

# **INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION**

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## ***The People’s Republic of China Policy and Institutional Frameworks, National Report***

**Guofu Liu  
Zejun Du**

INTERACT Research Report 2014/19



**INTERACT**  
**Researching Third Country Nationals' Integration as a Three-way Process -**  
**Immigrants, Countries of Emigration and Countries of Immigration as Actors of**  
**Integration**

**Research Report**  
**Country Report**  
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**The People's Republic of China**  
**Policy and Institutional Frameworks, National Report**

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## **INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration**

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

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**Abstract**

In 2012 there were approximately 50 million Chinese people living overseas across more than 100 countries (Wu 2011). By 2006, more than 30 million Chinese people had returned to China from abroad (Gao 2007). Both overseas Chinese nationals and those who had returned from overseas are regarded as important in China's modernization drive (Liu Z. 2005). The Chinese government values the rights and interests of the diaspora Chinese, Chinese returnees, and their family members, and the rights and interests of Chinese citizens abroad. To this end, it has promulgated laws and policies and established designated departments and offices, including the Overseas Chinese Affairs Office of the State Council and the Bureau of Emigration and Entry Administration in the Ministry of Public Security, to deal with matters relating to overseas Chinese and Chinese citizens abroad.

**Key words:** Chinese migration, Chinese diaspora, diaspora engagement

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## 1. Introduction

In 2012 there were approximately 50 million Chinese people living overseas across more than 100 countries (Wu 2011). By 2006, more than 30 million Chinese people had returned to China from abroad (Gao 2007). Both overseas and returned overseas Chinese nationals are regarded as important in China's modernization drive (Liu Z. 2005). The Chinese government values the rights and interests of the diaspora Chinese, Chinese returnees, and their family members, and the rights and interests of Chinese citizens abroad. To this end it has promulgated laws and policies and established designated departments and offices including the Overseas Chinese Affairs Office of the State Council and the Bureau of Emigration and Entry Administration in the Ministry of Public Security to deal with matters related to overseas Chinese and Chinese citizens abroad.

Bringing together the diaspora Chinese and Chinese returnees is a vital task for the Overseas Chinese Affairs Office. Hu Jintao, the Chinese President and Communist Party of China's (CPC) General Secretary (2005-2013), noted, in 2005, that Overseas Chinese Affairs has a lot to offer: enhancing the cohesion and the potential of overseas Chinese communities so as to achieve the grand goal of building a prosperous society; fighting against "Taiwanese independence" and promoting reunification through "folk diplomacy"; spreading Chinese culture, and strengthening friendship and cultural exchanges between the Chinese and peoples across the world. These three strands of Hu's thinking can still be picked out as the guiding principles of the Overseas Chinese Affairs Office.

## 2. National-Level Policies on Emigration and Overseas Chinese

### a) Overseas Chinese Affairs Policy

As noted above the Chinese government values the rights and interests of the Chinese abroad, Chinese returnees and their family members. The "1982 Constitution (2004 Amendment)", Article 50 states: "The People's Republic of China protects the legitimate rights and interests of overseas Chinese, Chinese returnees and their family members." The Law of the PRC on the "Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese" (adopted in 1990 and revised in 2000) establishes the principle of "equal treatment, with no discrimination; to give extra care as appropriate," to provide for the rights and interests of Chinese returnees and their families.

Since the founding of the PRC in 1949, there has been a steady theme in the principles and the work of Chinese Overseas Affairs. These include: sustaining the Chinese version of socialism; following the Deng Xiaoping Theory and the "Three Representatives"; thoroughly implementing a scientific concept of development; staying people-oriented to help the overseas Chinese; focusing on both domestic Overseas Chinese Affairs (basis) and foreign Overseas Chinese Affairs; and contributing to the overall interests of the country, whilst bringing benefits to the overseas Chinese.

The underlying guidelines for Overseas Chinese Affairs include: protecting the legitimate rights and interests of the overseas Chinese; supporting the long-term survival and development of the Chinese abroad; encouraging the overseas Chinese to respect host country traditions and culture; encouraging them to live in harmony with natives; promoting friendship and cohesion within Chinese communities abroad. It is hoped that the overseas Chinese will be able to earn trust and come to be thought of as good citizens respecting the rule of law. The Overseas Chinese Affairs Office also encourages the Chinese abroad to make positive contributions to the development of both China and the host country and friendship between those two countries.

