

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** CHN30738  
**Country:** China  
**Date:** 17 October 2006

Keywords: CHN30738 – One Child Policy – Exit procedures – Passports

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT 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.

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#### Questions

- 1. If a person had been involved in anti-government activities, and had attracted the attention of the authorities, would he have been able to have a passport issued to him and been able to depart the country unimpeded?**
- 2. Is there any country information that would differ from that used by the primary decision maker that could lead to a different conclusion with regard to the issuing of a passport and departure from the country?**
- 3. Is it possible to bribe officials to gain a passport and depart the country?**
- 4. Anything else you feel might be relevant.**

#### RESPONSE

[Note: The positions of Questions 2 and 3 have been reversed.]

- 1. If a person had been involved in anti-government, and had attracted the attention of the authorities, would he have been able to have a passport issued to him and been able to depart the country unimpeded?**

Sources indicate that if a person was of serious and continuing interest to the Chinese authorities because of anti-government activities, it would be very difficult – although not impossible – for him to obtain a passport and leave the country through an airport. [The background material provided by the Member indicates that the Applicant left China by air. Therefore other exit routes such as leaving the country by a land border have not been researched.]

The 2005 US Department of State report on China states:

The government permitted legal emigration and foreign travel for most citizens. Most citizens could obtain passports, **although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have**

**difficulty obtaining passports** (see Tibet Addendum). There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. **There were instances in which the authorities refused to issue passports or visas on apparent political grounds.** Cheng Yizhong, the editor of Guangdong Province's Southern Metropolitan Daily newspaper, was banned by authorities from traveling abroad during the year to accept a UNESCO press freedom award. Members of underground churches, Falun Gong members and **other politically sensitive individuals sometimes were refused passports and other necessary travel documents** (US Department of State 2006, *Country Reports on Human Rights Practices 2005: China*, 8 March – Attachment 1).

A 2003 DFAT report discusses passport and exit procedures in China. It states:

The Ministry of Public Security issued a policy statement in December 2001 indicating that passport and exit procedures across the country would be simplified gradually. In major cities and regions such as Shanghai and Guangzhou / Pearl River delta, obtaining an ordinary passport is now a straightforward procedure. Applicants submit a form along with copies of their identification documents (ID cards or household registration papers / *hukou*) through their local post office, and are digitally photographed. Since February 2002, private individuals no longer need to provide an overseas invitation. After a fixed period (2-3 days), applicants return, pay a fee of RMB200 and collect their passport. **Provided the applicant does not fall into any of the categories of persons ineligible to leave China (see article 8 of the law on the control of entry and exit of citizens, available at [www.chinalaw114.com/englishlaw/shownews.asp?id=866](http://www.chinalaw114.com/englishlaw/shownews.asp?id=866)), the passport would likely be issued.** Authorities expect to extend this procedure to all large and medium sized cities by 2005.

Elsewhere applicants must also include a letter of approval from their work unit, and provide both their ID card and household registration papers / *hukou* to the Entry and Exit Bureau of the Ministry of Public Security. Passport issue can take up to fifteen working days. Applications for official (service and public affairs) passports must include supporting documentation from the applicant's work unit, and a letter of invitation from overseas (DIMIA Country Information Service 2003, *CIR No. 12/03- Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 2).

An October 2005 response from the Immigration and Refugee Board of Canada provides information about security and exit control procedures at Beijing airport, and lists the categories of persons who are not allowed to leave the country:

According to an official at the Embassy of the People's Republic of China in Ottawa, Chinese citizens travelling overseas must present a valid passport and visa for the country of destination to an immigration official, before being allowed to exit China (11 Oct. 2005). Without elaborating, the official noted that this procedure is standard at all international airports in the country.

A representative of the Canadian Embassy in Beijing provided the following observations on exit controls at Chinese airports in 4 October 2005 correspondence to the Research Directorate. Separate inspection barriers at airports are designated for Chinese citizens, foreign travellers, diplomatic staff, and airline personnel. The Frontier Defense Inspection Bureau (FDIB) is in charge of the inspection barriers, and FDIB officers examine the passports and immigration departure cards of Chinese travellers. The officers also verify the identity of the person through a "computerised record system." Chinese travellers do not need to present their resident identity card during the inspection. According to information contained on the Website of Air China, there is a Frontier Defense Inspection station at each of the 115 Chinese ports currently open for international departures and arrivals (n.d.)...

