

China in Global Immigration: Changing Role and Current Policies

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China does not have immigration law or asylum law, and it does not permit dual citizenship. In Chinese laws and official documents, the word “immigrant” is seldom used. When referring to immigrants, Chinese law consistently calls them “foreigners” and defines them as anyone who does not have Chinese citizenship or who are stateless persons. A similar definition may be found in the legal regulations of many countries (e.g., Hungary 1993, Germany 1990, Austria 1992). In immigration control, relevant government authorities pay more attentions to managing foreigners’ behaviours in the process of entry, residency and departure. To be specific, China’s policies on immigration include the management of foreigners’ entry, transit, residence, employment, travel, study, departure and so on.

Keywords: migration, immigration policy, China

Introduction

In a global age, there hardly exists a country completely irrelevant to immigration. No country can possibly only open the door to cross-border flow of information, goods and capital while closing the door to international human resources. Most countries in the world are either a migrant-exporting country or migrant-importing country or transit country, and some countries even play these three roles at the same time. They simultaneously enjoy both benefits and suffer pressure brought by international immigration.

In recent years, China’s issue of migration has sparked debates at home and abroad. However, people are more focused on the Chinese emigrants while ignoring those immigrants who come and stay in China. As a non-immigration country, China is not fully prepared to accept immigrants as its formal social members, neither in terms of law, nor in social identity.

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and defines them as anyone who does not have Chinese citizenship or who are stateless persons. A similar definition may be found in the legal regulations of many countries (e.g., Hungary 1993, Germany 1990, Austria 1992). In immigration control, relevant government authorities pay more attention to managing foreigners' behaviors in the process of entry, residency and departure. To be specific, China's policies on immigration include the management of international visitors' and immigrants' entry, transit, residence, employment, travel, study, departure and so on. With respect to social identity, most Chinese people treat foreign settlers as "guests" and "visitors" and do not expect a deeper relation with them. However, as more and more international visitors choose to settle down in China, correlative political and social issues become more prominent, which has brought new challenges to local residents and the governments.

China's Role Transition in Global Immigration

According to the *Annual Report on Chinese International Migration (2015)*, published by Center for China & Globalization (CCG), China is the fourth largest migrant-exporting country in the world. For a long time, China claimed itself to be a non-immigration country and kept a high wall for immigrants. Based on China's Nationality Law, if immigrants want to gain Chinese citizenship, they have to gain Chinese Permanent Residence Card and expatriate themselves first. As a result, it is extremely rare for immigrants to obtain Chinese citizenship. Most immigrants only want to gain a Chinese PR Card, which also has a high threshold.

Due to its rapid social and economical development, China's role in international immigration and attitude to immigrants are in transformation. The entry number of international visitors continues growing quickly since its opening-up. International visitors' entry purposes become increasingly diverse. Visiting, living and working in China become more attractive. Foreign residents in China mostly gather in large and medium-sized cities, in where immigrant communities have emerged. The majority of employed foreigners are high-skilled and professional ones. While the group of illegal immigrants become new problems to China's city governance. China is not a single migrant "donor" any more, but also a destination country of immigrants.

Increase of immigrants: entry, residence and employment

Increasing entry number and diverse entry purposes

According to China's Ministry of Public Security, only 1.64 million international visitors entered China in 1985; the number surpassed 10 million in 2000 (10.16 million) and reached 16.93 million in 2004, 10 times as many as 20 years ago. Since 2005, the entry and exit number of international visitors has exceeded 40 million each year; from 2004 to 2014, average annual growth rate of entry and exit of international visitors was about 4.5%.

In 2014, the top five countries with the most entry population are South Korea, Japan, the United States, Russia, Vietnam. The top three ports of international visitors' arrival and departure are Shanghai Pudong Airport, Beijing Capital Airport and Guangzhou Baiyun Airport.

In 2014, the entry number of international visitors was 26.36 million persons, as much as the total population of Australia (24 million, in 2013). Among the entry purposes of international visitors, although sightseeing, conference and business, transportation service employees still rank in top 3 places respectively, the number of individuals who came to China for residency increases from 22,300 in 2012 to 277,500 in 2014, up more than tenfold in 2 years.

Non-immigration country with growing foreign residents

China is not a country of immigrants, so it is extremely rare for immigrants to obtain Chinese citizenship. However, China is in favor of international visitors' lawful entry and residency. To have temporary visits for pleasure, exchange programs, study, temporary employment and family reunion, individuals can submit applications to local Exit and Entry Administration Departments for residence permits. According to the Ministry of Public Security, there were only nearly 20,000 foreign residents (who have lived in China for over 6 months) in China in 1980. According to China's sixth national population census in 2010, which firstly identified the number of foreign residents in China as the general survey objects, there were 593,832 foreign settlers living in China and accepted the census register; over 60% of them had lived in China for 1 year and more (see Figure 1). The latest data provided by the Center for China & Globalization(2015) suggests that there are 848,500 foreign residents in China.

