

Shanghai Released New Immigration Policy to Attract Foreign Talents

After the Ministry of Public Security (“MPS”) promulgated series of immigration policies and measures to support the development of Shanghai sci-tech innovation center, Shanghai Public Security Bureau recently released the *Implementation Rules on Series of Immigration Policies of Shanghai Sci-tech Innovation Center* (the “**Implementation Rules**”) which was effective on July 1, 2015. The Implementation Rules, upon the basis of MPS’ immigration policies and measures, detail the standards for “overseas talent” identification and the conditions to obtain visa and apply for permanent residence, and also introduce measures to simplify and accelerate the procedures. This article briefly describes the standards for foreigners to be identified as “overseas talents”, the conditions to apply for permanent residence and other related topics:

1. “Overseas Talents” Identification

Pursuant to the Implementation Rules, a foreigner can be identified as “overseas talent” by any one of the following ways:

(1) Identified by Market-oriented Way (the “**Talent Identified by Market-oriented Way**”)

This way of identifying “overseas talent” is based on the wage and tax payment of a foreigner, and the requirements for company category and position title under the previous policies have been cancelled. According to the Implementation Rules, if the foreigner’s annual wage and annual individual

上海出台出入境新政策，吸引外籍人才来沪创业定居

在公安部发布支持上海科技创新中心建设的系列出入境政策措施后，上海市公安局于近日发布了《上海科创中心系列出入境政策实施细则》（以下简称“《**实施细则**》”），并自2015年7月1日起实施。《实施细则》基于公安部系列出入境政策措施，对“海外人才”的认定、办理签证及申请永久居留的条件进行了细化，并提出了一系列的便利措施，以简化和加快办理流程。本文主要对外籍人士被认定为“海外人才”的标准、申请永久居留的条件及其他相关事宜进行简述：

一、符合标准的外籍人士可被认定为“海外人才”

根据《实施细则》，外籍人士可通过以下任一种方式被认定为“海外人才”：

(1) 通过市场化方式认定（以下简称“**市场化认定人才**”）

该种认定方式以工资和税收为依据，取消了原政策对就业单位类别和职务级别的限制。根据《实施细则》，如果外籍人士的工资性年收入和年缴纳个人所得税达到规定的标准，即可被认定为“海外人才”。该标准将根据上一

<p>income tax payment meet the mandatory threshold, he can be identified as an “overseas talent”. The threshold will be adjusted yearly in line with the average wage and the tax payment standard of Shanghai in the previous year. The threshold of Year 2015 is as follows: the annual wage is no less than ¥ 600,000 and the annual individual income tax payment ¥120,000.</p> <p>(2) Identified by the Competent Authorities (the “Talent Identified by Authority”) The competent authorities (including the Organization Department of the CPC, the Ministry of Human Resources and Social Security, the State Administration of Foreign Experts Affairs, etc.) have the power to identify a foreigner as an “overseas talent” according to relevant regulations and to issue a certificate.</p> <p>(3) Employed by a Company on the Sci-tech Innovation List (the “Talent Employed by Company on List”) A foreigner employed and assured by the company on the Shanghai sci-tech innovation career list can be identified as an “overseas talent”. The Implementation Rules no longer require the age of the Talent Identified by Authority and the Talent Employed by Company on List to be under 60 years old.</p> <p>2. Conditions to Apply for Permanent Residence</p> <p>(1) Talent Identified by Market-oriented Way The foreigner identified as an “overseas</p>		<p>年度上海平均工资水平和纳税标准进行年度调整。2015年标准定为工资性年收入达到60万元人民币以上且年缴纳个人所得税达到12万元人民币以上。</p> <p>(2) 由主管部门认定 (以下简称“政府认定人才”) 人才主管部门 (包括中共中央组织部、人力资源和社会保障部、国家外国专家局等) 有权根据相关规定认定外籍人士为“海外人才”并出具证明。</p> <p>(3) “科创清单”企业聘雇 (以下简称“清单企业聘雇人才”) 由上海科技创新职业清单所属企业聘雇并且担保的外籍人士可被认定为“海外人才”。 《实施细则》取消了原政策对政府认定人才和清单企业聘雇人才需60周岁以下的年龄限制。</p> <p>二、 申请永久居留的条件</p> <p>(1) 市场化认定人才 通过市场化认定为“海外人才”外籍人士如能满足如下两个条件即可申请永久居留：</p>
--	--	---

