



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## China

China – CHN38575 – Temporary Hukou –  
Fujian – Crackdown 2008

21 April 2011

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### **1. What are the requirements on Chinese citizens staying temporarily at addresses other than where their household is registered, to obtain permits or certificates for their temporary stay?**

Any person staying or living outside of their hukou zone for more than three days, including tourists and foreign nationals, must register with the local hukou authorities at the local police station and obtain a guest, or temporary hukou registration, according to the 1985 *Provisional Regulations on the Management of Temporary Residents in the Urban Areas*. Landlords, hotels, and other households who host visitors are responsible for ensuring that their guests register with the local police, although these regulations have been relaxed in some localities.<sup>1</sup> Violators are subject to fines, arrest and forced repatriation.<sup>2</sup>

Any person staying in a locality outside their hukou zone for more than three months must also apply for a Temporary Residential Permit (*zanzhuzheng*) which provides the legal basis for residence and the key basis of legal identity. In many localities this permit is necessary in order to work, to rent housing, to open a bank account, to enter public buildings (such as libraries), to receive registered mail, and for other personal identification purposes.<sup>3</sup> Obtaining a temporary residential permit can be a time-consuming and costly process, although the fees and the documentation required vary widely between localities.

### **Temporary Household Registration in Fujian**

As is required nationally, temporary residents of Fujian Province are required to register with the local PSB. A Chinese language document found on the Fujian Government website updated in 2009 states that since January 2009, the Fujian PSB no longer charges fees to register as a temporary resident, implying that a fee was charged in previous years.

The abovementioned document lists the requirements for temporary registration under the *Floating Population in Fujian Province Public Security Regulations*. A Google translation (an imprecise translation tool) states:

Article VI: “where at least 16 years old, engaged to work, or do business in the mobile population, should arrive within seven days of temporary land[ing] to the local police station or at the declaration of temporary migrants to declare household registration...”

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<sup>1</sup> Wang, F. L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp. 70-71, 83, 191 – Attachment 1.

<sup>2</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, p.66 – Attachment 1.

<sup>3</sup> Wang, F. L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp. 70-71, 83, 191 – Attachment 1

Article VII: declare temporary household registration, or apply for temporary residence permits, according to the following provisions (a) staying in the organs, enterprises, institutions and individual business owners to operate places the floating population...(b) Other mobile population by me identity document to apply for registration...<sup>4</sup>

As in many places across China, cities and towns in Fujian now have the power to set their own admission criteria and numbers for new permanent residents and hukou, independent of quotas previously imposed by the central government.<sup>5</sup> Since 2001 the distinction in Fujian between agricultural and non-agricultural hukou has been abolished and every citizen in the province is registered under the categories of either resident or temporary hukou.<sup>6</sup> While the provincial capital Fuzhou and the large city of Xiamen impose restrictions on internal migration into those cities related to education and skills, “cities at the county level, such as Jianou and Jianyang, have always been much more open to rural residents and other migrants attempting to settle in them”.<sup>7</sup>

Further background information about the Hukou and household registration is provided in the January 2011 RRT Background Paper *China – Internal Migration & Relocation*.<sup>8</sup>

## **2. Is it known when such regulations came into force?**

The 1985 *Provisional Regulations on the Management of Temporary Residents in the Urban Areas* was issued on 13 July 1985.<sup>9</sup> Legislation regarding the general legal obligations of Chinese citizens concerning household registration were issued in 1958.<sup>10</sup>

The Immigration and Refugee Board of Canada reported in 2005 that, since 2003, internal migrants can freely register as temporary urban residents and police no longer have the right to arrest and expel unofficial migrants. Police were ordered to provide ‘urban residency documents’ to any migrant who finds employment.<sup>11</sup>

## **3. Are there reports of a program of checks being carried out concerning temporary residence permits in Gaoshan Town or in Fujian Province generally in September/October 2008?**

No reports were located indicating that a program of checks on temporary residence permits were carried out in Gaoshan Town, or in Fujian Province, in September/October 2008. In 2008, however, China put in place extraordinary security measures nationwide in preparation for the

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<sup>4</sup> ‘Apply for temporary residence permit’ (undated), Fujian Government website [http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102\\_43341.htm](http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102_43341.htm) - Accessed 3 June 2010 ‘Apply for temporary residence permit’ (undated), Fujian Government website Google translated [http://translate.googleusercontent.com/translate\\_c?hl=en&sl=zh-CN&tl=en&u=http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102\\_43341.htm&rurl=translate.google.com.au&twu=1&usg=ALkJrhgB6y2Q7b8V6jMRbOIMJbwlNk1DkQ](http://translate.googleusercontent.com/translate_c?hl=en&sl=zh-CN&tl=en&u=http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102_43341.htm&rurl=translate.google.com.au&twu=1&usg=ALkJrhgB6y2Q7b8V6jMRbOIMJbwlNk1DkQ) - Accessed 3 June 2010 - Attachment 2;

<sup>5</sup> Chan, Kam Wing and Will Buckingham 2008, "Is China Abolishing the Hukou System?", *The China Quarterly*, September, p. 594 – Attachment 3.

