

## **Documentation**

### ***Introducing Foreign Experts to China***

*The State Bureau of Foreign Experts*

(The following article was published in the China Daily, on October 8, 1993.)

The State Bureau of Foreign Experts recently issued a document on the management of overseas organizations introducing foreign experts to China.

It is designed to promote international exchanges in culture, education, science and technology, said the bureau.

The measures, which came into force on National Day, were worked out to help strengthen the management of overseas organizations and domestic intermediary organizations introducing foreign experts to China and to guarantee their rights.

The measures refer to overseas professionals working in education, the media, publishing, culture, art, public health, and sports.

All the overseas organizations and domestic intermediary organizations which introduce foreign experts to China should go through registration and qualification approval procedures, says the document.

And the State Bureau of Foreign Experts (SBFE) is the sole administrative department for these procedures.

Domestic intermediary organizations should apply to provincial foreign affairs offices before they start their operations.

Foreign affairs offices will handle the qualification approval along with education committees and public security departments and will, with the approval of SBFE, issue the qualification certificate, the document continues.

Overseas and domestic organizations which fail to go through the procedures will not be allowed to start operations.

Foreign experts who are self recommended, applicants who are introduced by other individuals, and those who have finished their contracts in China but wish to change to other units should go through application procedures via domestic intermediary organizations.

The recruiting institutions are not allowed to employ the above-mentioned personnel directly, the document said.

## Registration

It requires overseas organizations to provide the following documents and materials in order to apply for the registration of foreign experts:

1. Applications signed by the head of the organization and materials about the organization (including general information, office address, business scope, etc.)
2. Permission documents (copy) issued by the relevant authorities in the country (region) where the organization is from.
3. Capital credit certifications (copy) issued by the financial institutions with which the organization has business activities.
4. Other documents and materials required by SBFEE.

The document also has the following requirements concerning the qualification of overseas organizations and domestic intermediary organizations.

1. They should be able to recruit foreign cultural and educational experts to the requirements of the host institutions and arrange instruction, training and dispatch procedures for them before they come to China.
2. They should be able to provide timely replacements of the unqualified personnel they have posted to work in China or compensate for the losses caused therein.
3. Their agreements signed with relevant departments, units and organizations should not violate Chinese laws and decrees, and should not infringe upon China's social and public interests.

The document requires the following of foreign experts intending to work in China.

1. That they should observe Chinese laws and respect China's religious policies; as well as social customs.
2. That they should observe the host institution's work system and regulations concerning the management of foreign experts, and accept the host institution's work arrangements, professional instruction and examinations.
3. That they should be in good health (those who stay in China more than one year should provide their own and any dependent's health certificates which should have been issued within six months of their departure).
4. That foreign experts in the cultural and educational fields should sign with the host institution the standard contract formulated by SBFEE in order to define the obligations and rights of the two sides.

If the expert is sent by organization, the provisions about living arrangements in the contract should be in accordance with the agreement signed between the organization and the

Chinese side.

## Organization

For such overseas organizations that want to establish resident offices in China for their operations, it is required that they should apply to SBFE.

Then, with verification and approval, they should go through registration procedures for the resident office at the local administration for industry and commerce authorized by the State Administration for Industry and Commerce according to the Interim Provisions on the Administration of Resident Offices of Foreign Enterprises by the State Council of the People's Republic and according to the Measures for Administration of Registration of Resident Offices of Foreign Enterprises by the State Administration for Industry and Commerce.

As for profit-making domestic intermediary organizations, it is regulated that after obtaining the certificate of qualification approval, they should go through the registration procedures at the local administration for industry and commerce.

SBFE conducts professional instruction and supervision of overseas organizations and domestic intermediary organizations through professional evaluation and annual examination and registration, the document says.

For the annual examination and registration, overseas organizations and domestic intermediary organizations should hand in their annual operation activity reports to SBFE.

As for those overseas and domestic organizations which do not accept professional supervision and examination, SBFE has the right to order them to suspend their operation and rectify their work, and even to stop their operation.

Overseas and domestic organizations which violate the laws and decrees of China will be dealt with by the departments concerned according to the law.

Organizations sending foreign experts in the cultural and educational fields through inter-government, friendship cities, inter-school exchanges and other channels will come under the management of the signatories of the agreements and should report to the SBFE for the record.