The underlying guidelines for Overseas Chinese Affairs are to protect the legitimate rights and interests of Chinese returnees and their family members; to extend appropriate extra care to them. More attention should be paid to protecting and improving their livelihood. They should be

encouraged to work hard and to make good progress in their careers, to make use of their overseas contacts and to contribute to the creation of a prosperous society.

The underlying guidelines for dealing with those Overseas Chinese who have foreign nationality include: helping with their development; enhancing relations between them and their adopted countries; encouraging them to integrate into local societies; exposing them to Chinese heritage and culture; and promoting cooperation and friendship between China and the host country.

The underlying principles for Overseas Chinese Affairs at the government level are: to adhere to the “three favorable principles”; to take into account host country differences; to stick to the principle of what is legitimate and public; to insist on equal treatment with no discrimination; and to give extra care.

The main tasks of Overseas Chinese Affairs involves: the development of the Chinese economy; helping towards Chinese “reunification”; the expansion of Chinese public diplomacy; the celebration of Chinese tradition and culture; putting effort into establishing a friendly image and reputation; guidance for overseas Chinese; vigorous promotion of Chinese language education; and the defence of the legitimate interests of the Chinese diaspora and Chinese returnees and their families.

#### b) Chinese authorities in charge of overseas Chinese affairs<sup>1</sup>

The Chinese authorities in charge of overseas Chinese affairs include the Overseas Chinese Affairs Office of the State Council, the Ministry of Foreign Affairs, the Ministry of Human Resources and Social Security and the State Administration of Foreign Experts Affairs. The Overseas Chinese Affairs Office of the State Council is the official government body responsible for overseas Chinese affairs. The Ministry of Human Resources and Social Security deals with overseas professionals (from outside China) and students returnees working in China. The State Administration of Foreign Experts Affairs handles matters related to experts from overseas working in China. In addition to these state-level departments, counterparts have been established at the provincial, municipal and regional levels.<sup>2</sup> Regions with low demand are equipped with some full-time or part-time staff managing relevant affairs. All in all, a comprehensive administrative management system has been established to ensure overseas Chinese affairs are dealt with in a professional and effective manner across the board.<sup>3</sup>

#### c) China’s Emigration Policy

China’s Emigration Policy covers migration, studying abroad, working abroad, exported labour, and outbound tourism. These policies are separate but complementary. Overall, China’s emigration policy aims to respect and defend the rights of Chinese citizens going abroad.

The “Emigration and Entry Administration Law of the People’s Republic of China” (2012), Article 3, paragraph 1, states: “The state protects the lawful rights and interests of Chinese citizens exiting and entering the country.” The “Passport Law” (2006) Article 1 states: “In order to standardise the procedure of PRC passport applications, issuance and management, protect PRC citizens’ rights to exit and enter the country, and promote foreign exchanges, this law is hereby formulated.” The number of Chinese citizens (from the mainland) travelling abroad increased 12.13 million in 2001, to 83.18 million in 2012 (Qin 2013).

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<sup>1</sup> Many foreign nationals working in China are overseas Chinese.

<sup>2</sup> Generally, central government via its Overseas Chinese Affairs Office or relevant Ministers is in charge of developing, issuing and promoting various policy policies while local governments are in charge of policy implementations with little space to create local policies in relevant areas.

<sup>3</sup> It is not easy to describe intergovernmental coordination as it involves a number of government agencies or departments. Depending upon the nature and context of query, the functions and policy implementations can be official websites of relevant government agencies/departments.

The Chinese government values freedom of movement: it is supportive of Chinese citizens studying abroad and returning to China. In 2007, the Ministry of Education issued “On Adopting Further Measures to Encourage Outstanding Students and Scholars to Go Abroad,” and proposed “to establish a fast channel helping returnees to come back to work in China”.

China’s policy on Chinese citizens leaving the country for overseas employment<sup>4</sup> is to regulate their activities and to safeguard their legitimate rights and interests.