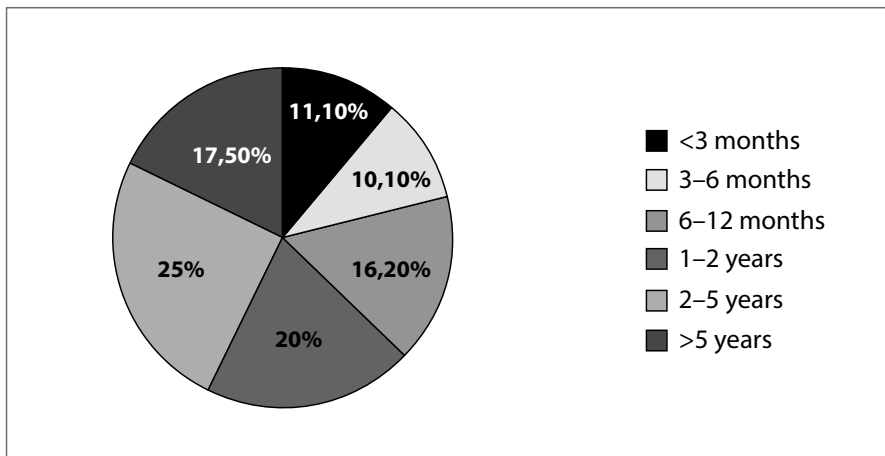


Figure 1. Intended residence duration of foreign residents in China in 2010⁴

⁴ Report of China's sixth national population census (2010)

Foreign settlers in China mostly gather in China's large cities and frontier provinces. According to the sixth census, there were 143,496 foreign residents living in Shanghai and who accepted the registration in 2010, ranking the first place in China. Beijing and Guangdong took the second and third place respectively. The number of foreign residents in Shanghai, Beijing and Guangdong account for over 50% of the whole country. In addition to China's metropolises, foreign residents also gather in China's frontier provinces such as Yunnan and Guangxi province, as well as medium-sized cities which have good performance in international trade, such as Yiwu city in Zhejiang province.

The employment of foreigners

In general, a foreign citizen who wants to work legally in China needs to be in possession of an employment permit, such as *Employment Permit for foreigners*, *Foreign Expert Certificate*, or *Resident Foreign Correspondent's Press Card*; as well as a residence permit, such as *Residence Permit for Foreigners* or the *Permanent Residence Permit for Foreigners*. China divides the foreigners employed in China into experts and non-experts for proper management and service purposes, the former should hold the *Foreign Expert Certificate* to work in China; the latter should hold *Employment Permit for Foreigners*. Take Beijing as an example, Beijing handled 1,198 *Foreign Expert Certificates* and 9,974 *Employment Permit for Foreigners* in 2011. The top five employed foreigners in Beijing are from the United States, South Korea, Japan, Canada and Germany.

According to China's Ministry of Human Resources and Social Security, in 2000, the number of employed foreigners in China was about 74,000. Since 2007, the number of the employed foreigners with *Employment Permit for Foreigners* has maintained over 200,000 (see Table 1), which means 25–35% of foreign residents have lawful work in China. They are mainly foreign-funded enterprises staffs, the representatives of foreign agencies in China and teachers (see Table 2).

Table 1. The number of the employed foreigners in China holding *Employment Permit for foreigners* between 2006 to 2013⁵

	Number of Foreigners with Employment Permit
2006	180,000
2007	210,000
2008	217,000
2009	223,000
2010	232,000
2011	242,000
2012	246,000
2013	244,000

5 Source: The Ministry of Human Resources and Social Security. *Statistical Bulletin of Development of Human Resources and Social Security (2006–2013)*, www.gov.cn.

