



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

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# Country Advice

## China

China – CHN38077 – Fujian – Family  
planning – Fees – Children born overseas

21 January 2011

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**1. If the family returned to China, what fines would family planning officials impose on the parents for the three children born in Australia?**

Under Fujian's family planning regulations<sup>1</sup> social compensation fees, based on average annual disposable incomes in the year preceding the child's birth, would be payable by the parents for the three children born in Australia.

Estimates for the fees payable for each child, calculated by RRT Country Advice and based on the province's family planning regulations,<sup>2</sup> are:

First additional child (born in 2005):

Minimum fine RMB 22,350 [AUD 3,390]<sup>3</sup>  
Maximum fine RMB 33,525 (AUD 5,084);

Second additional child (born in 2007):

Minimum fine RMB 55,012 [AUD 8,342]  
Maximum fine RMB 82,518 [AUD 12,510];

Third additional child (born in 2008):

Not specified, but a "much more heavy" fine.

Note: If the actual annual income of the parties concerned exceeds the average annual disposable income of the urban residents, the actual income shall be used as the base to calculate the number of the social compensation fees.

The calculations of the above estimates are based on:

- The assumption that the parents are urban residents [likely from Fuqing].
- The urban Fujian Annual disposable incomes [as compiled by RRT Country Advice<sup>4</sup> RMB 11,175 in 2004; RMB 13,753; and RMB 15,505 in 2007.

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<sup>1</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website, Article 39 – Attachment 1.

<sup>2</sup> 'Fujian Family Planning Fines 1990-2008 – Tables', Compiled 10 June 2010 by RRT Country Advice – Attachment 2.

<sup>3</sup> Currency conversions to Australian dollars calculated on Currency conversions to Australian dollars calculated on XE Currency Converter (<http://www.xe.com/ucc/>) as at 23 February 2011.

<sup>4</sup> 'Fujian Family Planning Fines 1990-2008 – Tables', Compiled 10 June 2010 by RRT Country Advice – Attachment 2.

- Article 39 of the *Population and Family Planning Regulation of Fujian Province*<sup>5</sup> which provides the following basis for calculating the social compensation fees:

Urban residents who violate the regulations by having additional out-of-plan children shall pay:

for the first additional child: two to three times the average annual disposable income of the urban residents in the year preceding the child's birth [in 2004: RMB 11,175];

for the second additional child: four to six times the average annual disposable income of the urban residents in the year preceding the child's birth [in 2006: RMB 13,753]; and

for the third or more additional child a "much more heavy social compensation fee".

### **Attachments**

1. *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website.
2. 'Fujian Family Planning Fines 1990-2008 – Tables', Compiled 10 June 2010 by RRT Country Advice.

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<sup>5</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website – Attachment 1.