China’s policy on foreign labor service cooperation<sup>5</sup> is to regulate relevant activities, to safeguard the legitimate rights and interests of laborers, and to promote the healthy development of foreign labor service cooperation. At present, China’s foreign labor service cooperation has been extended to more than 180 countries (including EU states). Chinese foreign labor service cooperation is involved in several industries such as manufacturing, construction, agriculture, forestry, animal husbandry and fishery, transport and food service. Among these, laborers working in construction, textile and fishery account for more than half of all expatriate labor.

Measures for the Administration of Overseas Tours for Chinese Citizens have been formulated for the purpose of regulating Chinese citizens tours organised by tour agencies and for safeguarding the lawful rights and interests of tourists outside the country and business operators of overseas tour managers.<sup>6</sup> As of December 2011, China had granted 140 countries and regions approved destination status, with 111 of them in operation (Zhao and Cui 2011).

#### d) Chinese Authorities Responsible for Exit Administration

The Emigration and Entry Administration Bureau under the Ministry of Public Security is responsible for exit administration. The lower levels of the Emigration and Entry Administration Bureaus (Departments) have also been set up in all provinces, autonomous regions and municipalities under their corresponding Public Security Bureaus and are responsible for the management of the region’s public security and exit; due to high demand, the vast majority of Chinese cities and regions have also established designated units to deal with exit and entry administration matters. Border checking points are present in all Chinese ports with transportation abroad. At present, Frontier Inspection Stations are in operation in Beijing and another eight cities, under the Ministry of Public Security. In addition, the Ministry of Public Security is responsible for the management of agencies arranging international travel for private matters.

The Ministry of Education is the official government body in charge of studying abroad. Study Abroad administration is carried out by the Department of International Cooperation and Exchanges under the Ministry of Education. The Ministry of Education is also responsible for the management of agencies providing consulting services for self-funded students studying overseas.

The Ministry of Commerce is the Chinese government body responsible for overseas employment and foreign labor service cooperation. In May 2012, the State Council promulgated the “Administrative Regulations for Foreign Labor Service Cooperation”, the Ministry of Commerce is responsible for the implementation of these “Regulations.”

The National Tourism Administration is the Chinese government body responsible for Chinese citizens travelling abroad. The “Measures for the Administration of the Overseas Tours of Chinese

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<sup>4</sup> Overseas employment, means the employment acts that Chinese citizens conclude labor contracts with overseas employers, provide labor and obtain labor remuneration outside China. Please refer to “Provisions on the Administrations of Intermediary Activities for Overseas Employment” (2002), Article 2, Paragraph 2.

<sup>5</sup> Foreign labor service cooperation, refers to the operational activity that organizes workers in such a way that they can go to other countries or regions to work for foreign enterprises or institutions (hereafter collectively referred to as “Foreign Employer”). Please refer to “Administrative Regulations for Foreign Labor Service Cooperation” (2012), Article 2, Paragraph 1.

<sup>6</sup> “Measures for the Administration of the Overseas Tours of Chinese Citizens” (2002), Article 1.

Citizens” (2002) stress that international travel agencies should take on responsibility for safeguarding the legitimate interests of travelers, and that it is also their duty to ensure all travelers return to China on time. In January 2009, the State Council promulgated the “Regulation on Travel Agencies”. The National Tourism Bureau is responsible for implementing the “Regulation.”

e) Agreement on Readmission of Emigrants

China has not signed any bilateral or multilateral readmission agreements with other countries.

In November 2002, the Danish EU Presidency announced that the European Commission would like to start negotiations with China about readmission agreements, and look for a better and more comprehensive solution to the problem of irregular migrants returning home. “A Maturing Partnership: Shared Interest and Challenges in EU-China Relations” (2003) pointed out: “more specific objectives should be identified, to reach a readmission agreement on irregular migrants in the near future.” The “Memorandum of Understanding between the European Community and the National Tourism Administration of the People’s Republic of China on visa and related issues concerning tourist groups from the People’s Republic of China” (2004) includes clauses on readmission and allows EC countries to repatriate illegal Chinese immigrants. In May 2004, China started parallel negotiations with the EU on readmission agreements and EC visa facilitation (Trauner and Kruse 2008). “EU - China: Closer partners, growing responsibilities” (2006) insists that “The two sides should make joint efforts towards an early signing of an effective readmission agreements.”