Table 2 Careers of Employed Foreigners in China in 2007⁶

Type of job	Number of people	Percentage
Staff of foreign-funded enterprise	152,520	28.3%
Representative of foreign company resident office in China	22,142	4.1%
Foreign Teacher	19,624	3.6%
Staff of State-owned company	3,334	0.6%
Staff of Cultural, Art, Sport Institution	3,336	0.6%
Technical Specialist	1,923	0.4%
Staff of embassy and consulate	858	0.2%
Representative of non-business resident organization in China	1,080	0.2%
Staff of Media	759	0.1%
Dependents	108,479	20.1%
Student of College or above	87,215	16.2%
Student of High school or below	17,612	3.3%
Others	120,010	22.3%
Total	538,892	100.0%

New issues about immigrants in China

China becomes a suboptimal choice for grassroots immigrants

More than 60% of foreign residents (aged 6+) in China have received higher education. China encourages the employment of high-skilled workers and specialists from all over the world. In the meantime, a large number of grassroots international businessmen and foreign migrant workers come to China to make a living. For example, in the world's largest small commodity market – Yiwu, Zhejiang province, each year the entry and exit number of foreign merchants is nearly 500,000; there are about 18,000 foreigners residing in Yiwu per day. Among them, the number of Muslims accounts for more than 50% of the registered number. Those Muslim businessmen from the Middle East buy cheap and low quality products “made in China”, and then sell them in Lebanon, Syria and Jordan to make profit.

Similar phenomenon occurs in Guangzhou City (the capital of Guangdong Province), which is known as the “Capital of the Third World”. According to Guangdong police, there are around 20,000 (dynamic data) Africans living in Guangdong every-

⁶ Source: Website of The Exit & Entry Administration, Ministry of Public Security of China, www.mps.gov.cn/n16/n84147/n84211/n84424/index.html.

day; from January to November of 2014, there were about 5,000 Africans residing in Guangdong and about 410,000 Africans live in Guangdong temporarily. Most of them came from West Africa, and a significant number came from Central and East Africa. They choose to come to China because it is difficult to get a visa of Europe, and making a living in China is relatively easier.

China's Green Card becomes the red card to immigrants

In 2004, China began to implement the “Permanent Residence Card” policy. Gaining the PR Card is the precondition for the acquisition of Chinese citizenship. Based on the *Measures for the Administration of Examination and Approval of Foreigners' Permanent Residence in China*, the permanent residence permit with valid term of 5 years or 10 years could be issued to an individual who meets certain conditions⁷. However, the overwhelming majority of foreign residents in China are not qualified for the Green Card. The high threshold of the PR Card makes it green only for those who can make a notable contribution to China. China's PR Card is issued as a honor rather than an immigration policy.

Prior to the implementation of the PR Card policy, on the basis of *Law on the Entry and Exit of Foreigners of P. R. China* issued in 1985, China had approved more than 3000 foreign citizens to settle in China. As of May 23rd 2014, 4,976 foreign citizens won China's PR Card, including 94 investment personnel and their families, with a total investment of about \$300 million; 763 office workers and their families, mainly scholars working in key universities in Beijing, Shanghai, Jiangsu, Zhejiang, Guangdong and senior managers in high-tech foreign-funded enterprises; 1,612 special contribution personnel and their families; and 2,507 family reunions. Among these less than 5,000 individuals who got China's PR Card, after deducting over 3000 ones who had obtained settlement eligibility before 2004, China only issued less than 2,000 PR Cards after its implementation during 10 years.

7 Foreigners applying for permanent residence in China must abide by Chinese laws, be in good health and without any criminal record, and must meet at least one of the following requirements:

1. having made direct investment in China with stable operation and a good tax paying record for three successive years;
2. having been holding the post of deputy general manager, factory deputy director or above or of associate professor, associate researcher and other associate senior titles or above or enjoying an equal treatment, for at least four successive years, with a cumulative period of residence in China not less than three cumulative years in four years and with a good tax paying record;
3. having made a great and outstanding contribution to and being specially needed by China;
4. being the spouse or unmarried child under 18 years old of a person under item (1), (2) or (3) of this paragraph;
5. being the spouse of a Chinese citizen or of a foreigner with permanent residence status in China, with at least five years of marriage relation, at least five successive years of residence in China and at least nine months of residence in China each year, and having stable source of subsistence and a dwelling place;
6. being an unmarried person under 18 years old turning to his parent; or
7. being a person who is or above 60 years old, who has no directly-related member of his family abroad and is to turn to any directly-related member of his family in China, and has stayed in China for at least five successive years, at least nine months of residence in China each year, and has stable source of subsistence and a dwelling place;
8. the periods of time in this Article mean the successive ones till the date of application.

Illegal immigrants in China

The above data about foreign visitors, residents and employed foreigners in China are provided by the Ministry of Public Security and the Ministry of Human Resources and Social Security. These official statistics can only show the legal part of the picture. It is difficult to gather the statistics about immigrants through illegal entry, stay or employment in China.