<p>talent” by the market-oriented way can apply for permanent residence if he meets both of the following conditions:</p> <ul style="list-style-type: none"> a. Has been working for a consecutive period of 4 years in Shanghai and lives in China for no less than 6 months accumulatively every year; and b. recommended by his employer. <p>(2) Talent Identified by Authority and Talent Employed by Company on List</p> <p>The foreigner identified as an “overseas talent” by the way of authority identification or employment can apply for permanent residence if he satisfies the following three conditions:</p> <ul style="list-style-type: none"> a. Has obtained a five-year work residential permit with a “talent” mark; b. Has been working for a consecutive period of 3 years after obtaining the residential permit mentioned above; and c. recommended by his employer. <p>3. Other Relevant Policies</p> <p>In addition to relaxing the identification standards of overseas talent and the application conditions of permanent residence, the Implementation Rules also simplify the procedures for foreigners to apply for visa and residence and offer more convenience to encourage foreign talents to start up business and invest in Shanghai, for example:</p> <p>(1) Simplify Application Procedures for Visa</p> <p>According to the previous policy, after</p>		<ul style="list-style-type: none"> a. 在上海已经连续工作满4年且每年在中国境内居住累计不少于6个月；和 b. 经所在单位推荐。 <p>(2) 政府认定人才和清单企业雇佣人才</p> <p>由政府认定或企业雇佣方式成为“海外人才”的外籍人才如满足以下两个条件即可申请永久居留：</p> <ul style="list-style-type: none"> a. 申请5年有效期的加注“人才”的工作类居留许可；和 b. 获得上述许可后连续工作满3年且经所在单位推荐。 <p>三、 其他相关政策</p> <p>除了放宽了海外人才认定标准及放宽永久居留申请条件，《实施细则》还对外籍人士办理签证及入境居留等相关事宜进行了简化，提供更多便利，鼓励外籍人才来沪创业投资，例如：</p> <p>1. 简化签证手续</p> <p>根据原政策要求，来沪工作的外籍人士取得工作许可证明后要先在境外使（领）馆取得工作类签证才能入境。而根据《实施细则》规定，外籍人士凭工作许可证明可直接在上海口岸签证机关</p>
---	--	--

<p>receiving an employment license, foreigners coming to work in Shanghai shall obtain a work visa from a Chinese embassy or consulate before entering China. Pursuant to the Implementation Rules, foreigners can apply for a work visa directly at Shanghai entry-exit port with the employment license. For those foreigners who have already been in Shanghai, they can apply for a one-year work residence permit with their employment license in Shanghai and then go through the formalities of employment.</p> <p>If a foreigner who is working in Shanghai has obtained work residence continuously twice and obeyed Chinese laws and regulations, pursuant to the Implementation Rules, he can directly apply for a work residence with a five-year term.</p> <p>(2) More Convenience for Talent Identified by Authority and Talent Employed by Company on List to Reside in China The Talent Identified by Authority and the Talent Employed by Company on List can apply for an R (talent) visa directly at Shanghai entry-exit port if he does not have a visa at hand. If a foreigner enters China with other types of visa, he can apply to change the visa to an R (talent) visa or apply for residence permit after entering China.</p> <p>(3) Encourage Foreigners to Start up Business and Invest in Shanghai Foreigners who plan to invest or start up business in Shanghai can apply for a visa</p>		<p>申请工作签证入境。对于已经在上海的外籍人士，可以凭工作许可证明在上海先申请1年以内的工作类居留许可，之后再补办相应的就业手续。</p> <p>若在上海工作的外籍人士已连续两次申请办理工作类居留许可且遵守中国法律法规的，根据《实施细则》规定，第三次可以直接申请有效期5年的工作类居留许可。</p> <p>2. 便利政府认定人才和政府聘雇人才的入境居留 对于政府认定人才清单企业聘雇人才，未持签证来华的，可以直接向上海口岸签证机关申请R字（人才）签证。若持其他签证来华的，可以在入境后再申请变更为R字（人才）签证或者办理居留许可。</p> <p>3. 鼓励外籍人士来沪创业投资 对计划来上海投资或者创新创业的外籍人士，可凭投资证明或者创业计划、生活来源证明，向上海口岸签证机关申请私人事务签证，入境后再申请加注“创业”的私人事务类居留许可。</p>
---	--	---

<p>for private purpose at Shanghai entry-exit port with the proof of the investment or startup plan and the sources of livelihood. After entering China, they can apply for the residence permit for private purpose with an “entrepreneurship” mark.</p>		
---	--	--