

国际移民法（课程代码：2300129）教案

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Examination and grading:

A hundred-mark system.

100 points (30%): Attendance and performance in Classroom, 10 points will be deducted for every absence. Every student shall make essay presentations oriented the teaching content.

100 points (70%): The format and quality standard of BIT dissertation needs to be followed. The minimum words of essay is 1500.

Lecture 1 International Immigration in China

Since the first-ever United Nations General Assembly High-level Dialogue (HLD) on International Migration and Development in 2006, there has been increasing international debate about how best to harness the benefits of migration for development. Yet migration remains inadequately integrated into development frameworks at national and local levels, and there is limited public understanding and appreciation of the contribution that migrants make to the development of their countries of origin and destination.

International migration has been an unstoppable and irreversible international trend. The size and structure of international migration will be larger and richer in China. The new situations of China's international migration are mainly that foreigners entered into and exited from China is down as well as the foreigners who are residing, working and making investment in China is in a very small numbers etc..

During the last few decades, China has undergone significant political, economic and demographic changes that have transformed the patterns of migration to and from the country. China is now not only a country of origin and transit, but also increasingly a country of destination for regular international migrants. In 1990, there were just 20,000 foreigners living in China. However, by the end of 2010, according to the Chinese National Bureau of Statistics (NBS), nearly 600,000 foreigners were living in China (mainland) who were largely attracted by business and study opportunities. NBS data showed that 57 per cent of foreigners were males, while 43.3 per cent were females. Top source countries include the Republic of Korea (120,750), United States (71,493) and Japan (66,159). Furthermore, most foreigners are long-term residents with 67 per cent of the total estimated for 2010 residing in China for at least one year. Foreign residents are most likely to live in Shanghai and Beijing, Guangdong, Jiangsu, Fujian, Yunnan, Zhejiang, Liaoning and Shandong Provinces, as well as Guangxi Zhuang Autonomous Region. In addition to regular migration, China is also attracting irregular migration flows. To date, this has included those foreign migrants from neighbouring countries, as well as from other regions around world such as South America and Africa.

Lecture 2 Administration of China's international migration

Central power. International migration administration is a part of state administration. It must adhere to principles of central power and hold focus and unity.

Competent governmental authorities. Ministry of Public Security, Ministry of Foreigner Affairs, Ministry of Education, Ministry of Business, Ministry of Human Resource and Social Security, Ministry of Civil Affairs, Overseas Chinese Office, State Council, State Administration of Foreign Experts, China National Tourism Administration, Ministry of Supervision, Organization Department of the Central Committee of the CPC.

Inter-ministerial Coordination mechanism. Inter ministerial coordination mechanism of foreigners management (MPS, 2007), Inter ministerial meeting of action against trafficking in women and children (MPS, 2007), Inter ministerial coordination mechanism of foreigners services and management (MPS, 2011), Inter ministerial meeting of China overseas citizens and institutions protection (MFA, 2004), Working group on the introduction of high-level overseas talent (Organization Department of the Central Committee of the CPC, 2008), Inter ministerial coordination mechanism of foreign students in China management (MOE, 2011), Inter ministerial coordination mechanism of national social relief (MCA, 2014), Inter ministerial coordination mechanism of Prevention of officials violated laws and rules to flee abroad (MOS, 2010), Inter ministerial meeting of Overseas Chinese (Five Qiaos in turns).

China is planning to set up its first immigration office under the Ministry of Public Security before the end of the year. the office would be created by merging and expanding the ministry's border control and entry-exit administration bureaus, quoting a source it said had knowledge of the plans.

The idea of an office specializing in immigration is the latest sign signaling the importance of foreign talent recruitment in China, as President Xi Jinping seeks overseas talent to help drive the transition to an economy led by consumer spending and innovation.

The central government released a document on foreigners' permanent residency in February 2017 that said it "will further improve the organizational setting and the delegation of

responsibility of immigration affairs, and place the functions of drafting permanent residency policies, review, approval and daily service under a single agency".