<sup>6</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, p. 193 – Attachment 1; Immigration and Refugee Board of Canada 2005, *China: Reforms of the Household Registration System (Hukou) (1998-2004)*, February, Section 5.2: Regional Reforms – Attachment 4.

<sup>7</sup> Chen, A. 2006, ‘Urbanization in China and the case of Fujian province’, *Modern China*, vol 32, no. 1, pp.99-130 – Attachment 5.

<sup>8</sup> RRT Country Advice Service 2011, *China – Internal Migration & Relocation*, January – Attachment 6.

<sup>9</sup> Wang, F. L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp. 70-71, 83, 191 – Attachment 2.

<sup>10</sup> ‘Regulations of the People’s Republic of China on Residence Registration’ 2001, *Chinese Law and Government*, Vol.34, No.3, pp.52-57 – Attachment 7.

<sup>11</sup> Immigration and Refugee Board of Canada 2005, *China: Reforms of the Household Registration System (Hukou) (1998-2004)*, February, Section 2 & 7.1 – Attachment 4.

Summer Olympic Games.<sup>12</sup> While no reporting was located specifically addressing increased residency permit checks in Fujian, several reports indicated increased residency permit checks were carried out in Beijing and it is possible, and likely, that permit checks were generally increased in all provinces.

The Olympic Torch Relay set off in Fujian Province in May 2008 and Falun Gong organisations reported several members were harassed and arrested and that security was tightened in Fujian generally to protect the Olympic Torch Relay. Security measures at the time may have included more rigorous residency permit checks in Gaoshan and towns in Fujian generally.<sup>13</sup>

## Attachments

1. Wang, F. L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp. 70-71, 83, 191.
2. 'Apply for temporary residence permit' (undated), Fujian Government website [http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102\\_43341.htm](http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102_43341.htm) - Accessed 3 June 2010 (Google translation) [http://translate.googleusercontent.com/translate\\_c?hl=en&sl=zh-CN&tl=en&u=http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102\\_43341.htm&rurl=translate.google.com.au&twu=1&usg=ALkJrhgB6y2Q7b8V6jMRbOIMJbwlnK1DkQ](http://translate.googleusercontent.com/translate_c?hl=en&sl=zh-CN&tl=en&u=http://www.fujian.gov.cn/wsbs/bm/sgat/200711/t20071102_43341.htm&rurl=translate.google.com.au&twu=1&usg=ALkJrhgB6y2Q7b8V6jMRbOIMJbwlnK1DkQ) - Accessed 3 June 2010
3. Chan, Kam Wing and Will Buckingham 2008, "Is China Abolishing the Hukou System?", *The China Quarterly*, September, p. 594
4. Immigration and Refugee Board of Canada 2005, *China: Reforms of the Household Registration System (Hukou) (1998-2004)*, February, Section 5.2: Regional Reforms
5. Chen, A. 2006, 'Urbanization in China and the case of Fujian province', *Modern China*, vol 32, no. 1, pp.99-130
6. RRT Country Advice Service 2011, *China – Internal Migration & Relocation*, January.
7. 'Regulations of the People's Republic of China on Residence Registration' 2001, *Chinese Law and Government*, Vol.34, No.3, pp.52–57
8. 'Olympics 2008: 'Ring of steel' security surrounds Beijing' 2008, *The Telegraph*, 16 July <http://www.telegraph.co.uk/news/worldnews/asia/china/2419190/Olympics-2008-Ring-of-steel-security-surrounds-Beijing.html> - Accessed 21 April 2011
9. Thompson, D. 2008 'Olympic Security Cooperation', *China Security*, Issue 10 [http://www.chinasecurity.us/index.php?option=com\\_content&view=article&id=83&Itemid=8](http://www.chinasecurity.us/index.php?option=com_content&view=article&id=83&Itemid=8) - Accessed 21 April 2011

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<sup>12</sup> 'Olympics 2008: 'Ring of steel' security surrounds Beijing' 2008, *The Telegraph*, 16 July <http://www.telegraph.co.uk/news/worldnews/asia/china/2419190/Olympics-2008-Ring-of-steel-security-surrounds-Beijing.html> - Accessed 21 April 2011 – Attachment 8 & Thompson, D. 2008 'Olympic Security Cooperation', *China Security*, Issue 10 [http://www.chinasecurity.us/index.php?option=com\\_content&view=article&id=83&Itemid=8](http://www.chinasecurity.us/index.php?option=com_content&view=article&id=83&Itemid=8) - Accessed 21 April 2011 – Attachment 9.

<sup>13</sup> 'Olympic Torch Relay Sets Off in Fujian Province; Falun Gong Practitioners under Surveillance or Being Arrested' 2008, Clearwisdom.net website, 25 May <http://www.clearwisdom.net/emh/articles/2008/5/25/97628.html> - Accessed 25 February 2009 – Attachment 10.

10. 'Olympic Torch Relay Sets Off in Fujian Province; Falun Gong Practitioners under Surveillance or Being Arrested' 2008, Clearwisdom.net website, 25 May <http://www.clearwisdom.net/emh/articles/2008/5/25/97628.html> - Accessed 25 February 2009.