In 1995, Chinese police investigated and punished more than 10,000 “illegal immigrants” in China; from 1995 to 2005, the Exit-Entry Administration Bureau repatriated 63,000 “illegal immigrants” in total; and in 2006, there were 16,000 “illegal immigrants” repatriated by the Chinese police; in 2011, the number exceeded 20,000. In fact, the figures provided by the Ministry of Public Security can not represent the total amount of illegal immigrants, but they have illustrated that illegal immigrants in China have become a large group and the number is rising yearly.

The issue of illegal immigrants is a common global difficulty. In the second half of the 20th century, the cross-border flowing of world populations presented the trend from less developed areas to the developed areas. In the past 20 years, in order to raise household income, a lot of Chinese people worked “illegally” in western countries. With the development of China’s economy and the improvement of labor export system, this phenomenon has been eased. However, China begins to face the problem of illegal immigration instead.

According to the *Report on the Management of Entry & Exit, Residence and Employment of Foreigners*, issued in 2012 by the State Council of China, most “illegal immigrants” are from China’s neighboring countries, such as Vietnam, the Philippines, etc. They are working mainly in foreign language education, performance, housekeeping, and some labor-intensive industries. The majority of over-stayers are those who know little about Chinese laws and illegally stay in China for a short term; a few of them intend to overstay in China as shadow immigrants.

Take Chengdu city in Sichuan province as an example, in 2011, Chengdu police dealt with 320 cases of “illegal immigrants”, including 319 cases of illegal residence and one case of illegal entry. The analysis of 319 illegal residence cases in Chengdu shows that some of them have subjective intent. Some over-stayers are aware of the expiration of their travel visas, but still choose to stay in China; some did not prepare the renewal materials in time and missed the renewal deadline; some do not understand China’s residence policy and have no idea they should handle the residence permit after enter into the country; some overstay because they need to apply for a new passport through embassies abroad; some did not handle residence permits in time because they ask intermediaries to apply for them and got deceived; many ethnic Chinese send their children back to the grandparents’, and they think their children are still Chinese regardless of the foreign nationality and should have no problem with visas.

The existence of “illegal immigrants” triggers a series of social problems. Some foreign visitors tear up their passports after entering the territory of China, deliberately

stay in China and become “shadow immigrants”. Some illegal immigrants have out-of-wedlock births with local people. Their children cannot be registered as legal residence of China, and have problems in education, employment and social security. Some have no source of income and fixed residence, even get engaged in illegal and criminal activities to make a living. Foreigners’ illegal employment disrupts the order of China’s labor market; when labor disputes occur, it is also difficult to protect their rights and interests.

The emergence of the above problems reflects that there is still much space for the improvement of China’s current “foreigners policy”. New measures should be taken under new situations.

China’s Current Policies on Immigration

The rising number of international visitors doing business, working, studying and living in China brought great challenges to the Chinese government. These challenges involve administrative and legal issues, such as illegal immigrants inspection, protection of rights and interests of foreign citizens, management of foreign intermediary agents, the jurisdiction of foreigners’ crime cases, etc. Besides, there are also social problems caused by foreign settlers’ integration into Chinese society, such as disputes between Chinese and foreign settlers caused by improper integrating and local residents’ xenophobia. In addition, public affairs related to foreign citizens are more likely to cause diplomatic incidents, or even national security issues. Therefore, China’s policy towards foreign settlers needs to be conducted from the legal, political, and social level.

The Legal foundation of Chinese immigration policy

China does not have an Immigration Law and does not recognize dual nationality. In the early 1980s, China issued and implemented the *Law on Control of the Entry and Exit of Foreigners* and *Administrative Rules of the Entry and Exit of Foreigner*; but they have been abolished since they are “behind the times”. To response to the new problems of cross-border migration, China implemented a new *Exit-Entry Administration Law* and a new *Regulations on Control of the Entry and Exit of Foreigners* as the special laws of immigration control in 2013. In addition, the State Council and Ministries of the State Council also issued relevant administrative regulations and department rules in the process of foreigners’ administration. As for relevant effective laws and regulations, refer to Table 3.