Since 2001, China became the observer States of the organization. In 1st July 2016, the IOM held a special council in Geneva on Thursday and approved China's application to join the organization. The UN issued a statement on Thursday, saying that the UN Secretary-General Ban Ki-moon welcomes China joining the organization. China joining the IOM will help China draw on the international community's advanced experience in managing migration affairs, strengthen its ability to manage migration and provide consular protection, as well as help China's socioeconomic development. It will also help the country better take part in global governance regarding migration issues and contribute its wisdom and strength to the field

Lecture 3 Historical development of Chinese exit and entry administration (migration) law

The history of migration law in China has been quite brief, and, in fact, the terms "Chinese migration law" are mainly used by Chinese scholars to describe the laws regulating international migration. There is no legal definition to regulate the various categories of international migration. In Chinese tradition, all Chinese citizens going abroad are emigrant (Chuguo Renyuan). Those going abroad for tour, study, and other temporary residence are temporary emigrant (Linshi Chuguo Renyuan) and those going abroad for permanent residence are immigrant (Yimin). There have been some recorded attempts to precisely stipulate migration and draw up a distinct code governing international migration matters. However, 2001 exit and entry administration reforms do not introduce the specific notions of "Chinese migration law." Instead, the substance of Chinese migration law is mainly regulated by statutes governing exit and entry.

The period from 1949 to 1978 marked the start of the PRC, through to the introduction of significant reforms and the opening up of China in 1978. During the period from 1949 to 1978, going abroad was subject to strict scrutiny in China. After 1978, the Chinese government began to reform the exit and entry administration and started to relax restrictions on international migration. Special laws regarding exit and entry were promulgated in 1985. Over 400 ministerial statutes paved the way for comprehensive governance of exit and entry, mainly through the MPS.

However, most reform measures failed to integrate new policies into the special laws. Issues fundamental to the system of migration control remain. China's WTO accession sparked a monumental overhaul of Chinese exit and entry administration law in 2001. The reforms were characterized by simplification of exit and entry procedures, focusing on passports on demand. Yet, the country's exit and entry administrative procedures were not brought into line with international standards. The reforms were superficial, so it is not surprising to find serious deficiencies in them. Yet, such deficiencies do not completely undermine the significance of the reforms, which will exert subtle and lasting positive influences on China's social and economic development and global integration.

Although 2001 exit and entry administration reforms failed to fully achieve their goals, the Permanent Residence Regulations 2004, Passport Law 2006, and Exit and Entry Administration 2012 marked a new beginning for Chinese exit and entry administration legislation—significantly improving Chinese permanent residence and passport management and drawing authorities', scholars', and the public's attentions to legal issues in Chinese migration law. The post-2001 reforms are extremely significant steps in the history of Chinese migration law, featuring accelerated relaxation of restrictions in concomitant legislations. Despite the fact that China has far to go to establish and advance its migration law, these legislative initiatives represent milestones in its development. Against the backdrop of significantly improving legislation in China, the trend towards perfect international migration legislation is irreversible.

The rich and complex developments in the history of Chinese migration law constitute two sides of one coin for China today. China can either play a catalytic role in helping to change it, or it can place a heavy burden on, and so hamper improvements in, international migration. The Chinese government thus needs to clarify its position in relation to migration with reference to international migration law ethics, rather than exclusively in relation to Chinese national experience or tradition. Given the long years of war and distorted relations with Western countries, it is understandable that there has only been intermittent relaxation of limitations; restriction has been the dominant theme.

With international migration in China, the dominant theme of restriction will remain until the

legislation governing exit and entry is fully reformed. With respect to the complexity underlying a history of accumulated migration issues in China, a well designed reform strategy made the experience of the development of international migration law since 1949 as reference needs to be gradual.

Lecture 4 Chinese passport law

Chinese passport, is the passport issued to nationals of the China who have registered as a resident of Mainland China hence hold a hukou, for the purpose of the international travel. Passport Law is enacted in 2006 with a view to regulating the application, issuance and administration of the passports of China, to safeguarding the rights and interests of citizens of China with respect to their exit from and entry into the territory of China, and to promoting exchange with other countries. In 2014, China issued 16 million passports, ranking first in the world, surpassing the U.S. (14 million) and India (10 million). As of 2012, over 38 million Chinese nationals hold ordinary passports, comprising only 2.86% of the total population at the time. The number of ordinary passports in circulation raised to 120 million as of October 2016, which was approximately 8.7% of the population.

