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China: Increasing Economic Immigration But Outdated Laws

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In addition to large flows of emigrants leaving China in search of opportunities elsewhere, a new trend of immigration to China is emerging. That's the conclusion of a [report](#) by the Migration Policy Institute, "China: An Emerging Destination for Economic Migration" (May 2011).

The driving forces behind recent immigration to China are the nation's economic growth and changing demography. Growth of the Chinese labor force is slowing, and the elderly population is increasing. As China modernizes and urbanizes, cultural attitudes towards having more children are changing, encouraged by the government's family planning policies. The results include wage pressure and economic migration.

Conversely, migration may be an important driver of China's globalization, development, and economic growth. China's reform and opening up not only introduced foreign resources, markets, and capital, but also foreign human beings, the most precious commodity of all.

But China still doesn't have the regulatory framework and administrative capacity suited to large-scale immigration, according to an [article](#) by Frank N. Pieke of the University of Leiden, "All Under Heaven? How to Govern Non-Chinese in China" (Oct. 2010).

Who are the immigrants to China?

Tens of thousands of irregular workers are reportedly smuggled each year from Vietnam and other Southeast Asian countries into southern China.

Migrants are coming from the Korean Peninsular in two distinct flows: the legal migration of entrepreneurs and industrialists to northern cities and irregular flows

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of refugees from North Korea. Regarding the former, China is South Korea's biggest trading partner, and Koreatowns have emerged in Beijing, Shenyang, Qingdao, and other cities. The latter consists of North Koreans fleeing conditions in their own country, primarily in the late 1990s, at a time of severe deprivation.

Many overseas Chinese from Europe, North American, and Australasia have returned to work at joint ventures or wholly foreign-owned firms in China.

Perhaps 20,000 Africans live in southern China. The largest share of African migrants is from the Democratic Republic of Congo, Nigeria, and Mali. Many of them are traders, and their presence is the result of China's increasing involvement in Africa.

China now ranks as a major destination for international students, with an estimated 238,184 foreign students in 2009, the leading sending countries being South Korea, United States, and Japan.

Immigration Laws Need to Be Updated

Along with China's reform and opening up, there has been a gradual normalization of the presence of foreigners in China.

In the 1980s, China enacted a law on the entry and exit of aliens, along with a separate Border Exit and Entry Management Bureau within the Ministry of Public Security.

In the 1990s, in order to fulfill its modernizing ambitions by importing specific skills, knowledge, and expertise from foreign talent, China put in place regulations on the employment of foreigners.

In 2004, regulations on permanent residence were introduced. Modeled on the U.S. green card system, Pieke says these rules very strictly applied and mainly given to ethnic Chinese.

Effective July 1, 2011, the Social Insurance Law covers foreigners employed in China, so they and their employers are required to pay into the systems for basic pension insurance, medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance. This law marks the further normalization of immigration to China.

Still, according to Pieke, many foreigners many simply move in and out of the country every few months to get a new visitor's visa or stay in China illegally.

Another problem is that administrative responsibilities are scattered over numerous departments, such as public security, foreign affairs, human resources, foreign experts, commerce and education. These departments not only do not work together, because each takes responsibility for only certain categories of foreigners, and the departments compete for turf and influence.

Another hotly debated issue is that of dual nationality, which is not allowed under

the current nationality law. This issue is particularly important to Chinese return migrants, many of whom have acquired a foreign nationality.

As in the West, immigration is a political hot potato. China has yet to resolve problems related to its own internal migrants, who have great difficulty being accepted as full members of the urban population. Says Pieke:

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What would people think, for instance, if foreigners were freely allowed to live and work in China when so many local workers and university graduates still cannot find a job? And, most contentious of all, what about family planning? Would it be possible to continue to limit Chinese couples to just one child when the government openly adopts a pro-immigration policy?

In sum, China remains one of the largest countries of emigration, but it is also an emerging destination for immigrants. They come because of increased economic opportunities, but they also are a driver of China's globalization and economic growth. Yet immigration laws need to be updated. Pieke reports that there have been some discussion about a new immigration law, but political sensitivities may delay its enactment.