Table 3. The legal foundation for the foreigners management of China (Effective)

Area of Law	Title of Law	Issuing Authority	Effective Date	Level of Authority
On Immigration Control	Exit-Entry Administration Law of the People's Republic of China	Standing Committee of the National People's Congress	2013.07.01	Laws
	Regulation of the People's Republic of China on the Administration of the Entry and Exit of Foreign Nationals	State Council	2013.09.01	Administrative Regulations
	Regulations of the People's Republic of China on Frontier Inspection of Exit from or Entry Into the Country	State Council	1995.09.01	Administrative Regulations
On Residence and Employment of Foreigners in China	Measures for the Administration of Examination and Approval of Foreigners' Permanent Residence in China	Ministry of Public Security, Ministry of Foreign Affairs	2004.08.15	Departmental Rules
	Provisions on the Employment of Foreigners in China (2010 Amendment)	Ministry of Human Resources & Social Security	1996.05.01	Departmental Rules
	Interim Measures for the Participation in Social Insurance of Foreigners Employed in China	Ministry of Human Resources & Social Security	2011.10.15	Departmental Rules

On Other Activities	Provisions on the Administration of Religious Activities of foreigners Within the Territory of the People's Republic of China	State Council	1994.01.31	Administrative Regulations
	Detailed Rules for the Implementation of the Provisions on the Administration of Religious Activities of Foreigners within the Territory of the People's Republic of China (2010 Amendment)	State Administration for Religious Affairs	2000.08.11	Departmental Rules
	Measures on the Registration of Adoption of Children by Foreigners in the People's Republic of China	Ministry of Civil Affairs	1999.05.25	Departmental Rules
	Provisions on the Administration of Radio and TV Program Production Activities of Foreigners in China	State Administration of Radio, Film and Television (replaced)	1999.05.21	Departmental Rules
	Measures for the Administration of the Mountaineering Conducted by Foreigners in China	State Sports Commission (replaced)	1991.08.29	Departmental Rules

In addition to the laws and regulations listed in Table 3, the judiciary and local authorities have prepared hundreds of judicial interpretation and normative documents, which are not enumerated here one by one. Moreover, the provisions in China's domestic law involving foreign affairs, as well as those international treaties that China participates and signs are also the legal foundation of China's policies towards "foreigners".

Administrative system for "Foreigners" in China

At present, China's Foreigner Administrative Systems can be divided into Immigration Control and Foreign Talent Management. The Public Security organs and the Foreign Affairs departments are mainly responsible for immigration control. The State Administration of Foreign Expert Affairs (vice-ministerial level) is mainly responsible for the management and service for foreign talent.

Immigration Control

According to relevant legal provisions of China, the behavior of an individual to enter, stay in and leave China is controlled by the Public Security system and the Foreign Affairs departments. In accordance with the types of passports they hold, foreign visitors coming to China shall be issued with diplomatic, courtesy, official or general visas respectively. Among them, the issuance of diplomatic visas, courtesy visas and official visas are governed by the Ministry of Foreign Affairs (MFA). MFA and local foreign affairs departments authorized by MFA are responsible for the application of entry, transit, residence and departure of diplomatic or official passports holders. While immigration control by Public Security system focus on immigration qualification examination, border inspection, approval of visa or residence permit application of general passports holders.

In addition, the Ministry of Education, the Ministry of Labor and Social Security, the Ministry of Commerce, the State Administration for Industry and Commerce, National Tourism Administration, the Ministry of Civil Affairs are auxiliary administrative authorities and manage the study, employment, business, investment, tourism, rescue and other specific issues of foreign visitors involved during the period of residence within the territory of China. Besides, sub-district offices also undertake some related registration functions.

About the institutional setup, the related institutions of public security system are divided into three parts:

(1) *Bureaus of Exit & Entry Administration.* Bureau of Exit & Entry Administration of the Ministry of Public Security is responsible for the nationwide control of immigration. The local exit & entry administration bureaus (offices) are responsible for the entry, transit, residence, travel applications of general passports holders and other daily management work in the certain region.

(2) *Port visa offices authorized by the Ministry of Public Security* are responsible for visas application of international visitors who couldn't apply for visas in the Chinese overseas organizations due to urgent entry and legal reasons.

(3) *The Frontier Inspection Stations of the Ministry of Public Security* are responsible for frontier inspection of immigrants and means of international transportation at the ports, airports, railway stations and border crossings and other opening ports. At present, Beijing, Tianjin, Shanghai, Guangzhou, Shenzhen, Zhuhai, Shantou, Xiamen and Haikou have established these stations and are directly led by the Ministry of Public Security.

Foreign Talent Management

To ease China's difficulties in high-level talent supply, China has attached great importance to importing foreign talent to participate in China's modernization construction since its creation. Special Bureau of Expert Authorization was established to manage

foreign experts in 1954. China began to introduce foreign experts at the same time of the country's reform and opening up. In the early 1970s, China only introduced about 500 foreign talents every year; in the 1990s, China introduced more than 60,000 foreign talents per year. By the end of 2007, the accumulated number of foreign experts that China had introduced was about 2.81 million. In 2011, nearly 53,000 foreign experts were working in China.