...The Law of the People's Republic of China on the Control of Exit and Entry of Citizens stipulates that the following categories of persons will not be granted permission to leave the country:

Defendants in criminal cases or criminal suspects confirmed by a public security organ, a people's procuratorate or a people's court;

Persons who, as notified by a people's court, shall be denied exit owing to involvement in unresolved civil cases;

Convicted persons serving their sentences;

Persons undergoing rehabilitation through labour; and

**Persons whose exit from the country will, in the opinion of the competent department of the State Council, be harmful to state security or cause a major loss to national interests (PRC 22 Nov. 1985, Art. 8)....**

**...In early July 2005, inspection staff at Hangzhou airport in Zhejiang Province uncovered two fake passports on an overseas Chinese traveller, who reportedly admitted he was paid to help stow away two residents from Fujian Province (BBC Monitoring 30 Aug. 2005).** (Immigration and Refugee Board of Canada 2005, *CHN100513.E China: Exit controls for citizens travelling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport (2003 – 2005)*, 25 October – Attachment 3).

Recently DFAT also advised on Article 8 of the Law on the Control of Exit and Entry of Citizens as follows:

3. The Ministry of Public Security said that border exit procedures were carried out according to Chinese law. Chapter II, Article 8 of the *Administrative Law on the Border Exit and Entry of Citizens of the People's Republic of China* states that Chinese citizens will not be allowed to exit the PRC border under the following circumstances:

i) If the person is a defendant in a criminal case or suspected of a crime by the security organs, the People's Procuratorate or the People's Court;

ii) If the People's Court notifies that the person is involved in a civil case that has not been completed and they cannot leave the country;

iii) If the person is currently serving a criminal sentence;

iv) If the person is undergoing re-education through labour;

v) If the relevant organs of the State Council believe that, after departing the country, that person might cause danger to national security or cause extreme harm to national interests (Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September – Attachment 4).

However, DFAT continued by stating that "as a general point, we remind you that **implementation of rules in China can be incomplete, or over-zealous**" (Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September – Attachment 4).

An earlier DFAT advice from February 1998 addressed the question of whether a dissident wanted by Chinese authorities could leave PRC using a Chinese passport issued by the PSB in his/her own name. DFAT commented that:

A.3 We are unaware of any wanted dissidents leaving China over the last two years. Nevertheless, given the prevalence of corruption in China, to which the authorities readily admit, **we consider it plausible that individuals could leave China on passports they have obtained through corrupt officials although, given the usual stringency of border checking in China, it is improbable dissidents on wanted lists would be able to exit on passports issued in their own names. We would also note that many dissidents have left China legally over the last three to four years, although many have served all, or part, of a prison or reform through labour term.**

A.4...We do not have precise figures, but would estimate that the number of ordinary passports issued annually in China is now in the millions. The chance of improper issue and use would, therefore, be correspondingly high (DIMA Country Information Service 1998, *Country Information Report No.64/98 Passport and Exit Permit Issuing Procedures*, (sourced from DFAT advice 12 February 1998), 17 February – Attachment 5).

### **3. Is it possible to bribe officials to gain a passport and depart the country?**

The reports below indicate that in China there is a widespread trade in both forged documents and genuine documents which have been obtained from corrupt public officials by bribery: this includes passports and other travel documents. Thus it certainly appears to be possible to obtain a passport under a false name by bribing officials, in order to leave China without being apprehended at the airport. How often this is successful is not clear from the reports. There are references to police crackdowns on organisations selling such documents, and to the persons using them being detected; but some people have reportedly succeeded in entering the US, Canada and Mexico using fraudulent passports.

Background material provided by the Member indicates that the Applicant left China using a passport *in his own name*. Reports indicate that it would also be possible to gain such a passport through bribery, but that it would be risky and expensive. Prominent dissidents would have difficulty leaving the country as they are carefully monitored by the authorities, and there are stringent security checks at airports.

