

**The Circular on the Issues of Aliens, Overseas Permanent
(Long-term) Residency Holders, and Residents from Taiwan,
Hong Kong and Macao Who Are Working in Shanghai to
Participate in the Urban Social Insurance Scheme**

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To all the Municipal Committees, Offices and Bureaus, the Holding (Group) Corporations, the Group Corporations, the Municipal Settlement and Administration Center for Social Insurance Funds, the Municipal Medical Insurance Center, the Human Resources and Social Security Bureaus at district/county level, the District and County Administration Centers for Social Insurance Funds, the District and County Medical Insurance Centers, the Employing Units concerned:

In accordance with *The Provisions on Collection and Contribution of Social Insurance Premiums* (Decree 259 by the State Council), *The Regulations on the Employment of Residents from Taiwan, Hong Kong and Macao in Mainland* (Decree 26 by Ministry of Labour and Social Security), *The Reply on the Social Insurances Issues of the Overseas Permanent Residency Holders Returning to China to Work* (Document No 198 <2001> by the General Office of Ministry of Labour and Social Security), *The Circular on Printing and Distributing the Provisions on Encouraging Chinese Students Studying overseas to Work and Start Businesses in Shanghai* (Document No 34 by Shanghai Municipal Government), *The Circular on the Issues of Aliens, Overseas Permanent (Long-term) Residency Holders, and Residents from Taiwan, Hong Kong and Macao Who Are Working in Shanghai (hereinafter referred to as the aliens, permanent (Long-term) residency holders, residents from Taiwan, Hong Kong and Macao who come to Shanghai to work) to Participate in the Urban Social Insurance Scheme* is as the followings,

1. The aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work, having established labour (employment) relationship with the employing

units that are eligible for the Shanghai urban social insurance scheme, and completed the procedures of Foreign Expert Certificate, Shanghai Residence Permit (B), Alien Employment Permit, Employment Permit for the Residents from Taiwan, Hong Kong and Macao, or Employment Verification Certificate for the Overseas Permanent (Long-term) Residency Holders in Shanghai as per relevant laws and regulations, may enroll in the urban pension insurance, medical insurance and insurance for work-related injuries according to relevant laws and regulations, and the concerned parties may reach an agreement in the labour (employment) contracts.

2. Where the aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work, are enrolled in the urban social insurance scheme, they may go through application procedures for the old-age pension benefits, provided that the concerned male individuals reach the age of 60 and the female reach the age of 55, and in addition they meet the minimum contribution years as stipulated by the State and the Municipality, the pension benefits shall be defined and distributed in light of *The Circular on Adjusting the Methods of definition and Distribution of Urban Old-age Pension Benefits in Shanghai Municipality (Document No 27 <2007> by Shanghai Municipal Government)*. Those who do not meet the statutory requirements may continue to make contributions, provided they still keep the labour (employment) relationship, or the social insurance agencies may pay them a lump sum of the individual pension account accrual (the crediting amount of the years of service to the notional individual pension accounts and its interests not included), and terminate their affiliation with the social insurance scheme provided they do not keep the labour (employment) relationship.
3. The enrolled aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work shall be eligible for the basic medical insurance benefits upon illness during the period of entitlement. Contributions made by the employing units credited into the individual pension accounts, as well as the treatment of medical insurance benefits, shall, in light of their ages, be implemented according to the regulations on the urban medical insurance in the

Municipality.

The enrolled aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work shall not have their overseas-occurred medical expenses settled up during the period of entitlement.