The categories, scope and issuing authorities for passports in China are relatively unique in the world. Besides diplomatic passports and service passports, public affairs passport and private passports also exist. The scope of the first three categories has been intentionally broadened, and the scope of private passport narrowed. A variety of government authorities execute the power to issue passports. Different criteria adopted by passport processing authorities create a loophole in which a person can apply for a passport more than once.

Lecture 5 The Exit and Entry Administration Law of China 2013

The Law of Exit and Entry Administration (Chujing Rujing Guanli Fa, hereinafter referred to as LEEA) was promulgated in June 2012 by the Standing Committee of the National People's Congress and came into force as of July 2013. The new law integrated China's exit and entry administration laws and improved the exit and entry administration system. The LEEA is the

primary law regarding international migration in China at this point, and the biggest overhaul of China's exit and entry administration law since 1985.

The LEEA is the foremost law in international migration field in China. This law has three focuses. The first focus is to greatly facilitate foreigner to enter, live, work, and even permanently reside in China. It will improve Chinese current permanent residence system, to facilitate Chinese who are with foreign permanent residence to return to China, to establish refugee administration system to implement international duty, and perfect port visa and temporary entrance system. The second focus is to strictly regulate foreigners' entrance, living, employment and domestic movement. Foreigners who are in border control, employed or living in China will perform more duties than ever to cooperate with Chinese authorities, such as officially submit or notify relevant information to Chinese governments. The third focus is to increase penalties for illegal enters, illegal workers and illegal residents to prevent illegal migrants in China.

The LEEA at least make three contributions. Firstly, it is the important part of Chinese legal system. In my view, the just promulgated Law is strongly features with immigration law. Without immigration law, Chinese legal system is incomplete. Secondly, it replaced outdated laws of exit and entry administration and created many new legal systems to adopt to the big changed international migration situation in China. Last one, but it is the most important one, this law is one of symbols of national opening policy. In order to further implement national opening policy, China must expand communications and cooperation with other countries. All communications and cooperation between China and other countries cannot be done successfully without person's international movement. The just promulgated Law fully provides the operational legal system and measures with person's international movement.

. This LEEA has deficiencies resulting from insufficient consideration of lessons learned from migration laws in developed states and regions, the absence of full public discussion and exchange of views on the draft law, as well as insufficient consideration of the concerns of academics and individual stake holders.

Lecture 6 Access to the labour market

Foreigners who come to China for employment purposes make up an important part of China's international migrants. They comprise of regular migrants who enter China legally for work purposes and irregular migrants who enter China for work without the required legal approval. Apart from that, foreigners who hold permanent residence status are eligible to work in China. Different governmental bodies in charge of foreign experts, human resources and social security, culture, broadcasting, film and television, offshore resources, public security and foreign affairs are servicing and administrating foreign nationals. As there is no single permit scheme in place that provides for a decision of legal entry, stay and work of foreign nationals in China, employment stream immigrants have to apply separately for a visa, work permit and residence permit with different state authorities.

Since April 2017, the local bureaus of the State Administration of Foreign Experts Affairs (SAFEA) are in charge of issuing a unified work permit; under the previous system, they only issued work permits to foreign experts, whereas ordinary foreign employees received their work permit from the local bureaus of the Ministry of Human Resources and Social Security (MHRSS). SAFEA is a state agency administrated by MHRSS. Chinese embassies and consulates around the world are in charge of approval and issuance of employment (Z) visa. The public security authorities are in charge of handling and changing residence permits of employed foreigners, and to punish illegal employment.

The mechanisms of the administration of foreign nationals, who come to China for employment purposes, are subject to extensive reforms. In December 2015, the Office of the Leading Group of the State Council on the Reform of the Administrative Examination and Approval System issued an Opinion on the Integration of Matters Concerning Foreigners Working in China. The Opinion introduced a unified foreigners' work permit, the implementation of which lies in the responsibility of SAFEA. From October 2016 to March 2017, SAFEA started pilot reforms for foreigners' work permits in 10 provinces including Beijing, Tianjin, Hebei, Shanghai, Anhui, Shandong, Guangdong, Sichuan and Ningxia.