A September 2005 research response by the Canadian Research Directorate examines the issue of forged, fraudulent and illegally obtained documents in China. It contains several references to passports, including some specifically about Fujian province. It states that according to the deputy director of exit-entry administration at the Ministry of Public Security in China, and the leader of a Shanghai-based organisation convicted of manufacturing fraudulent documents, false documents generally are a widespread and profitable enterprise in China. Of passports it states:

**The involvement of government officials in procuring fraudulent travel documents is reportedly common but seldom discussed in the Chinese media** (ibid.). A 2002 report published by the Australian Institute of Criminology on organized crime and migrant smuggling in Australia and the Asia-Pacific region notes that “[t]he increasing decentralisation of China’s administration makes it easy for migrant smugglers to obtain passports and travel documents by corrupting local government employees” (Schloenhardt 2002, 48). **According to the report, corrupt officials provide “both genuine and fraudulent documents in exchange**

**for money, or...for the migrant smuggler's promise to smuggle a member of the corrupt official's family abroad" (ibid.)...**

... Four men who were found to be carrying fraudulent travel documents at Fuzhou airport in Fujian Province told authorities they had paid \$US 46,000 in total for four fraudulent passports and four fraudulent Brazilian residence permits (Beijing Review 29 Apr. 2004)...(Immigration and Refugee Board of Canada 2005, *CHN100510.E China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001 – 2005)*, 8 September – Attachment 6).

The response later states of Fujian:

...police in Fujian and Guangdong, as well as in Zhejiang Province, uncovered more than two hundred passports fraudulently obtained by human smuggling organizations from the Public Security Bureau (PSB) in Yueyang City, Hunan Province (Beijing News 24 Dec. 2004). Chinese authorities were first alerted to the fraud by officials in the United Kingdom (UK) who had found passports issued by the Yueyang PSB on a number of Chinese stowaways (ibid.).

In Fujian, police arrested a dozen people involved in an operation from which 10,000 fraudulent Chinese, American and UK passports and exit permits were seized along with equipment used in their production (People's Daily 21 Jan. 2002; Xinhua 20 Jan. 2002). Government business passports fraudulently obtained by a government official in Wuhan, Hubei Province were sold to buyers in Fujian who had replaced photos of the original holders with their own (Comtex 18 June 2004). **At least 33 of the buyers reportedly succeeded in entering the US, Canada and Mexico using the fraudulent passports** (ibid.). The South China Morning Post (SCMP) reported that most of the Chinese travellers holding fraudulent documents detected at Chek Lap Kok airport in Hong Kong hailed from Fujian and Zhejiang (23 Jan. 2001). )...(Immigration and Refugee Board of Canada 2005, *CHN100510.E China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001 – 2005)*, 8 September – Attachment 6).

In reply to the questions "Would a person who had come to the adverse attention of the PRC government experience difficulty in obtaining a legal passport? If so, how easy would it be to obtain from illegal means (ie payment of bribes) and have one issued in their own name?" the 2003 DFAT report states:

Yes. Checks with the Public Security Bureau in the applicant's place of registered residence would reveal any adverse records held by Public Security organs on the applicant. An applicant "whose exit, in the judgement of the relevant department of the State Council, would be harmful to state security or cause a major loss to national interests" would likely be denied a passport. **Illegally obtaining a passport in the applicant's own name through bribery would be possible, but highly risky and expensive. It would be easier to obtain a passport using someone else's identity** (DIMA Country Information Service 2003, *CIR No. 12/03- Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 2).

As was mentioned in Question 1, an earlier DFAT advice from February 1998 addressed the question of whether a dissident wanted by Chinese authorities could leave PRC using a Chinese passport issued by the PSB in his/her own name. DFAT commented that:

...given the prevalence of corruption in China, to which the authorities readily admit, **we consider it plausible that individuals could leave China on passports they have obtained through corrupt officials although, given the usual stringency of border checking in China, it is**

**improbable dissidents on wanted lists would be able to exit on passports issued in their own names...**

... We would assess as possible, the use of PSB passports to smuggle Chinese nationals out of China, including under their own names... We do not have precise figures, but would estimate that the number of ordinary passports issued annually in China is now in the millions. The chance of improper issue and use would, therefore, be correspondingly high (DIMA Country Information Service 1998, *Country Information Report No.64/98 Passport and Exit Permit Issuing Procedures*, (sourced from DFAT advice 12 February 1998), 17 February – Attachment 5).