China's State Bureau of Foreign Experts Affairs (vice-ministerial level) is the national bureau governed by Ministry of Human Resources and Social Security. At present, most of the provinces and municipalities have set up foreign expert departments. Foreign experts departments and foreign affairs departments, public security departments, education departments and other relevant departments establish collaboration system and take the lead in China's foreign talent management.

The duties of State Bureau of Foreign Experts Affairs include the introduction of foreign specialists and foreign expert management. In 2011, State Bureau of Foreign Experts Affairs implemented the "Thousand-People-Plan of High-level Foreign Experts Introduction Project", hereinafter referred to as "Thousand-People-Plan". At present, the project is a talent introduction policy with the most favorable treatments and the greatest fund support in China. Its goal is to meet the demand of China's economic and social development, and to introduce 500–1000 high-level foreign experts (non-Chinese) who can lead to a breakthrough in high-tech field and key industries in about 10 years. From 2011 to 2014, 196 foreign experts were selected and introduced. Foreign experts introduced by "Thousand-People-Plan" could use the "green channel" when applying for China's "Permanent Residence Card". For example, ordinary applicants need at least 6 months for PR card application, while it is about 3 months for talents introduced by the "Thousand-People-Plan".

To build the public service system for foreign experts, the State Bureau of Foreign Experts Affairs set up foreign experts service hall in Beijing in September, 2014, and it can provide one-stop service for foreign experts, such as the transaction of *Foreign Experts Certificate*.

Local Measures on Immigrants Governance

With the opening up of China, more and more foreign people stay in China for business or study, and they often gather in eastern coastal cities or frontier cities where China's foreign trade is more developed. Foreign settlers have gradually become an inseparable part of China's economy and society instead of "guests" and "travelers". Immigrant communities emerge in some cities in China such as the Korea Town in Beijing, Japanese community in Shanghai, African community in Guangzhou and the Middle East Street in Yiwu, Zhejiang. They not only bring new changes to the local residents, but also initiated new implementations of city management and public service from the local governments.

Guangdong Province

Guangdong Province is at the forefront of China's opening up and performs outstandingly in foreign trade. Guangzhou City, as capital of Guangdong province, attracts a large number foreign businessmen and exchange students to stay for living. In 2014, there were about 100,000 registered foreign residents and more than 3,800,000 person-time international visitors temporarily living in Guangdong. However, the real number of foreign residents is difficult to count because of the unknown illegal residents number.

It is estimated that African people constitute about half of the total foreign population in Guangzhou. According to the *Present Situation Analysis and Countermeasure Research of Foreign Floating Population Management in Guangzhou* released by Guangzhou Development Institute of Guangzhou University in August 2014, due to geographical environment, development opportunities, city inclusion and other factors, Guangzhou has become the largest Africans' gathering place in Asia. The current African population in Guangzhou is more than 200,000 with most of them being illegal over-stayers. Professor Tu Chenglin from Guangzhou University points out that Guangzhou and its surrounding areas are the main gathering places for African population, with most of them doing labor-intensive jobs or business in low value-added industries in Guangzhou. The illegal immigration of African people has caused panic in local residents.

Guangdong took the first step in illegal immigrants governance in China in 2003. It has now formed a work pattern of immigrants governance. Compared with other regions of China, Guangdong has relatively rich experience of foreigners' management.

In 2006, Guangzhou police set up a professional mobile team to investigate and penalize illegal immigrants. Since 2007, Guangdong police carry out a sweep in some "hot areas" every two months.

While increasing the intensity of the sweep, Guangdong government realizes that imperfect management system and backward management means are the root causes why the illegal immigrants cannot be eliminated. Sound legislation, humanized management services and scientific management tools are needed in management of immigrants. Under the current background that China lacks of standardized and institutionalized immigration policy and national immigrants management information sharing platform, Guangdong has to rely on its own efforts.

Guangzhou government invites foreign volunteers to participate in managing affairs concerning foreign nationals, and extends the services for foreigners to the community. Since 2008, Guangzhou has set up 106 Community Services Workstations for Foreigners in the street and communities, which are responsible for the daily management and service for foreigners. In 2009, Foreign Volunteer Service Station is set up to provide "foreigners-to-foreigners" service. The program aims to foster foreign volunteers who are familiar with Guangzhou's policies and local life to provide advice to the new comers. At the same time, foreign volunteers participate in foreigner-related economic and social intermediation. Their participation and assistance can avoid the misunderstanding caused by cultural differences.

