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Responses to Information Requests

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3 October 2019

CHN106355.E

China: Exit controls and security measures at airports, particularly Beijing airport, for Chinese citizens travelling overseas, including procedures at check points and the use of computerized identity verification and facial recognition technology (2017-August 2019)

Research Directorate, Immigration and Refugee Board of Canada

1. Freedom of Exit for Chinese Citizens

Article 12 of the Exit and Entry Administration Law of the People's Republic of China, which came into force on 1 July 2013, provides the following:

Under any of the following circumstances, Chinese citizens are not allowed to exit China:

1. Hold no valid exit/entry documents, or refuse or evade border inspection;

2. Are sentenced to criminal punishments, the execution of which have not been completed, or are suspects or defendants in criminal cases;
3. Are involved in unsettled civil cases and not allowed to exit China upon decision of the people's courts;
4. Are subject to criminal punishment for impairing border administration, or are repatriated by other countries or regions due to illegal exit from China, illegal residence or illegal employment, and the No-Exit-from-China period has not expired;
5. May endanger national security or interests, and are not allowed to exit China upon decision by competent departments under the State Council; or
6. Other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations. (China 2013)

According to *South China Morning Post (SCMP)*, a Hong Kong-based newspaper, quoting an article in the Chinese journal *Politics and Law* by Qingang Chen, a researcher at the Shanghai Academy of Social Sciences, "[a]ll levels of the country's national security, public security, customs, smuggling inspection, prosecutors, courts, taxation, other judicial organs and relevant administrative agencies have the right to restrict the exit of ordinary citizens" (*SCMP* 5 Aug. 2019a). An article by Thomas Kellogg, Executive Director of the Center for Asian Law at Georgetown University, and Sile Zhao, a China-based freelance writer and feminist activist, published in *Foreign Policy*, similarly states that "Chinese officials across the bureaucracy" can apply exit bans (Kellogg and Zhao 23 July 2019).

Sources indicate that the implementation of exit bans is "arbitrary" and that there are no legal recourse to overturn a ban (*SCMP* 5 Aug. 2019a; Human Rights Watch 8 Aug. 2019). Sources indicate that exit bans are frequently applied against activists and human rights lawyers (Human Rights Watch 8 Aug. 2019; Kellogg and Zhao 23 July 2019), and can include their relatives (Kellogg and Zhao 23 July 2019). According to Kellogg and Zhao, exit bans have also been applied for reasons including "tangled divorce proceedings, business deals gone bad, or merely earning the ire of an official with enough influence to get someone placed on a list" (Kellogg and Zhao 23 July 2019). The *Guardian*, citing a report from the National Public Credit Information Centre [1], reports that 128 individuals were subjected to the exit ban for unpaid taxes (*The Guardian* 1 Mar. 2019). The US Department of State's *Country Reports on Human Rights Practices for 2018* explains the following:

The government expanded the use of exit controls for departing passengers at airports and other border crossings to deny foreign travel to some dissidents and persons employed in government posts. Throughout the year many lawyers, artists, authors, and other activists were at times prevented from exiting the country. Authorities also blocked the travel of some family members of rights activists and of suspected corrupt officials and businesspersons, including foreign family members. Border officials and police cited threats to "national security" as the reason for refusing permission to leave the country. Authorities stopped most such persons at the airport at the time of their attempted travel. (US 13 Mar. 2019, 41)

According to Kellogg and Zhao, most bans are "short-lived" and are meant to block an individual from attending a particular meeting, but some have lasted for months or years (Kellogg and Zhao 23 July 2019). A police officer, familiar with the border control system interviewed by *SCMP*, states that the bans generally last for "less than a year, but can be extended" (*SCMP* 5 Aug. 2019a). Sources indicate that most individuals subjected to the exit ban only find out when they attempt to leave China (Kellogg and Zhao 23 July 2019; *SCMP* 5 Aug 2019a; Human Rights Watch 8 Aug. 2019).

According to sources, offenders of the social credit system, which was launched in 2014 to "improve the behaviour" of citizens, and includes people who have unpaid taxes or fines, spread false information or take drugs, were blocked from purchasing plane tickets 17.5 million times in 2018 (AP 22 Feb. 2019; *The Guardian* 1 Mar. 2019). Sources indicate that, according to data from China's National Development and Reform Commission, up to March 2019, 13.49 million individuals have been classified as "untrustworthy" under the "social credit system," and has restricted the sale of 20.47 million plane tickets (*SCMP* 18 Apr. 2019; *Global Times* 13 May 2019).