Two items from the April 2006 UK Home Office report on China are of interest:

3.27 On 19 December 2005, the official China Daily newspaper reported, “The former head of the Communications Department of Southwest China’s Guizhou Province [Lu Wanli] was executed on Friday for taking huge bribes, according to the Supreme People’s Court... **Lu fled abroad in January 2002 using a false passport, but was later arrested** and deported to China.”[14m]...

[and]

...6.266 As reported by the official People’s Daily newspaper on 28 October 2003, biometric information such as fingerprints and DNA will be added to new Chinese passports. The source gave no date for implementation. [12j] (UK Home Office 2006, *Country of Origin Information Report: China*, April – Attachment 7).

**2. Is there any country information that would differ from that used by the primary decision maker that could lead to a different conclusion with regard to the issuing of a passport and departure from the country?**

The recent documents used in this response which were *not* used by the primary decision maker – judging by the citation list provided by the Member – are listed below. These reports, which are discussed in detail in Questions 1 and 3 (above), provide information on exit procedures and on the accessibility of fraudulent or forged passports.

- Immigration and Refugee Board of Canada 2005, *CHN100513.E China: Exit controls for citizens travelling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport (2003 – 2005)*, 25 October – Attachment 3.
- Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September – Attachment 4.
- Immigration and Refugee Board of Canada 2005, *CHN100510.E China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001 – 2005)*, 8 September – Attachment 6.
- UK Home Office 2006, *Country of Origin Information Report: China*, April, Paras.3.27, 6.266 – Attachment 7.

#### **4. Anything else you feel might be relevant.**

The following 2005 Research Responses provide background material which may be relevant to aspects of the Applicant's claims.

- Question 4 of a recent response discusses the widespread corruption amongst government officials and party cadres in China (MRT-RRT Country Research 2006, *Research Response CHN30726*, 6 October – Attachment 8).
- An August 2006 response examines implementation of family planning regulations in Fujian (MRT-RRT Country Research 2006, *Research Response CHN30505*, 23 August – Attachment 9).
- Question 1 of a January 2006 response looks at the rise of industrial disputes and other protests in China in recent years (MRT-RRT Country Research 2006, *Research Response CHN17741*, 11 January – Attachment 10).

A December 2005 STRATFOR report is also of interest. It examines the social upheaval in China caused by “massive expropriations of land over the past decade”; corrupt officials who skim off the compensation funds intended for displaced farmers; and the resulting protests by farmers and villagers (Friedman, George 2005, *The Shanwei Shootings and China's Situation*, STRATFOR, 13 December – Attachment 11).

#### **List of Sources Consulted**

##### Internet Sources:

##### **Search Engines**

Google search engine <http://www.google.com.au/>

##### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. US Department of State 2006, *Country Reports on Human Rights Practices 2005: China*, 8 March
2. DIMIA Country Information Service 2003, *CIR No. 12/03- Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January (CISNET China CX72393).
3. Immigration and Refugee Board of Canada 2005, *CHN100513.E China: Exit controls for citizens travelling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport (2003 – 2005)*, 25 October
4. Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September
5. DIMA Country Information Service 1998, *Country Information Report No.64/98 Passport and Exit Permit Issuing Procedures*, (sourced from DFAT advice 12 February 1998), 17 February (CISNET China CX27863).
6. Immigration and Refugee Board of Canada 2005, *CHN100510.E China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001 – 2005)*, 8 September  
(<http://www.cisrib.gc.ca/en/research/ndp/ref/?action=view&doc=chn100510e>)
7. UK Home Office 2006, *Country of Origin Information Report: China*, April
8. MRT-RRT Country Research 2006, *Research Response CHN30726*, 6 October
9. MRT-RRT Country Research 2006, *Research Response CHN30505*, 23 August
10. MRT-RRT Country Research 2006, *Research Response CHN17741*, 11 January
11. Friedman, George 2005, *The Shanwei Shootings and China's Situation*, STRATFOR, 13 December