Whilst reinforcing the fight against illegal immigration, China actively works with the police services of other countries. It adopts effective measures to reduce the time spent on verifying the Chinese citizenship of illegal immigrants and accepts their repatriation as soon as verification is completed. As of March 2007, China and the Netherlands, Russia and 45 other countries have signed 112 various agreements, memorandum of understandings and minutes of talks on strengthening police cooperation and joining forces to fight against crime. 30 Chinese police liaison officers have been sent to the United Kingdom, France and seventeen other countries.

f) Chinese authorities responsible for Overseas Chinese returning to China

Chinese people returning to China from abroad must hold a valid Chinese passport. China’s diplomatic representative agencies in foreign countries, consular Offices and other authorised agencies abroad provide Chinese citizens abroad with passport replacement, renewal and extension service. For those who request help returning to China because they lack funding, or irregular migrants who need to be repatriated at the request of the resident country, a valid travel document will be issued and their original passport will be confiscated. Those without a passport will, in the first instance, be reported to the public security department for investigation.

## **2.1 Political and Civil Rights of Diaspora Chinese / Citizens Abroad**

a) The right to vote

Chinese citizens abroad are entitled to vote and stand for election, but for those who have settled overseas, their right to vote and stand for election cannot go beyond the regional level of the People’s Congress. The “Electoral Law of the National People’s Congress and Local People’s Congresses of the People’s Republic of China” (adopted in 1979, amended in 2010) Article 3 states: “All citizens of the People’s Republic of China who have reached the age of 18 shall have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence.” Its Article 6, paragraph 3 states: “Citizens of the People’s Republic of China who reside abroad but who are in China during the election of deputies to the people’s congresses at or below the regional level may take part in such elections conducted in their ancestral home town or place of domicile before they went abroad.”

## b) Electoral Registration

The provincial local government formulated the “Electoral Law of the National People’s Congress and Local People’s Congresses of the People’s Republic of China”, which specifies the provisions of electoral registration for Chinese citizens abroad and settled Chinese citizens outside the country. For example, Sichuan Province’s Implementing Regulations (1987) for the “Electoral Law of the National People’s Congress and Local People’s Congresses of the People’s Republic of China” (1995 Amendment), Article 22, states: “Chinese citizens should register with the local authority or place of their *Hukou* (personal ID registration) origin, prior to travelling abroad to visit relatives, studying, giving lectures, visiting, carrying out field visits, voluntary work.” Article 23 states: “Chinese citizens residing abroad, if they are in China at the time of election, can participate in elections at or below the regional level of the people’s congress. They may take part in such elections conducted in their ancestral home town or place of domicile before they went abroad, or place of current residence in China.”

## c) and d)

To participate in elections, Chinese citizens abroad and settled Chinese citizens outside the country, must return to China in accordance with regulations. They cannot vote by mail or by going to Chinese embassies, consulates or through special polling stations in other countries.

## e) The Nationality of People Born Overseas

Chinese citizens’ children born in foreign countries have Chinese nationality. The 1980 “Nationality Law of the PRC” Article 5 states: “Any person born abroad whose parents are both Chinese nationals and one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.”

## f) Dual citizenship

China does not recognize dual nationality. Anyone, who obtains Chinese nationality, must renounce any other nationality. If someone acquires a second nationality, they forfeit Chinese nationality. In practice, there are Chinese people holding dual citizenship. First, for those born abroad, they may practically acquire dual citizenship. As many countries follow the principle of single ancestry in the acquisition of nationality, it is possible for children born in China, with one Chinese parent and one foreign parent, to obtain dual citizenship: the Chinese parent can register the child with the local authority and obtain Chinese nationality, and then apply to the relevant foreign embassy in China for a passport and nationality. Second, likewise, even when a child is born in a foreign country, which only takes one of the parents’ nationalities into consideration in the acquisition of nationality, his or her parents can register with the Chinese Embassy or Consulate for a *hukou* and obtain Chinese nationality, and then apply for nationality from the authorities in the host country. The “Nationality Law of PRC” (1980) does not include any clause about legal obligations in this regard. People with dual nationality are not penalised against either.