US *Country Reports on Human Rights Practices for 2018* indicates that [a]uthorities on some occasions blocked entry into the country of individuals deemed politically sensitive and, in some cases, refused to issue passports to citizens selected for international exchange programs who were considered "politically unreliable," singling out Tibetans, Uighurs, and individuals from other minority areas. A number of other foreign government-sponsored exchange selectees who already had passports, including some academics, encountered difficulties gaining approval

to travel to participate in their programs. Academics reported having to request permission to travel overseas and, in some cases, said they were limited in the number of foreign trips they could take per year. (US 13 Mar. 2019)

According to the *Country Information Report* by Australia's Department of Foreign Affairs and Trade (DFAT),

Uighur and Tibetan applicants, ... require approval from provincial authorities and their local public security bureau, a process that can take time. University administrators must approve applications by Uighur and Tibetan students. DFAT is aware of cases where human rights activists, lawyers, Uighurs and Tibetans have had their passports confiscated either as punishment for their political activities or to limit the risk of such individuals causing embarrassment to the Chinese government when overseas. (Australia 21 Dec. 2017, 41-42)

In a telephone interview with the Research Directorate, the President of China Against the Death Penalty [2], Co-founder of the Open Constitution Initiative [3], and Visiting Scholar of the US-Asia Law Institute at New York University, similarly indicated that "[m]any activists cannot get a passport," and even if they have a passport, they would not be allowed to leave China and get their passport confiscated when attempting to leave the country, or they could leave China but would not be allowed to enter the country (Visiting Scholar 16 Aug. 2019).

2. Chinese Citizens Prevented from Travelling Overseas at Airports

According to sources, Sheng Hong, the Executive Director of Unirule Institute of Economics, an independent think tank based in China, was stopped in November 2018 from boarding a flight at the Beijing Capital International Airport to attend a seminar at Harvard University as he was considered a "[threat] to national security" (SCMP 5 Nov. 2018; *Bloomberg Businessweek* 11 May 2019). *Bloomberg Businessweek*, a US-based weekly magazine focusing on business news, reports that Sheng only became aware that he was banned from leaving the country by order of the State Council when he asked a border official at the airport to explain why the automatic passport control gate failed to open when he scanned his travel

document (*Bloomberg Businessweek* 11 May 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that Chen Jiangang, a human rights lawyer who was travelling to the US for a fellowship funded by the US Department of State, was stopped by customs officials at Beijing airport in April 2019 and informed that the local police department had issued an order preventing him from leaving China as he would "endanger national security" (*SCMP* 3 Apr. 2019; *RFA* 2 Apr. 2019). In an interview with Radio Free Asia (*RFA*), an official at the Beijing Entry and Exit Bureau border guard station indicated that Chen must have been on a "blacklist" to be denied permission to board his flight (*RFA* 2 Apr. 2019). The official further explained that "[t]he staff on the ground will explain any information that is available on the system, but if they haven't been told about it, then they won't know about it" as there are no written notifications (*RFA* 2 Apr. 2019). Without providing further detail, sources indicate that Chen arrived in the US in August 2019 (*SCMP* 5 Aug. 2019b; *AsiaNews* 5 Aug. 2019).

3. Exit Controls and Security Measures, Including Procedures at Checkpoints

According to Australia's DFAT, travellers departing Chinese airports have to go through several identity checks, including passport and boarding pass inspection, which are run by different agencies, including the PSB, the Entry and Exit Authority and the Frontiers Inspection Bureau (Australia 21 Dec. 2017, 40). In a telephone interview with the Research Directorate, a university lecturer at Leiden University, who conducts research on the interaction between law, governance and information technology in China, stated that every person leaving China through any border crossing, including airports, is subject to identity control based on a passport check (Lecturer 28 Aug. 2019). The same source added that automatic passport control gates are increasingly used at Chinese airports (Lecturer 28 Aug. 2019). In a telephone interview with the Research Directorate, a China Researcher with Human Rights Watch stated that anyone exiting China has to go through immigration inspection, where immigration officials will examine identity documents and facial recognition technology will scan the traveller's face and compare it to the traveller's