The aim of pilot reforms for foreigners' work permits is to "unify the service system of

foreigners' work permits, simplify the application materials, improve the application workflow, scientifically implement differentiated management, push information sharing, innovate supervision during and after the decision-making process and to improve supervision efficiency. It is the aim to hold on to the principle of 'encouraging the high-end, controlling the regular, restricting the low', and shape a system for the administration of the work of foreigners by unifying the administration, connect and share, supervise in cooperation, let the masses participate, and be quick and efficient; to increase the level of scientific rigour, regulation, information and internationalisation of services and administration."

Foreigners who come to China for work are now divided into the three categories A, B, and C. The first category stands for high-skilled foreign experts, the second for foreign specialist talents, and the third for regular foreigners. The basic system to classify foreign nationals, who come to China for work, is by accumulating points. In November 2016, the Central Committee of the Communist Party and the State Council issued an Opinion on Strengthening the Attraction of Foreign Experts under New Circumstances. The Opinion underlines the "consolidation of the resources for administrating and serving the attraction of foreign talent, the optimisation of matching administrative competences with tasks and the establishment of a unified, strong and efficient administration system for foreign talent."

Lecture 7 Chinese skilled migration law

Skilled migration law was not made in China up to now although to make skilled migration law in earnest is clearly regulated in the Outline of the National Plan for the Development of Talented People 2002-2005 (China) and the Decisions on Strengthening the Work on Talented People 2003 (PRC). According to the Outline of National Plan for the Development of Talented People in the Medium Term and Long Term 2010-2020 (PRC), opener talent policy should be implemented, and to explore skilled migration shall be taken as one important and pressing national strategic task. Above two Outlines and one Decision are promulgated by the State Council, China and the Central Committee of Chinese Communist Party. To implement above national policies of skilled migration legislation, the study on skilled migration legislation has to be made in depth to clarify

the notion of Chinese skilled migration law, to analyze the necessities of Chinese skilled migration legislation, to consider the concerns on Chinese skilled migration legislation, to examine the gaps between Chinese existing laws regulating foreign talents and skilled migration laws in the developed countries, and to explore new Chinese laws regulating foreign talents.

There are great gaps in the field of introduction of foreign talents between China and developed countries and regions. The success of introduction of foreign talents could not be achieved without advanced skilled migration system. Ten popular and advanced skilled migration systems could be summarized based on skilled migration laws and policies in the world. These systems are practiced to varying degrees in the area of the introduction of foreign talents in China. However, the practices of these systems are not completely and comprehensively. It is necessary for China to improve the systems of the introduction of foreign talents, and make efforts for the innovation and breakthrough.

Lecture 8 Chinese marriage migration law

Foreign brides refer to foreigners or border inhabitants from adjacent countries. To study on the management and regulation of foreign brides in China, one must study policies on marriage migration. This part of the essay analyses the entry, stay, permanent residence and naturalisation of foreign brides, discusses migration challenges faced by the management and regulation of foreign brides, and looks ahead into the perfection of migration policies for foreign brides.

China's law does not have a visa category for the purpose of marriage or blind date, foreign women who come to China for marriages or blind dates are generally on visa type L, and the application process for visa type L is simple.

A foreign bride shall apply for a residence permit at the entry-exit administrative division of the public security organ at or above country level. According to article 16 of the 2013 'Regulation on the Administration of the Entry and Exit of Foreign Nationals', to apply for a residence permit, a foreign national shall go through the relevant formalities at the exit-entry administrative division of the public security organ of the people's government at or above the county level at his/her place of residence.