4. Where the enrolled aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work happen to encounter injuries and occupational diseases during the period of entitlement, the appraisal of work-related injuries, the assessment of labour capability, as well as the treatment of work-related injuries benefits shall refer to relevant regulations in the Municipality.
5. Where the enrolled aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work end or terminate the labour (employment) relationship with the employing units and leave the country, and the concerned male are under age 60 and female under 55, they may apply to the social insurance agencies for the termination procedures of the affiliation with the urban social insurance scheme, and the social insurance agencies shall pay them a lump sum of the individual pension account accrual (the crediting amount of the years of service to the notional individual pension accounts and its interests not included). Meanwhile, they may apply to the Municipal Medical Insurance Agency for cancellation of the individual medical insurance account, and the district and county medical Insurance centers shall liquidate the remainder in their individual medical insurance accounts and return the balance to them in cash.
6. Where the enrolled aliens, overseas permanent (long-term) residency holders, and residents from Taiwan, Hong Kong and Macao who come to Shanghai to work terminate the affiliation with the urban social insurance scheme because of death, the sum of individual contributions in the concerned individual pension account, as well as the balance of the liquidated individual medical insurance account shall be inheritable.
7. This Circular shall come into effect as of the date of its publication.

上海市人力资源和社会保障局关于在沪工作的外籍人员、获得境外永久（长期）居留权人员和台湾香港澳门居民参加城镇职工社会保险若干问题的通知

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市政府各委、办、局，各（控股）集团公司、企业（集团）公司，市社会保险事业基金结算管理中心，市医疗保险事务管理中心，各区、县人力资源和社会保障局，各区、县社会保险事业管理中心，各区、县医疗保险事务中心，各有关用人单位：

根据《社会保险费征缴暂行条例》（国务院令第259号）、《台湾香港澳门居民在内地就业管理规定》（劳动和社会保障部令第26号）、《关于取得国外永久性居民身份证回国工作人员在国内工作期间有关社会保险问题的复函》（劳社厅函[2001]198号）和《关于印发〈鼓励留学人员来上海工作和创业的若干规定〉的通知》（沪府发[2005]34号）的规定，现就沪工作的外籍人员、获得境外永久（长期）居留权人员和台湾香港澳门居民（统称为外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员，下同）参加本市城镇职工社会保险有关事项通知如下：

一、与属于参加本市城镇基本养老保险范围的用人单位建立劳动（聘用）关系，并按规定分别办理了《外国专家证》、《上海市居住证》B证、《外国人就业证》、《台港澳人员就业证》、《定居国外人员在沪就业核准证》等证件的外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员，可以按照相关规定同时参加本市城镇职工基本养老保险、基本医疗保险和工伤保险，并在劳动（聘用）合同中予以约定。

二、外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员参保后，男年满60周岁、女年满55周岁时，符合国家和本市规定缴费年限的，可以办理申领基本养老金手续，并按照《关于调整本市城镇企业基本养老金计发办法的通知》（沪府发[2007]27号）的规定计发基本养老金；不符合规定的人员，仍具有

劳动（聘用）关系的可以继续缴费，不再具有劳动（聘用）关系的人员可由社会保险经办机构将其养老保险个人账户储存额（不含“虚账实记”的金额及利息），一次性支付给本人，终止基本养老保险关系。

三、外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员在参保期间患病的，享受城镇职工基本医疗保险待遇。个人账户单位缴费计入部分和医疗保险待遇，根据其实际年龄，按照本市城镇职工基本医疗保险办法有关规定执行。

外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员参保期间，在境外发生的医疗费用不予结算。

四、外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员在参保期间发生事故伤害或者患职业病的，其工伤认定、劳动能力鉴定和工伤保险待遇，按照本市有关规定执行。

五、外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员参保后，男年未满 60 周岁、女年未满 55 周岁，与本市用人单位解除或终止劳动（聘用）关系并离境的，可至社会保险经办机构申请办理终止基本养老保险关系手续，由社会保险经办机构将其养老保险个人账户储存额（不含“虚账实记”的金额及利息）一次性支付给本人；同时，可至市医疗保险经办机构申请办理个人医疗账户注销手续，由区、县医疗保险办公室按规定对个人医疗账户剩余资金进行清算，清算后的剩余资金以现金形式发还个人。

六、外籍、获得境外永久（长期）居留权、台、港、澳来沪工作人员参保后因死亡终止其社会保险关系的，其养老保险个人账户储存额中个人缴费部分、医疗保险个人账户清算后的剩余资金可以继承。

七、本通知自发布之日起执行。

上海市人力资源和社会保障局

二〇〇九年十月十日