identity document (Human Rights Watch 8 Aug. 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a telephone interview with the Research Directorate, the Director of Aviation Security with the International Air Transport Association (IATA), a trade association representing 290 airlines or 82 percent of total air traffic (IATA n.d.a), indicated that China is using biometric technology to enable the facilitation of increased numbers of travellers (IATA 6 Aug. 2019). The Director further stated that China is using technology, such as CT scanning, biometrics and facial screenings at checkpoints, to focus on low-risk passengers, while allowing security to focus on high-risk passengers (IATA 6 Aug. 2019). The Director noted that the criteria China uses to compile the "watch list" and to categorize risk is "classified" and not available to IATA (IATA 6 Aug. 2019). The same source explained that "the prevailing practice" of biometrics screening at Chinese airports includes both fingerprint and facial scans (IATA 6 Aug. 2019).

4. Information Sharing by Chinese Authorities

According to Australia's DFAT, "China's major airports have a centralised system with name matching alert capabilities" (Australia 21 Dec. 2017, 40). *SCMP* reports that, according to a "police officer familiar with the border control system" who spoke to the *SCMP* under the condition of anonymity, "the local police first send a list of names to the provincial level public security department, which often automatically approves the requests and inputs the names into the border control system" (*SCMP* 5 Aug. 2019a). The China Researcher indicated that the airport has multiple channels of information concerning people who cannot leave the country, which can include names sent from the provincial security bureau and from the courts (Human Rights Watch 8 Aug. 2019). The Visiting Scholar stated that there is a national level "black list" and a provincial level "black list" (Visiting Scholar 16 Aug. 2019). The same source added that high profile activists are placed on the "list" by the Ministry of Public Security or the Ministry of State Security, while other dissidents are placed on the list by provincial level or city level public security bureaus or state security bureaus, and people charged with crimes are on a separate list; airport officials have access to a network of all of these lists (Visiting Scholar 16 Aug. 2019). The Visiting Scholar, who was barred in 2008 from travelling to Thailand from the

Beijing International Airport for a conference, described that when he handed his passport to the official at the customs checkpoint, the official noticed "something" on the computer and informed the Visiting Scholar that he cannot go abroad on the grounds of "endanger[ing] state security" (Visiting Scholar 16 Aug. 2019).

Sources indicated that some individuals who have been placed on the provincial list were able to leave through an airport in another province (Visiting Scholar 16 Aug. 2019; Human Rights Watch 8 Aug. 2019). The China Researcher provided the example of a person who, after being unable to leave through the Shanghai Airport, took a train from Shenzhen to Hong Kong (Human Rights Watch 8 Aug. 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that Caixin, a Chinese business magazine (*International New York Times* 26 July 2019), reported that Justin Sun, a Chinese cryptocurrency tycoon, was under investigation for "illicit business activities and money laundering" and had been placed under an exit ban, but Sun subsequently livestreamed a video of himself in San Francisco to dispute the Caixin article (*International New York Times* 26 July 2019; *The Washington Post* 25 July 2019). According to a follow-up article by Caixin, Sun was subjected to the exit ban in June 2018 and in July, Sun found out he was unable to leave China when attempting to cross the border (Caixin 24 July 2019). The same source adds that Sun's whereabouts were unclear since he was placed on the list (Caixin 24 July 2019). Caixin further reports that, under Chinese law, people under investigation can be placed under the exit ban for one month to one year, with possibility of extension, and that there have been cases of people under the exit ban who were able to leave China when the extensions were "not handled in time" or when the individuals applied for the ban to be lifted due to illness or family emergency (Caixin 24 July 2019). Similarly, the *SCMP* reports that, according to the police officer it quoted in its report, "there are loopholes in the system which can leave gaps of hours or even days between the expiration of a ban and the renewal which a person can take advantage of" (*SCMP* 5 Aug. 2019a).

4.1 Interactive Advance Passenger Information (iAPI)

The Director of Aviation Security indicated that China is in the process of implementing both iAPI [4] and PNRGOV [5] (IATA 6 Aug. 2019). The Director explained the following:

[China is] requesting data in exchange format that no one else in the world is doing, which is putting a massive amount of work and cost on airlines, which will ultimately impact the passenger [6]. The National Immigration Agency is implementing this in coordination with the Civil Aviation Administration of China. The technical exchange format of data for the Program is currently characterised as being outside of international scope, even those agreed to by Chinese airlines. (IATA 6 Aug. 2019)

The same source noted that the project is currently ongoing and changing every month (IATA 6 Aug. 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. For additional information on Advance Passenger Information, see Response CHN105153 of March 2015.