## g) Authorities

The Emigration and Entry Administration Bureau under the Ministry of Public Security is in charge of nationality. The “Nationality Law of the PRC” (1980), Article 15 states that: “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 Chinese diplomatic representative agencies and consular offices.” Article 16 states: “Applications for naturalization as Chinese nationals and for renunciation or restoration of Chinese nationality is subject to examination and approval by the Ministry of Public Security of the People’s Republic of China. The Ministry of Public Security shall issue a certificate to any person whose application has been approved.” In

addition, foreign nationals who have obtained permanent Chinese residency are given priority to join or restore Chinese nationality. The “Treatment and Status of Foreigners with Permanent Residency in China” (2010), Article 18 states: “The relevant Public Security Departments should speed up the process for foreigners with permanent Chinese residency to obtain or restore Chinese nationality in accordance with the relevant procedures.”

## **2.2 Social and Economic Rights of Diaspora Chinese / Chinese Citizens Abroad**

### **a) Bilateral agreements on social and economic rights and the responsible departments**

China signed the first tax treaty with Japan in 1983. By the end of June 2013, China had signed 99 external agreements to avoid double taxation. It had also signed tax agreements with Hong Kong and Macao, two Special Administrative Regions. The State Administration of Taxation is responsible for bilateral tax treaties.

The Chinese government signed two bilateral social security agreements, one with Germany in 2001 and one with South Korea in 2003, to ensure citizens, subject to the home country’s social security system, are exempt from paying social insurance again when working in the host country. Since the promulgation of “Interim Measures for Participation in Social Insurance System by Foreigners Employed in China” (2011), Japan, France and a few other countries have approached China and proposed to sign bilateral social security agreements with China so as to resolve the problem of their citizens paying social insurance premiums twice. China holds a favorable view of this proposal. Bilateral agreements on social security insurance are being dealt with by the Ministry of Human Resources and Social Security.

### **b) Encouraging Chinese immigrants to take part in China’s economic and social projects and the departments responsible**

China has gradually formed a policy system to protect the rights and interests of Diaspora Chinese (*Huaqiao* in Chinese who still have PRC citizenship.)

Diaspora Chinese can participate in social insurance. The Ministry of Human Resources and Social Security published regulations in June 2011, stating that in the case of those who leave China before meeting the statutory conditions for receiving state pensions, social security accounts should be retained so that when they reach the age required by law, they can enjoy the pension benefits that they are entitled to.

Children of diaspora Chinese can participate in the national education system. In July 2006, the Overseas Chinese Affairs Office of the State Council, along with the Ministry of Education and the Ministry of Finance, issued a notice stating that children of diaspora Chinese can attend colleges and universities in China as college students, undergraduates, postgraduates and doctoral students. They will be treated equally to the children of mainland residents. In January 2009, the Overseas Chinese Affairs Office of the State Council and the Ministry of Education jointly issued “Regulations on the Relevant Questions for Returning Offspring of Overseas Chinese for Enrollment in Compulsory Education in China” stating that children of diaspora Chinese who go to a public school in China for compulsory education where their domestic guardian’s household is registered will be treated equally to the children of local residents – they go through the same admission procedures and are also exempt from tuition fees and other miscellaneous fees during the nine years of compulsory education.

To protect the rights and interests of diaspora Chinese investors, the Supreme Court promulgated certain laws to include relevant applicable judicial interpretation for disputes in relation to investments and enterprises established by diaspora Chinese in China.

The legal system has been enhanced to protect diaspora Chinese rights and interests in making donations. In October 2008, the Overseas Chinese Affairs Office of the State Council the Ministry of Foreign Affairs, and the Ministry of Civil Affairs jointly issued regulations to strengthen the

management of donations made by diaspora Chinese, which reinstated the need to strictly adhere to the principle that donations by diaspora Chinese must be made on a “voluntary” basis.

Some pilot protection legislations have been implemented to protect the rights and interests of diaspora Chinese. Two examples: “Wuhan Protection Provisions on migrants Settled Overseas” (2001), “Zhejiang Interim Provisions on Protection of the Rights and Interests of Returned Overseas Chinese and the family members of Overseas Chinese” (2006). In 2010, a clause was added to article VI under the “Fujian Implementation of the ‘Protection of the Rights and Interests of Returned Overseas Chinese and the family members of Overseas Chinese’”, stating that an overseas Chinese passport has the same legal effect as the identity card of a Chinese citizen in China. The revised “Sichuan Province Regulations on the Protection of Overseas Chinese Investors’ Interests 2011” contains an additional item saying that “recognition or awards can be given to diaspora Chinese investors who have made outstanding contributions”.

