



Modifications to the Regulation 775-03 of the Social Security Treasury (*Tesorería de la Seguridad Social*)

This is a brief summary of recent changes made by the National Council of the Social Security (CNSS in Spanish) to Regulation 775-03 of the Social Security Fund (TSS in Spanish) regarding the affiliation to the Dominican Social Security System (SDSS in Spanish) of all foreign nationals who are in a regular migration situation in the Dominican Republic.

Currently, the reality of the Dominican Republic is that, despite the existence of laws that require that foreigners national have the same rights and duties as Dominican nationals, with the exceptions and limitations established by the Constitution and laws, besides from the Dominicans, the only ones who in practice enjoy the right to social security enshrined in Article 5 of Law 87-01 that creates the Dominican Social Security System, are foreigners with permanent residence and an Identity and Electoral Card.

That's why, by Resolution 377-02 of November 12th, 2015, the NSSF has extended the spectrum of the SDSS to eliminate restrictions that until now have been implemented to the detriment of foreigners on regular immigration status, different than permanent residence. In this regard, here are the main changes that will take effect and national implementation from the date the Executive Branch promulgate the amendment of the Regulation:

- Temporary workers and holders of business visas for employment purposes may be affiliated to the SDSS;
- Will be valid documents for purposes of membership of foreigner citizens of the SDSS (apart from the Identity and Electoral Card): a) the card issued by the General Directorate of Immigration, b) the final document issued by the Ministry of Interior and Police under the National Plan of regularization of foreigners, and c) the passport with valid work visa;
- From the entry into force and implementation of the amended Regulation, public and private employers will be responsible for registering to the SDSS all direct foreign workers and their direct dependents that possess the documents mentioned above;
- The TSS in coordination with the Ministry of Labor, have a period of 90 days (from the date of the enactment of the amending Regulation) to adapt their respective platforms, in order to be able to make the links required for effective compliance of the above provisions.

Note: This document contains solely general information on the subset matter, therefore does not constitute a legal opinion by Russin Vecchi & Heredia Bonetti. It is recommended to seek legal advice for each particular matter.