5. Facial Recognition Technology at Airports

According to Australia's DFAT, facial recognition technology is "widely deployed" at all air, land and sea international checkpoints (Australia 21 Dec. 2017, 40). Xinhua News Agency reports that, according to the Chongqing Institute of Green and Intelligent Technology of the Chinese Academy of Sciences, 62 airports, including Shanghai Pudong International Airport and Guangzhou Baiyun International Airport, have been equipped with facial recognition technology (Xinhua News Agency 8 Apr. 2018). Another article by the same source reports that the Exit and Entry Frontier Inspection at Chongqing Jiangbei International Airport installed a "self-service lane" equipped with facial recognition technology that would allow passenger for international departures to go through customs within nine seconds (Xinhua News Agency 23 Jan. 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The university Lecturer stated that camera based surveillance is the "de facto reality" in any "important" public venue in China, and there is a push to make these cameras "smart" with facial recognition technology (Lecturer 28 Aug. 2019). Global Voices, a web-based community of bloggers, journalists, translators, academics, and

human rights activists (Global Voices n.d.), quotes an article by Citizens News, a Hong Kong-based Chinese-language news website (CPJ 12 Jan. 2017), as indicating that [translation] "sources from activists say that the Chinese police have a database of dissidents' facial characters and if their faces appear on surveillance camera footage in airports, subways or a major road, the system will send that information to the public security bureau" (Global Voices 28 Aug. 2017). Sources state that Xieyu Wu, who was wanted by police for murdering his mother, was arrested at the Jiangbei International Airport in April 2019 after being captured on police surveillance cameras (*SCMP* 26 Apr. 2019; *The Paper* 28 Apr. 2019). According to *The Paper*, a state-funded Chinese news website (*Foreign Policy* 23 July 2014), the cameras captured Wu when he entered a security inspection area through Gate 3 of Terminal 2, and found the resemblance between his image captured by the camera and his wanted photo as greater or equal to 98 percent (*The Paper* 28 Apr. 2019). According to TechNode, a China-based bilingual news website focusing on Chinese technology, start-ups and venture capital (TechNode n.d.), the Jiangbei airport upgraded its surveillance system to include facial technology provided by Cloudwalk, an artificial intelligence start-up company (TechNode 28 Apr. 2019). TechNode further states that the system communicates in real time with a police database, and sends warnings after a positive identification (TechNode 28 Apr. 2019).

An article by Willy Wo-Lap Lam, an adjunct professor at the Center for China Studies at the Chinese University of Hong Kong, published in the Jamestown Foundation, indicates that according to experts, China has the "most advanced – and cheapest – AI [Artificial Intelligence]-enabled surveillance technology in the world" due to its fastest growing market and expertise for facial recognition combined with the lack of rules and regulations around privacy protection (Jamestown Foundation 21 July 2017). The IATA's Director of Aviation Security stated that IATA is "aware of vendors pushing their own [facial recognition] technology, in the absence of industry standards on implementation" (IATA 6 Aug. 2019).

According to an unnamed "technology executive who works closely with the Chinese government," quoted in *the New York Times*, the national database of individuals on the watch list includes 20 to 30 million people, which is "too many people for today's facial recognition technology to parse" (*The New York Times* 8 July 2018). The *SCMP* reports that, according to Fan Ying, a researcher from the

Population Management Research Centre at China's Ministry of Public Security, in a paper published in May 2017 in the Chinese journal *Electronic Science and Technology*, the facial recognition system being developed for the Chinese government is required to find a match within three seconds with an accuracy rate of 88 percent or more, but the facial recognition algorithm developed by Tsinghua University, a "world-leading institute" in this field, had an accuracy rate below 60 percent (SCMP 12 Oct. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.1 Shanghai Hongqiao Airport

According to sources, on 15 October 2018, Terminal 1 of Shanghai Hongqiao Airport introduced an automated clearance system using facial recognition technology, which includes check-in, luggage check-in, security check and boarding (SCMP 15 Oct. 2018; VOA 17 Oct. 2018), and that six check-in counters manned by staff would be kept for passengers who prefer the manual check-in process (*Wen Wei Po* 10 Oct. 2018). Sources indicate there are eight self-service security checking machines in Terminal 1 that scan the passengers' identity document and use facial recognition to complete the security check (SCMP 15 Oct. 2018; *Wen Wei Po* 10 Oct. 2018). *Wen Wei Po* adds that there are two staff operated security screening lines for passengers with special needs (*Wen Wei Po* 10 Oct. 2018). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.2 Beijing Capital Airport