As for any other foreigners, provisions of laws, rules, regulations and regulatory documents relevant to the permanent residence in China are applicable to the permanent residence of foreign brides, including the 2012 'Exit-Entry Administration Law', the 2013 'Regulation on the Administration of the Entry and Exit of Foreign Nationals', the 2004 'Measures for the Administration of Examination and Approval of Foreigners' and the 2005 'Provisions on Measures for the Administration of Examination and Approval of Foreigners'. Permanent residence of foreigners in China refers to unlimited residence in China. Foreigners that are granted with permanent residence in China shall enter and exit Chinese border with a valid passport and a Permanent Residence Permit for Foreigners.

Lecture 9 Laws protecting the rights and interests of returned overseas Chinese and their relatives

To date, there still exist instabilities around China's neighbors. Once conflict, civil war of neighboring countries or war breaks out between China and other countries, the foreigners of Chinese origin and Chinese citizens who reside in foreign countries may be affected and then move into China. There are some 60 million foreigners of Chinese origin and Chinese citizens who reside in foreign countries all over the world now, and among them nearly 78% live in Asia¹.

Over the last twenty years, and the last decade in particular, the distinctive features of returned overseas Chinese and their relatives in China have gradually become less so. As China has made enormous strides with any law protecting the rights of and the interests of all citizens, the legal principles underlying China's 1990 Law on the Protection of the Rights and Interests of Returned Overseas Chinese and Their Relatives (revised 2000)¹ are facing significant challenges. The best way to address these challenges is to first rethink the 1990 Law comprehensively. Under one proposal, the principle of equal and non-discriminatory treatment could be given greater emphasis to outline the equality of all citizens. The principle of case-specific and preferential treatment for returned overseas Chinese and their relatives embodied in the 1990 Law, on the other hand, might be gradually reduced in importance, ultimately to be replaced with laws that foster integration of these persons into Chinese society. Furthermore, when possible, legislative proposals for a law of

fostering integration of returned overseas Chinese and their relatives should be put on the Governmental Agenda.

Since the establishment of China in 1949, there have been sporadic events of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries. Temporary protection is the temporary relief and assistance provided with influx of foreigners by receiving country as well the main protection for migrants in international society.

To properly handle the relationship with foreigners of Chinese origin and Chinese citizens who reside in foreign countries, maintain the stability in the border regions in China, it is of great need to perfect the policy of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries, which will also be beneficial to maintain the normal order of the entry and exit, purify the public security with foreign elements and complete the policy of refugee affairs. To solve the issue of the influx of foreigners of Chinese origin and Chinese citizens who reside in foreign countries, separate policies need to be taken after distinguishing, foreigners of Chinese origin, Chinese citizens who reside in foreign countries and other foreigners as well with the reference of temporary protection of international society.

Lecture 10 The 1st essay presentation:

第一次答辩的人员：通过学生志愿、随机抽取的方式，提前确定 10 名左右学生。

第一次答辩的内容：选题意义、文献综述、论文思路、论文创新等四个部分。

第一次答辩的程序：1、学生介绍。2、其他学生和老师提问。没有学生提问时，老师邀请一些同学提问，被邀请的同学，没有特殊原因必须提问，以激发学生的互动和思考。3、答辩学生回答其他学生、老师的问题。4、老师对学生的介绍、回答问题进行总结和点评，提出完善论文思路的建议，指导学生进行论文写作。

Lecture 11 Readmission (Repatriation) of Illegal Migrants

As a transnational phenomenon of disordered population movement, the illegal migration has become one of the major issues that affect the international order and the security of all states. This issue has distinctive economic causes and global contexts. According to the International

Organization for Migration (IOM), currently, the world has 214 million international migrants, accounting for 3.1% of the world's total population, and 20 million to 30 million are illegal, a ratio of 10% to 15% to the total number of international migrants. Legal and illegal migrants coexist in the transnational migration. While encouraging legal migrants, states have to take the negative influence and large impact brought by the illegal ones.