### 2.3 Educational Rights of Diaspora Chinese and Chinese Citizens Abroad

a) The Chinese government has not set up schools in foreign countries to deliver China’s educational programmes.

b) Chinese-Foreign Cooperation in Running Schools and the responsible departments<sup>7</sup>

The State Council promulgated the “Regulations on Chinese-Foreign Cooperation in Running Schools” in 2003. According to these “Regulations”, Chinese and foreign agents in running schools may cooperate to establish educational institutions of various types at various levels. However, they should not establish institutions offering compulsory education service or special education services such as military, police and political education services. No foreign religious organizations, religious institutions, religious colleges and university or religious workers may engage in cooperative activities running schools within China. Chinese-foreign cooperatively-run schools shall not offer religious education, nor conduct religious activities. The Ministry of Education is responsible for overall planning, comprehensive coordination and macro control for all Chinese-foreign cooperative activities in running schools nationwide. The education administrative department, the labor administrative department and other relevant administrative departments of the State Council is responsible for Chinese-foreign cooperation in running schools in accordance with their functions and duties as defined by the State Council.

c) The Confucius Institute and Chinese language education

China set up Confucius Institutes overseas in 2004. By 2012, 400 Confucius Institutes and over 500 Confucius Classrooms (in primary or secondary schools) had been established across 108 countries and regions, of which 107 Confucius Institutes are located in EU countries (<http://www.hanban.edu.cn/>). “The Confucius Institute Constitution” clearly provides that the Confucius Institute is a non-profit educational organisation, whose mission is to promote Chinese language and culture, enhance friendship between China and foreign countries, and encourage multicultural Development worldwide so as to contribute to the creation of a harmonious world. According to the official report, in 2012 655,000 people (both adults and children) registered worldwide to learn Chinese or relevant courses (<http://www.hanban.edu.cn/report/pdf/2012.pdf>). To set up a Confucius Institute or Classroom, first of all, the foreign partner needs to make an application voluntarily. After careful consideration and consultation by both parties (the Chinese Institution and the foreign partner institution), a cooperation agreement can be signed. Hanban (Office of Chinese Language Council International) / Confucius Institute Headquarters is responsible for managing

<sup>7</sup> For example, The British School of Beijing (北京英国学校), Dulwich College Beijing (French School of Beijing, *Lycée Français* de Pékin, 北京法国学校), German School of Beijing (Deutsche Botschaftsschule Peking, 北京德国使馆学校), Swedish School Beijing (北京瑞典小学).

Confucius Institutes around the world. Hanban is established directly under the Chinese Ministry of Education.

In addition to Confucius Institutes set up by Hanban in foreign countries, there are various types of Chinese schools or educational organisations in many countries and regions. According to incomplete statistics, 150 Chinese language education organisations such as United Chinese School Committees' Association of Malaysia, operate in about 20 countries and regions, and 38 out of these 150 organisations are run on a national scale.

d) Compulsory language courses offered by schools in China and the responsible department

English lessons are offered from year one at Primary Schools in China. English becomes compulsory at secondary level. In the last three years of High School, English is compulsory for the first two years and then optional in the last year. It has been a compulsory core module at all Chinese universities since 1977.

e) Outbound radio and television service and the responsible department

Founded in 1941, China Radio International (CRI) is a state-run radio station broadcasting to a global audience. It aims to promote understanding and friendship between China and the rest of the world. CRI broadcasts in 61 languages and four Chinese dialects including Mandarin, Cantonese, and five other Chinese minority languages including Uighur.

China Central Television (CCTV) runs five channels: English News International, International French, International Spanish, International Russian, and International Arabic. CCTV English News International is the most important of all channels. Launched in April 2010, it broadcasts 24 hour news in English. CCTV English News International is located in Beijing, and sends out signals through six satellites, and has 40 million viewers.

CRI and CCTV are being led by the General Press and Publication Administration of PRC, which provides guidance, coordination and management for key matters such as propaganda, development, coverage etc.