Sources indicate that facial recognition technology was being tested at Beijing's airport on a limited basis (SCMP 18 July 2018) or piloted for six months starting in March 2018 (ChinaIT.com 23 Jan. 2019). According to an article in the *Beijing Youth Daily*, a newspaper owned by the Beijing Committee of the Communist Youth League of China (*Global Times* 12 Sept. 2018), the [translation] "Intelligent Passenger Security Inspection System" was launched on 19 March 2018 in the Beijing Capital Airport, replacing the manual inspection of documents (*Beijing Youth Daily* 5 Apr. 2018). The same source indicates that passengers "need to go through

the 'two-door' verification" system: a "first door" that checks the boarding pass and identity card of the passenger, and a "second door" that takes a picture of the passenger's face for comparison (*Beijing Youth Daily* 5 Apr. 2018). According to an airport official, quoted by the same source, a "staff member" would still be present to "perform the stamp verification work" since a stamp is required in Terminal 2 and the system is not yet connected to the terminal's main system (*Beijing Youth Daily* 5 Apr. 2018). Further and corroborating information, including the current status of facial recognition technology at Beijing Capital Airport, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.3 Beijing Daxing International Airport

Sources from Chinese state-owned media indicate that Beijing Daxing International Airport [scheduled to open before 30 September 2019 (Ecns.cn 13 June 2019) or October (CGTN 28 July 2019)] would use facial recognition technology for all of its security screening (Ecns.cn 13 June 2019; CGTN 28 July 2019). According to an article by the China Global Television Network (CGTN), a state-owned broadcaster (AP 31 Dec. 2016), security checkpoints at Beijing Daxing International Airport would have a "two-door automated verification gate," which replaces the manual verification of passenger's documents: a "first door" that scans the passenger's identity document and cross-checks it against the passenger's information stored online, including information from the boarding pass and passport details for international flights, while a "second door" takes a photo of the passenger's face and uses facial recognition technology to "double-check" information processed at the first door (CGTN 28 July 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Further information on the implementation of these measures could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request

Notes

[1] The National Public Credit Information Centre runs the credit rating system (SCMP 18 Feb. 2019).

[2] China Against the Death Penalty is an NGO that promotes the abolition of the death penalty in China "through legal aid, discussion conferences, citizen education, documentary and movie-screening" (World Coalition Against the Death Penalty n.d.).

[3] Open Constitution Initiative was a legal-aid and research organization that worked on cases involving people subjected to secret detention (*The New Yorker* 30 July 2009). It was banned in China in 2009 (*The New Yorker* 30 July 2009).

[4] Advance Passenger Information (API) is a passenger's identity, including full name, date of birth and nationality (IATA n.d.b). According to the UN International Civil Aviation Organization (ICAO), an interactive API (iAPI) system "[a]llows for real-time document validation against databases and allows national authorities to make board/no-board decisions in real time" (UN n.d.).

[5] Passenger Name Record (PNR) contains booking information, which can include "as little as a name, an itinerary and a ticketing/ticketed indicator" (IATA n.d.b). According to a document on management of passenger-related information produced by the ICAO, the World Customs Organization (WCO), "an independent intergovernmental body whose mission is to enhance the effectiveness and efficiency of Customs administrations" (WCO n.d.), and IATA, PNR is used by governments to "conduct analysis that helps to identify possible high-risk individuals that may have been otherwise unknown to government authorities and make, where appropriate, the necessary interventions" (UN, et al. July 2017, para. 13). The same source indicates that PNRGOV is the international standard used to transmit PNR information to government authorities (UN, et al. July 2017, para. 14).

[6] According to the guide on API by the World Customs Organization (WCO), standardized message formats for API and iAPI are essential to the efficient exchange of information between aircraft operators and border officials; however, "various data exchange requirements, often in different message formats and at various times, have resulted in the proliferation of sometimes conflicting national requirements, causing unnecessary cost and compliance burdens for aircraft Operators" (UN, et al. July 2017, para. 40).

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