As a result of its rapid development, China, in the same way as many other countries and regions, encounters the severe challenge of illegal migration. According to IOM's statistics in 2000, China had at least 11 million illegal migrants overseas, of which a conservative estimate of 2.7 million was in East Asia and Southeast Asia. This figure, compared with the aggregate number of 5 million of the United States and the approximate 3 million in total of Europe in 1996, was truly not a small one¹. The Chinese government believes that the illegal migration is one of the eight non-traditional security problems². The Chinese government is determined to fight illegal migration and human trafficking, and the measures adopted have come to fruition³. The departments concerned are also strengthening the entry-exit examination, improving procedures for the verification and approval of entry-exit documents, reinforcing maritime patrols, blocks, interceptions, and detections against smuggling, especially cracking down on gangs of organized smuggling. Meanwhile, China engages in the international cooperation on migration and conducts sound bilateral cooperation with many partners including Asian and European countries and some international organizations⁴. The policy of Chinese illegal migrants' readmission (repatriation) is conducive to resolving China's illegal migration problem, fostering harmony for China's entry and exit, extending global cooperation, and facilitating an orderly and efficient migration between China and other countries.

Voluntary return is the preferred option for both policy makers and those being returned, but there is an inevitable need for enforced returns to take place in some cases. As migration policy has developed, it has become very apparent that an effective returns policy requires a multi-disciplinary approach to ensure the sustainability and effectiveness of a wider migration policy. This requires coherent cross-government, department, and agency co-operation. This should not be seen as an "optional extra", but an essential part of a returns programme. The

convergence of inter-related policy areas in the policy-making process is a challenging, but important part of a comprehensive and fully effective migration policy.

Return migration has significant impact on countries of origin, transit, and destination. For destination and transit countries, the impact is felt on national immigration systems and on the integrity of asylum systems. For countries of return, whether of origin, transit, or third countries, large influxes of returning migrants may pose specific challenges to the "absorption" capacity in terms of reintegration and socio-economic stabilization. Countries of return may also experience changes to remittance patterns. It is clear that the reintegration of returnees needs careful planning and greater cooperation between sending countries and receiving ones.

Lecture 12 Nationality law

Nationality is the distinguishing criteria between foreigners and Chinese citizens, and the basis for foreign brides to cross border and stay as foreign nationals. Nationality policy is the starting point and destination for Entry & Exit (international migration) policy. As for any other foreigners, the 1980 Nationality Law is applicable to the naturalization of foreign brides. The 1980 Nationality Law roughly stipulated conditions and procedures for naturalization. Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications: (1) they are near relatives of Chinese nationals; (2) they have settled in China; or (3) they have other legitimate reasons. Nationality applications at home shall be handled by the public security bureaus of the municipalities or counties where the applicants reside; nationality applications abroad shall be handled by China's diplomatic representative agencies and consular offices.

Applications for naturalization as Chinese nationals are subject to examination and approval by the Ministry of Public Security of the China. The Ministry of Public Security shall issue a certificate to any person whose application has been approved. Public Security authorities of regional government generally request foreigners to apply 'permanent residence in China' for nationality application, which is granted after a minimum duration of permanent residence in China. According to the staff at the foreign affairs section at the Nanning city public security

bureau, Guangxi Zhuang Autonomous Region, to apply 'permanent residence in China' for nationality application, the applicant is required to have stayed in China for duration of three years after being granted permanent residence in China.

The Chinese government does not recognise dual nationality and will not allow consular access by the foreign Embassy or Consulate to Foreigners detained by Chinese authorities if they have entered China on a Chinese passport, a Hong Kong or Macau identity card, an identity card issued by Taiwan or any non-Foreign foreign passport. If a former Chinese citizen have not renounced citizenship according to Chinese law, it is possible that Chinese authorities will continue to treat as a Chinese citizen and not allow access to foreign consular services, even if entered China on a foreign or other foreign passport. If do not advise the Chinese authorities formally that have become a foreign citizen, or if continue to maintain a Chinese passport or household registration, it is possible that Chinese authorities will treat as a Chinese citizen.

Lecture 13 Loss of right of residence, sanctions and legal remedies and procedural safeguards.

Aliens' rights of residence in China can be lost due to the cancellation of visa or residence permit, expulsion from China, or shortening of the visa or residence permit's period of validity. On the one hand, laws to regulate the conditions and procedures under which a permanent residence permit is cancelled and an alien expelled from China, and procedures for shortening a foreigner's period of stay or depriving foreigners of their temporary or permanent residence rights are simple. On the other hand, the laws prescribing the conditions and procedures under which a visa or residence permit is cancelled, and the visa or residence permit period shortened are lacking and in high demand. The conditions and procedures relating to administrative expulsion measures will be analyzed as key elements.

