of stay in this country. The foreign expert shall, with the Notice of Appointment, and a valid passport and certificates, go to the identity authentication authority within 15 days of arrival in China for the Foreign Expert ID Card; with the Foreign Expert ID

Card and other relevant certificates, he/she shall, within 30 days upon having arrived in China, go to the entry control department of the local public security office for obtaining Foreign National's Residence Permit or an interim one of the same. If both husband and wife are of foreign expert statuses, each of them can request for a Foreign Expert ID Card; if one of the couple is a foreign expert while the other not, the spouse shall not be given a Foreign Expert ID Card, but shall be noted in the Family Dependents Box of the Foreign Expert ID Card.

## Chapter III

### Administration of Foreign Experts Affairs

#### Article 12

The validity of the Foreign Expert ID Card for one signing shall not exceed one year. The foreign expert shall, upon the expiration of the Foreign Expert ID Card, go to the identity authentication authority for the extension of the Foreign Expert ID Card; if no extension has been applied for upon the expiration of the Foreign Expert ID Card, the said document shall be invalidated automatically. When the foreign expert has left one employing organization to work with another during his/her stay in China, he/she should return the original certificate to the issuing organ, and apply for a new Foreign Expert ID Card at the local authority for issuing the certificate whereat his/her new employing organization is situated.

#### Article 13

Foreign experts shall abide by China's laws and relevant government regulations during their stay in China; their legal rights shall be subject to the protection of China's laws and of the government.

#### Article 14

The enterprises with foreign investment shall stipulate in explicit terms in the agreements, protocols, or contracts concerning the treatments of foreign experts during their working stay in China, in terms of insurance, medical care, holidays, provisions for living, etc.; as for the said agreements, protocols or contracts being signed by the parties concerned, both the foreign experts and the employing organization shall strictly abide by them, and no alterations shall be made at will.

#### Article 15

The administrative departments of whose administration the enterprises with foreign investment are subject to shall, in compliance with the State laws

and the relevant provisions of the government, formulate measures, take steps, and urge the affiliated organizations to do everything for the foreign experts to facilitate their work, and living and other legal activities during their stay in China.

#### **Article 16**

The foreign affairs office of the provinces, autonomous regions and municipalities directly under the Central Government shall establish special offices or assigning special persons to be in charge of the affairs of foreign experts working for enterprises with foreign investment within their respective localities, inspecting and supervising the implementation of the relevant guidelines, policies, rules and regulations, coordinating the work among the various departments of the locality, and helping solve those problems the foreign experts are confronted with that must be settled.

#### **Article 17**

Those foreign experts who have made extraordinary contributions in their work shall, on the merit of their work, be commended or awarded by the employing organization or by the relevant government departments.

#### **Article 18**

When the foreign experts have gotten themselves involved in civil disputes, public security events and in other cases (events), the competent departments in charge of foreign affairs at various levels shall assist the public security, national security and the judicial departments for dealing with the cases in accordance with the law.

#### **Article 19**

When having discovered that those foreign personnel holding Foreign Expert ID Cards have concealed the facts about themselves that the information in terms of identification and status is not in conformity with that originally provided, or that the work they do or the activities they participate in are not commensurate with their experts' statuses, the identity authentication authorities or the relevant departments shall revoke the Foreign Expert ID Cards, and ask the public security offices to cancel out their qualifications for residence either permanent or interim.

### **Chapter VI**

#### **Supplementary Provisions**

#### **Article 20**

To those personnel from the regions of Hong Kong, Macao, and from Taiwan province employed by the enterprises with foreign investment, who are up to the requirements as stipulated in the present Measures set on foreign experts, separate certificates for experts from Hong Kong, Macao, and Taiwan shall be issued, the processing of which shall be made in accordance with the spirit of these Measures.

#### **Article 21**

The foreign affairs offices of the provinces, autonomous regions and municipalities directly under the Central Government shall formulate bylaws for the implementation of these Measures in light of the local conditions.

#### **Article 22**

The Document Affirming the Employment of Foreign Experts, the Foreign Expert Certificates, and the Foreign Expert ID Cards shall be uniformly prepared and printed by the State Administration of Foreign Experts Affairs.

#### **Article 23**

The State Administration of Foreign Experts Affairs shall be responsible for the interpretation of these Measures.

#### **Article 24**

These Measures shall enter into force as of the date of promulgation.

The State Administration of Foreign Experts Affairs  
September 1, 1996