### 3. Local Policies

National laws and policies on Overseas Chinese Affairs and the Emigration of Chinese citizens are issued by the central government. Local authorities have no rights to develop new regulations and policies, but they are responsible for developing their own rules and regulations to ensure the smooth implementation of central policies. Two examples: "Shanghai Measures for the Implementation of 'Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese'" (1992, amended in 1999) and "Shenzhen Special Economic Zone Regulations for the Implementation of 'Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese'" (1995).<sup>8</sup>

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<sup>8</sup> Details are available online in Chinese:

for Shanghai on:

<http://www.shanghai.gov.cn/shanghai/node2314/node3124/node3125/node3133/userobject6ai365.html>  
[Accessed 14 August 2014];

for Shengzhen on:

[http://wenku.baidu.com/link?url=SFsNmM9m9SGnsf3XTnUybYy\\_GwrOTGhWuUUbLHc3jngGs\\_3bU7Z-U12NLGGvtTvoWqI7mjBW8nexTJtwMjXxUV1gP7jei3KSitTaJ\\_8D9S](http://wenku.baidu.com/link?url=SFsNmM9m9SGnsf3XTnUybYy_GwrOTGhWuUUbLHc3jngGs_3bU7Z-U12NLGGvtTvoWqI7mjBW8nexTJtwMjXxUV1gP7jei3KSitTaJ_8D9S) [Accessed 14 August 2014].



#### 4. Non-Government Organisations

As well as the Overseas Chinese Affairs Office of the State Council, there are other organisations involved in Chinese diaspora affairs. There is, for example, the All-China Federation of Returned Overseas Chinese, China Zhi Gong Party, the Overseas Chinese Committee of the National People's Congress, and the Diaspora Chinese Committee of Hong Kong, Macao, Taiwan of the Chinese People's Political Consultative Conference (CPPCC).

The All-China Federation of Returned Overseas Chinese established in 1956 is a non-governmental organisation for returned overseas Chinese and their family members. It is recognised nationwide and works as a hub bringing together the party, the government, returned overseas Chinese and their families. It is part of the CPPCC Committee. Its key function is to “work with people, participate in politics, protect the rights and interests of overseas Chinese and promote friendship” (see <http://www.cppcc.gov.cn/>). Its main activities include organising the inaugural National Awards for Overseas Chinese Elite and Outstanding Individuals 2013; 2012 Overseas Chinese Outstanding Contribution Awards (Innovative talents); “Warmth and Love” activities during the Chinese Spring Festivals; legal training for returned overseas Chinese, and annual Spring Festival Gala event etc.

China Zhi Gong Party, created in 1952, is one of the eight “democratic parties” acknowledged by the Chinese Communist Party. Its predecessor was the overseas Chinese Community initiated by American Chinese Freemasons (Chee Kong Tong). It has about four million members, mainly consisting of returned overseas Chinese and their families. Committed to strengthening links among overseas Chinese, it encourages overseas Chinese to integrate into local society, and to contribute to the social and economic development of the host country. It also promotes economic and cultural exchanges and cooperation between the host country and China, and China's modernization and development. China Zhi Gong Party organised the Fifth Cross-Straits Forum in 2013, Zhi Gong discussions and many other activities.

The Overseas Chinese Committee of the National People's Congress established in 1983 is one of nine specialised committees under China's most powerful government body. It is responsible for checking proposals relevant to overseas Chinese affairs and submitting their reports to the National People's Congress Presidium and the NPC Standing Committee for consideration. It has organized a series of activities, for example, in September 2012, it carried out research on the implementation of “Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese” and other related regulations. It also looked into the poverty issues of some scattered Chinese returnees and has asked how to protect overseas Chinese investors' rights and interests etc.

The Overseas Chinese Committee of Hong Kong, Macao, Taiwan of the CPPCC is one of the nine committees set up under the Tenth CPPCC National Standing Committee. The “China's CPPCC Charter” (2000 Amendment), Article 15 states that Chinese CPPCC National Committee and local committees advocate and assist in the implementation of state policies in relation to overseas Chinese affairs. It aims to strengthen links with compatriots abroad and to encourage them to contribute to the development and reunification of China. The Overseas Chinese Committee of Hong Kong, Macao, Taiwan of the CPPCC launched the Overseas Chinese Language Education Conference 2013, discussions on peaceful development and cross-straits relations and other activities.