Under Chinese administrative laws, aliens who illegally enter or attempt to enter China, illegally stay reside in China, may be subjected to administrative sanctions by public security and border inspection authorities. However, there are no criminal law regulations or sanctions for aliens' illegal entry, stay or reside in China. Human smuggling, on the other hand, attracts both

administrative sanctions and penal sanctions. Human trafficking attracts penal sanctions only. In fact, those committing the especially serious crime of human trafficking are to be sentenced to death in addition to confiscation of the property used in the crime. Legal and administrative procedures to deal with aliens who illegally enter or attempt to enter China, illegally stay or reside in China are very strict. Public security authorities shall strictly implement the rules about reporting for instructions, circulating notices internally, and issuing notices to the related parties.

According to Chinese laws, there are no legal remedies for the refusal of an alien's application for Chinese visa or residence permit. Aliens who are dissatisfied with administrative decisions against illegally entering China or illegal stay or residence in China, may apply for administrative review with the government at the same level as the public security authority, and may also apply for administrative review with the public security authority in-charge at the next highest level. The person being penalized may also file a suit directly with a court. The Rules of Procedure for the Handling of Administrative Cases by Public Security Authorities 2006 (PRC) ensure that law enforcement by competent exit and entry administration authorities under a public security authority is strict, just and humane, and protects and guarantees human rights, and provide procedural safeguard against the administrative sanction for illegal aliens. Expulsion measures could be categorized into administrative expulsion and criminal expulsion. There has been heated discussion as to whether or not administrative expulsion is reviewable at law. It is not reviewable in practice. Criminal procedural remedy is available for criminal expulsion.

Lecture 14 The 2nd Essay presentation: innovation points, logic of parts, findings.

第二次答辩时，学生完成了课程论文初稿。

第二次答辩的人员：参加第一次答辩的学生。

第二次答辩的内容：吸收第一次答辩时同学和老师建议的情况、论文论证逻辑、论文创新、论文不足等四个部分。

第二次答辩的程序：1、学生介绍。2、其他学生和老师提问。没有学生提问时，老师邀请一些同学提问，被邀请的同学，没有特殊原因的，必须提问，以激发学生的互动和思考。3、答辩学生回答其他学生、老师的问题。4、老师对学生的介绍、回答问题进行总结和点评，

提出进一步完善论文的建议。

Lecture 15 Immigrant Integration law

In China, integration (ronghe 融合) should be distinguished from assimilation (tonghua 同化) and conformity (zhenghe 整合). The concept of integration is premised on respecting and ensuring the culture and features of immigrants themselves while simultaneously leading immigrants to understand and accept the mainstream values, system, and cultural traditions of the host country as much as possible, avoiding marginalization by local society. Immigrant integration policy should therefore be directed at reducing and eliminating conflicts between immigrants and local nationals as well as removing or reducing the problems of immigrants' adaptation to the host country's culture by adopting measures such as raising requirements for immigration and providing immigrants with settlement services.

The immigrant integration policy mainly consists of two aspects. The first aspect focuses on the requirements of immigration, such as language, skills, capital, or connections with the host country, including family, education, and employment. The aim is to improve the ability of new immigrants to be integrated into the host country. The second aspect is mainly concerned with immigrant settlement services. Generally, immigrants can have equal access to these services, regardless of the category of immigration. From the perspective of immigrant integration, an immigration policy is not successful if many immigrants are unemployed or return to their countries of origin. Thus, more and more countries and regions are emphasizing immigrant integration and establishing immigrant integration policies.

China is currently experiencing a period of rapid and unprecedented social and economic development and is playing an increasingly important role in the international migration system. The large and fast inflows and outflows of migrants are having a silent transformational influence on China. Developments in international migration have caused a series of puzzles and problems. Larger-scale immigration is placing higher requirements on settlement services. As a result, opposition to the international migration and modernization of immigration laws has gained wide acceptance in Chinese academic circles.