In terms of the legal popularization and publicity, Guangzhou established its first Legal Popularization Center For Foreigners in 2008, which distributes leaflets of related laws in diverse languages and provides professional legal services to international visitors in need. With the help of the Law School of Guangzhou University, the Center built an English website for legal popularization. Other means of publicity such as setting the publicity column and sending text messages are also used.

In March 2011, Guangdong government promulgated the *Interim Provisions on Enhancing Management & Services for Foreigners in Guangdong Province*. It is China's first local decrees that institutionalized local practice experience on foreigner management.

Yiwu City in Zhejiang Province

Yiwu is the world's largest small commodity distribution center and exhibition center. In 2014, the total import-export volume of small commodity was \$24.19 billion, including \$23.71 billion for export. According to the data provided by Yiwu Customs, the Middle East regions are the main export market of Yiwu, and the main export products include mechanical and electronic products, apparel and clothing accessories as well as plastic products. In the first two quarters of 2014, the United Arab Emirates, Iran and Iraq were top three export destination countries of Yiwu .

The export-oriented degree of Yiwu's economy reaches more than 60% and its products are sold to 219 countries and regions of the world. The export-oriented small commodity economy of Yiwu has attracted more and more foreign businessmen to do business and live here. In recent years, more than 400,000 foreign investors come to and leave Yiwu every year, and there are about 18,000 foreign visitors residing in Yiwu per day. These foreign businessmen are from 198 countries and regions in the world, with South Korea, India and Iran being the top three countries of origin. Visitors from African countries has increased in recent years, taking up nearly 30% in 2013.

Yiwu has more than 3000 approved overseas company representative offices, and half of them are from Muslim countries. Because of close trade contacts with Muslim countries, Muslim people occupy more than 50% of the registered entry number, and most of them are from the Arab countries and North African. After a large number of foreign Muslims come to Yiwu, many Chinese Muslims also flock in Yiwu. Based on the estimation of Yiwu government and local imam, there are about 20,000 Chinese and foreign Muslims residing in Yiwu, with foreign Muslims taking up about 60%. Their way of life, culture and religion have a great influence on Yiwu. In 2001, Yiwu set up its first Islamic temporary arena. In September 2004, with the assistance of municipal government, a collapsed factory was transformed into Yiwu Mosque.

Some Chinese scholars point out that "Yiwu Muslim phenomenon" is a typical comprehensive phenomenon of the international flow of labor force and the internationalization of the city (Ma Yan, 2012). Yiwu local government generally adopts economic means to deal with "Yiwu Muslim phenomenon". First of all, Yiwu government leases religious activity places for Muslim groups and provides some construction funds. Secondly, Yiwu

government directly employs and pays the imam of the mosque. By providing material assistance, Yiwu government, to a certain extent, curbs the localism and disunity within Islam and makes the religious atmospheres in Yiwu tend towards moderate.

In recent years, Yiwu has made some achievements in foreign services. In January 2012, Yiwu set up an International Trade Service Center, which integrates the transaction of 145 foreign affairs service and also provides additional services such as translation and legal aid. In order to better deal with foreigner-related economic disputes, Yiwu creatively set up a Disputes Mediation Committee in 2013. There are dozens of mediators in the Committee, including more than 10 foreign volunteer mediators. These foreign mediators are distinguished businessmen from different countries and regions of the world. As businessmen, foreign mediators play a good communication role in the process of mediation because they are familiar with businessman's psychology and international trade rules. In 2014, Yiwu Disputes Mediation Committee has solved 72 cases, involving RMB 9.35 million Yuan.

However, due to the lack of experience and resources, the action space and ability of Yiwu local government is limited in the face of complex foreign affairs involving religious issues. For example, Arabic education resources in Yiwu are scarce. Arab Muslims hope to have an Arabic school and let their children receive Arabic language education in Yiwu. However, at present, Yiwu's education system cannot meet the requirement and relevant policy does not support it. The communication between foreign Muslim businessmen and local education administration never makes progress. Many foreign Muslims reluctantly choose to send their children back to their country when they reach entrance age. Moreover, funeral problems of Muslims are more obvious recently. In Islamic tradition, Muslims should be buried, not cremated after death. But China advocates cremation so as to save land resources. It is difficult for the existing land resources in Yiwu to satisfy the demand of Muslims' purchase of burial graves. Yiwu government has allocated a piece of land as a Muslim graveyard in a city garden tomb, but it is mainly open to Chinese Muslims and will be saturated soon. At present, foreign Muslims have to carry the body back to their home countries for burial. From different sides, the education problems and funeral problems of foreign Muslims reflect the contradiction between the increasing demand of foreign residents for public services and the relatively limited resources in Yiwu.

