

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	261
Land:	Kina
Kilde:	Refugee Documentation Centre (Ireland).
Titel:	Legal Aid Board. Information relating to the arrests of Chinese nationals returning to China from a foreign country who have breached the one child policy while living in a foreign country. How do the Chinese authorities treat Chinese nationals returning to China who have breached the one child policy while in a foreign country?
Udgivet:	23. november 2010
Optaget på baggrundsmaterialet:	16. december 2010



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

China – Researched and compiled by the Refugee Documentation Centre of Ireland on 23 November 2010

Information relating to the arrests of Chinese nationals returning to China from a foreign country who have breached the one child policy while living in a foreign country. How do the Chinese authorities treat Chinese nationals returning to China who have breached the one child policy while in a foreign country?

Recent information on Chinese nationals who have breached the one child policy while living abroad was not found among sources consulted by the Refugee Documentation Centre within time constraints.

A report on an ECOI seminar held in December 2005 published by the *Austrian Centre for Country of Origin and Asylum Research and Documentation*, in a section headed “Children born abroad” (paragraph 3.1.3), quotes China expert Dr. Thomas Weyrauch as follows:

“The consequences for asylum seekers repatriated to China who did not follow the One-Child-Policy, are different. Parents responsible for pregnancies or births without permission in China could face some of the difficulties mentioned above. But Chinese couples living abroad are not bound to the One-Child-Policy. Chinese citizens studying or working in foreign countries can return with more than one child without any serious problem.” (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (17 March 2006) *China: 10th European Country of Origin Information Seminar, Budapest, 1-2 December 2005*, p.16)

An *Immigration and Refugee Board of Canada* response to an information request, in a section headed “Penalties for Chinese returning from overseas with children born abroad”, states:

“Cited in a 2004 report by the Resource Information Center (RIC) of the United States Citizenship and Immigration Services (USCIS), a University of California (Irvine) anthropologist who has researched the subject of family planning in China stated that ‘in general, people who return to China from abroad are actively welcomed back to the ‘motherland,’ and children born outside China largely forgiven’. (Immigration and Refugee Board of Canada (29 January 2009) *CHN103033.E – China: Regulations on Family Planning of Liaoning Province; including exceptions to the one-child policy; reference made to birth control and termination of pregnancy; consequences or penalties for having more than one child under the regulations of the province; whether there are penalties for Chinese returning from overseas with children born abroad*)

This response also states:

“In a 23 October 2008 presentation at the Immigration and Refugee Board (IRB) of Canada's Calgary office, an associate professor and Mactaggart Research Chair of

the China Institute at the University of Alberta likewise noted that Chinese nationals who have children while abroad may not be subject to the one-child policy.” (ibid)

A profile of asylum claims published by the *US Department of State*, in a section headed “Births in the United States” (Paragraph 110), states:

“Couples sometimes seek asylum based on a claimed fear that an ‘unauthorized’ child born in the United States would – if the child returned to China – prompt their city university, or other work unit to fire one or both spouses from jobs or impose heavy economic penalties for violating the one-child policy. Some asylum seekers also claim the existence of an official Chinese government policy mandating sterilization of one partner if a couple has given birth to two children, at least one of whom was born abroad, if the child or children return to China. U.S. officials in China are not aware of the alleged official policy, at the national or provincial levels, mandating the sterilization of one partner of couples that have given birth to two children, at least one of whom was born abroad.” (US Department of State (Office of Country Reports and Asylum Affairs) (May 2007) *China Profile of Asylum Claims and Country Conditions*)

See also paragraph 112 of this profile which states:

“As to Fujian Province, in response to an inquiry by the U.S. Consulate General in Guangzhou, the Population Family Planning Commission of Fujian Province stated in an October 2006 letter that children born abroad, if not registered as permanent residents of China (i.e., not entered into the parents’ household registration), are not considered as permanent residents of China, and therefore are not counted against the number of children allowed under China’s family planning law.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

ACCORD) (17 March 2006) *China: 10th European Country of Origin Information Seminar, Budapest, 1-2 December 2005*

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