## 5. Stakeholders and Participants relevant to Diaspora Chinese Affairs and “Go-Abroad” Policies

In addition to government and non-government organisations such as the Overseas Chinese Affairs Office of the State Council and the All-China Federation of Returned Overseas Chinese, there are research institutions and scholars studying overseas Chinese affairs policies. Major research centers include Jinan University, Huaqiao University, Xiamen University, China Federation of Returned Overseas Chinese Institute of History; the leading policy experts and scholars in this area are members of the Advisory Committee of the Overseas Chinese Affairs Office of the State Council. The fourth Advisory Committee (2013-2017) consists of twenty experts including Guotu Zhuang of Xiamen University, Yimin Jia of Huaqiao University and Guofu Liu Beijing Institute of Technology etc.

Apart from the Emigration and Entry Administration Bureau of the Ministry of Public Security and other relevant government agencies mentioned previously, a number of research institutes, scholars and societies are engaged in research in “Go-Abroad” policies and practices. The main policy research centers are the Chinese People’s Public Security University and the Chinese People’s Armed Police Academy. The top experts in this area are scholars who have participated in previous Immigration Law Forums. The Immigration Law Forum is currently China’s only national and international forum focusing on immigration laws and policies. It was convened and organised by Guofu Liu of Beijing Institute of Technology and had been held four times prior to 2012.

Other agencies or societies with a key interest in “Go-Abroad” policies include the Western Returned Scholars Association, and Entry and Emigration Service Associations etc. The Western Returned Scholars Association and Chinese Scholar and Students Associations are formed by returned diaspora students on a voluntary basis. Led by the CPC Central Committee, the Central United Front Work Department, these associations work closely with Chinese students and scholars studying abroad and put forward their opinions, wishes and requirements, with the aim of uniting and encouraging the majority of diaspora students to contribute to development in China. Beijing Entry and Exist Association was founded in 2005, with a juridical association status and 77 memberships. One of its main duties was to assist the government in implementing “Go-Abroad” policies. Other stakeholders and participants related to diaspora Chinese affairs and “Go-Abroad” policies include Shangdong Jining Overseas Workers Family Support Association, Shandong Qingzhou Returned Labor Abroad Association, and the National Federation of Overseas Chinese Students Entrepreneurship Association etc.

## 6. Policy Implementation

### a) Protecting the rights and interests of returned overseas Chinese

The main theoretical grounds for providing special protection for returned overseas Chinese are that “they have overseas relations,” “they make significant contributions,” “they are vulnerable” and “they have more obligations to fulfill.” However, with a gradually improved legal system and the increasing international mobility of personnel, the demand or need “to give extra care as appropriate” is diminishing (Liu G. 2002: 124-127).

### b) Protecting the rights and interests of overseas Chinese

Some local governments have followed the model of the “Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese” (adopted in 1990 and revised in 2000) and they have set up their own regulations to protect Chinese nationals’ domestic rights and interests while abroad. However, how to establish legislation at the national level to protect the domestic rights of these Chinese nationals living outside the country and resolve the difficulties encountered, is a challenge for all relevant stakeholders and participants (Liu G. 2002: 91, 102).

## Appendix. Major Legal Documents related to Diaspora Chinese and “Go-Abroad” Policies

- “Protection of the Rights and Interests of Returned Overseas Chinese and Overseas Chinese Family Members” (adopted in 1990, revised in 2000).
- “Detailed Rules for the Implementation on ‘Protection of the Rights and Interests of Returned Overseas Chinese and the family members of Overseas Chinese’” (2004).
- Circular on “Regulations on defining identities of Overseas Chinese, Foreign Nationals, and Overseas Chinese Family Members” (2009), issued by the Overseas Chinese Affairs Office of the State Council.
- “Emigration and Entry Administration Law of the People’s Republic of China” (2012).
- “Regulations on the Administration of Entry and Emigration of Aliens” (2013).
- Circular on “Measures to encourage Overseas Chinese Entrepreneurship and Network” (2009) (for trial implementation), by issued by the Overseas Chinese Affairs Office of the State Council.
- “On the implementation of measures to aid returned Overseas Students to Set up Business in China” (2009), by The Ministry of Human Resources and Social Security.

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