Like Guangzhou, Yiwu also faces the problem of the illegal immigrants. According to the staff of Yiwu public security bureau, illegal immigrants in China presents a "see-saw phenomenon' due to the interaction of the intensity of regional management. For example, during the sweep activity against the illegal immigrants in Guangzhou, the number of illegal immigrants in Yiwu increase significantly, and vice versa.

Conclusions: Shortcomings and Improvement Direction

It can be seen from the experience of developed countries that the growth of foreign flowing population actually tests a nation's immigration policy. China is not a coun-

try of immigration, so pressure for immigrant management is less than the developed countries. However, the “entry flow” from the whole world especially other developing countries has become a big challenge to Chinese government. In recent years, China’s immigration policy has gradually improved, but there are still obvious defects.

Pressing needs in legislation on immigration

Currently in China, there is a serious lack of legislation on immigration, which embodies as scattered provisions and immethodical regulations, contradiction between the existing regulations, oversimplified rules and over-wide discretionary power of administrative authorities. For example, China does not have a special law on foreign talents introduction or investment immigration. China’s high threshold of “Permanent Residence Card” makes it hard to attract high-level international talents and investors. Besides, China has not yet normalized the application procedure for Chinese citizenship, and the related act has not entered the legislative agenda. Moreover, the current Chinese laws, to some extent, “reject” immigrants. This attitude is not conducive for China to attract and keep international capital and intelligence.

At present, China’s foreigners administrative system puts more resources and attention on the immigration control, and has very limited policies on the protection of the rights of foreign residents and migrant workers. It can be proved by the name of the national basic law on immigration, which is *Exit-Entry Administration Law*. Other administrative regulations and department rules such as *Regulations on Control of the Entry and Exit of Foreigners*, *Measures for the Administration of Examination and Approval of Foreigners’ Permanent Residence in China* and *Provisions on the Employment of Foreigners in China* are effected on the basis of *Exit-Entry Administration Law*. Compared with the growth momentum of immigrants flow, China’s theoretical research and legislative practice in this field seriously lag behind. Therefore, China’s immigration management urgently needs systematic laws and its policy toward foreign settlers should change from one of “exclusion” to one of “inclusion”.

Difficulties in current immigration policy enforcement

Massive difficulties exist in immigration policy enforcement, including lack of professional teams, scientific management tools, and interdepartmental collaboration. The burden of immigrants management falls on local governments rather than central government. Regions with great foreign population have to find out their own way to manage immigrants and try their best not to make trouble for central government. However, because of the lack of related experience and knowledge, local administrative organs, especially sub-district office and community police cannot respond quickly and effectively to foreigner-related affairs. Therefore, China urgently needs to establish professional teams who are familiar with foreign culture and language in the front line of service and management for foreigners.

At present, without a national immigration information platform, China's departments of foreign affairs, immigration control, frontier inspection as well as local police are unable to share information. Each department can only take actions on the basis of the information it masters and this inevitably lead to the disjunction in the immigrants management. Thus, China needs to establish a comprehensive information exchange platform integrating all kinds of foreigner-related information, including visa application, entry and departure, employment information, residence registration, as well as criminal records in China.

Immigrants are coming, China need to adapt to the transformation from a non-immigration country to an international migration destination and play a more active role in global migration management.

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ABSZTRAKT

Kína a globális bevándorlás tekintetében: változó szerepek és a jelenleg folytatott politika

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Kína nem rendelkezik sem bevándorlási, sem menekültügyi törvénnyel, és nem engedélyezi a kettős állampolgárság meglétét. A kínai törvényekben és hivatalos dokumentumban ritkán szerepel a „bevándorló” szó. Amikor a kínai jogban bevándorlókra utalnak, folyamatosan „külföldiek”-nek nevezik őket, és a meghatározás értelmében azok tartoznak ide, akik nem rendelkeznek kínai állampolgársággal vagy hontalanok. Hasonló meghatározás található sok ország jogi szabályozásában (pl. Magyarországon 1993, Németországban 1990, Ausztriában 1992). A bevándorlás szabályozása során a vonatkozó kormányhatóságok több figyelmet szentelnek a külföldiek viselkedésének irányítására a belépésük folyamatában, az ott-tartózkodásuk során és a távozásuk alkalmával. Pontosabban fogalmazva: Kína bevándorláspolitikája magában foglalja a külföldiek belépésének, átutazásának, ott-tartózkodásának, munkavállalásának, utazásának, tanulmányai folytatásának, elutazásának stb. irányítását.

Kulcsszavak: migráció, bevándorlási politika, Kína