International migration has caused a series of puzzles and problems. Whether the immigrant can smoothly integrate into the immigration state is one of the foremost criteria for evaluating the immigration policy of an immigration state. Immigrant integration policy plays a key role in integration. China is pursuing a policy of actively introducing foreign talents into the country. However, the Chinese international migration and immigrant integration policy have not yet created a suitable environment for all immigrants to fully integrate into China. It is necessary to comprehensively and completely understand the underlying issues of immigration integration policy in order to improve China's immigration integration policy and thus further implement efforts to strengthen the state by human resources.

As part of its reform and opening-up policies, China has embarked on a range of reforms to enhance the integration of foreigners, particularly foreign talents, into China, but these reforms lack cohesion and focus and remain restrictive. China has experienced a serious immigration deficit in recent years, as the number of foreigners entering and leaving China has dropped. Although the number of international students is continuously increasing in China, they might not be employed during periods of study, jobs seeking, or post-graduation. Furthermore, rapid economic development is transforming China from a country of origin to a country of destination for irregular migrants, including irregular foreign brides and laborers. Before China becomes a developed country, a net emigration of talents is inevitable.

As to migrants entering China, the difficulties and obstacles of immigrant integration will always exist. Given China's peculiar past and complex social and economic conditions, China might have some justifications for its current approach to immigration integration, but on balance, it has more to gain from adopting a more liberal approach. China's current immigration integration policy still reflects a closed culture. A more open policy would not only provide a useful infrastructure for China's place in the global economy, but would also be consistent with international migration trends. When designing a reform strategy, a balance of the Western experience and Chinese realities needs to be maintained. Possible reform measures could include enacting a law relating to immigrant integration, providing foreigners with a friendlier environment, appropriately relaxing restrictions on foreigner employment, strengthening foreign

brides' management, lifting certain limitations on foreigners' permanent residence, and advancing a flexible nationality policy.

Lecture 16 Refugee law

China has been a signatory to the 1951 Convention since 1982. China is an important partner for UNHCR. It hosts approximately 300,000 Indo-Chinese refugees who have enjoyed the protection of the Government for the last thirty years. China is also hosting around 150 mandate refugees from other conflict areas of the world.

It is necessary to inspire and inform discussions amongst legislators on development of Chinese refugee law. The recent launch of two academic studies in the Chinese language – namely International Refugee Law and Chinese Refugee Law, which were sponsored by UNHCR and authored by Professor Liu Guo Fu, is indeed a timely initiative. There is a scarcity of academic work on refugee issues in the Chinese language. The book International Refugee Law is an excellent compilation of various legal instruments which constitute “refugee law” and is an excellent reference handbook. The book Chinese Refugee Law is a comparative study of political, civil, economic, and social rights as they are spelled out in the 1951 Convention relating to the Status of Refugees as well as in relevant provisions of Chinese domestic law. The study goes as far as proposing, in its final recommendation, drafting a possible future Chinese refugee law. It concludes that it is necessary that such a law be passed because refugee presence in the country needs to be regulated, and it would be a strong response from China to the international community on this issue.

Provisions of China's domestic laws on refugees mainly fall into [those of] the legal documents on constitution and entry and exit administration. Since [its founding in] 1949, China has issued five constitutional documents, all of which provide that “the China may grant asylum to foreigners who request it for political reasons”. The Law of the China on Control of the Entry and Exit of Aliens (adopted in 1985) provides that “aliens who seek asylum for political reasons shall be permitted to reside in China upon approval by the competent authorities of the Chinese Government.” On 1 July 2013, China adopted the “Exit and Entry Administration Law”, which is

China's first piece of legislation to include a provision (art. 46) specifically dealing with refugees. The law foresees the possibility for refugees to be issued "refugee identity certificates" by the Ministry of Public Security. This is indeed a welcome development. UNHCR looks forward to the adoption in a near future of a Chinese national law on asylum which comprehensively deals with the treatment of refugees and asylum-seekers in the country.

The submission of essay

The essay needs to be submitted within one week in which the Course is finished. If the finishing week is the last week of the semester, the essay needs to be submitted at the last lecture.