



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

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# Country Advice

## China

China – CHN36815 – Jilin Province –  
Changchun City – Unregistered Catholics –  
Passports – Administrative detention

22 June 2010

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**1. Please provide any information about the treatment of unregistered Catholic Church members (ordinary members, those considered leaders and members of the families of leaders) in Jilin Province and in particular Changchun City.**

Very little information was located which discusses the treatment of unregistered Catholics in Jilin Province or Changchun City. Chinese Government officials have a history of arresting and detaining Catholics; however, most sources date from the 1990s.<sup>1</sup>

The most recent source available is a 2005 report from *AsiaNews.it* which listed the unregistered Bishop Mgr Han Jingtao (diocese of Sipin, Jilin), as a “bishop prevented from exercising his ministry”. Both *AsiaNews.it*, and the *UCAN Diocesan Profiles Series*<sup>2</sup> reported that Mgr Han Jingtao was living under police surveillance despite being ill and was unable to work in public.<sup>3</sup> Although the most recent *Guide to the Catholic Church in China* (2008) (*The Guide*) lists Bishop Zhang Manmin as the official Bishop of the province, the *UCAN Diocesan Profiles Series* advises that Bishop Zhang passed away in July 2009, and that no bishop has been appointed in his place.<sup>4</sup>

The *UCAN Diocesan Profiles Series* lists 70,000 ‘open’ Catholics and a further 30,000 ‘underground’ Catholic Church members in Jilin.<sup>5</sup> The *Guide* records a Catholic population of 80,000, although it does not distinguish between registered and unregistered congregations, and in 2008, there were 47 churches and 41 priests practicing in Jilin Province.<sup>6</sup>

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<sup>1</sup> See for example, Human Rights Watch – Asia, 1995, *China: Religious Persecution Persists*, December, vol.7, no.16, UNHCR website <http://www.unhcr.org/refworld/country..HRW..CHN..3ae6a84f10.0.html> – Accessed 27 November 2008 – Attachment 3; and Human Rights Watch – Asia, 1995, *China: Religious Persecution Persists*, December, vol.7, no.16, UNHCR website <http://www.unhcr.org/refworld/country..HRW..CHN..3ae6a84f10.0.html> – Accessed 27 November 2008 – Attachment 4

<sup>2</sup> ‘UCAN Diocesan Profiles Series’ undated, *Union of Catholic Asia News* [http://www.ucanews.com/dps/html/dps-ch\\_jilin.php](http://www.ucanews.com/dps/html/dps-ch_jilin.php), - Accessed 9 July 2010, Attachment 6  
The UCAN website explains, “UCA News reports about the Catholic Church and subjects of interest to the Church in Asia. Through a daily service, UCA News covers lay activities, social work, protests, conflicts and stories on the faith lives of the millions of Catholics in Asia. UCA News or UCAN as it is often called has close to 200 commissioned or freelance writers and reporters. It has over 50 full time staff and either offices or informal bureaux in up to 20 Asian countries.”

<sup>3</sup> ‘List of bishops and priests in prison, isolation or labour camps’, 2005 *AsiaNews.it*, 3 May, <http://www.asianews.it/news-en/List-of-bishops-and-priests-in-prison,-isolation-or-labour-camps-2705.html#> - Accessed 9 July 2010, Attachment 5

<sup>4</sup> ‘UCAN Diocesan Profiles Series’ undated, *Union of Catholic Asia News* [http://www.ucanews.com/dps/html/dps-ch\\_jilin.php](http://www.ucanews.com/dps/html/dps-ch_jilin.php), - Accessed 9 July 2010, Attachment 6

<sup>5</sup> ‘UCAN Diocesan Profiles Series’ undated, *Union of Catholic Asia News* [http://www.ucanews.com/dps/html/dps-ch\\_jilin.php](http://www.ucanews.com/dps/html/dps-ch_jilin.php), - Accessed 9 July 2010, Attachment 6

<sup>6</sup> Charbonnier, Fr. J. 2008, *Guide to the Catholic Church in China*, China Catholic Communication, Singapore, pp.130 – 132.

In the absence of recent reporting on unregistered Catholics in Jilin, the treatment of other Christian groups in the province may be indicative of the attitude of the provincial government toward the unregistered Catholic community. The 2008 DIAC report, *China's Protestants and Catholics* suggests that, like many Protestant communities, unregistered Catholics may be able to practice their faith without harassment by authorities; however, the treatment of unregistered congregations is variable:

Similar to the Protestant experience... official and unofficial priests co-exist, sometimes working together and sharing facilities "especially in areas where the religious affairs and state security officials are sympathetic or apathetic."...But in some places underground Catholics continue to be arrested and harassed. Again, similar to the Protestant experience, the ability of underground Catholics to practice their faith depends overwhelmingly on the attitude of local officials.<sup>7</sup>

Therefore, given that the attitude of the Jilin Provincial Government toward unregistered religious groups has remained unsympathetic, and members and leaders of house churches continue to be occasionally arrested, detained, beaten a fined it is possible that unregistered Catholics in Jilin experience some similar treatment.<sup>8</sup>

Nationally, the Chinese Government has allowed certain approved forms of religious practice to exist (in the case of Catholics, through the Patriotic Catholic Association), although recent reporting urges caution in attributing religious tolerance to the Government. As Mr Joseph Kung, writing to the Tribunal in response to questions<sup>9</sup> the Tribunal had put to the Cardinal Kung Foundation in November 2009, commented, [o]ne must remember that religious persecution is very much alive in China."<sup>10</sup> Indeed, Dr. Anthony E. Clarke, Assistant Professor at the University of Alabama<sup>11</sup> noted in March 2009 that,

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<sup>7</sup> DIAC Country Research Section 2008, *China's Protestants and Catholics*, November, pp.27-28, Attachment 8

<sup>8</sup> See for example:

Human Rights Watch 2006, 'China: A Year after New Regulations, Religious Rights Still Restricted', 1 March [http://hrw.org/english/docs/2006/03/01/china12740\\_txt.htm](http://hrw.org/english/docs/2006/03/01/china12740_txt.htm) – Accessed 17 March 2006 – Attachment 1

"On May 4, 2005, government officials raided the Loyalty Christian Church of Yanji led by Pastor Hao Yujie ... Authorities took Hao for questioning and reportedly beat her in custody. The Government charged her with organizing an illegal religious gathering in violation of Article 33 of the "Regulations on Religious Affairs of Jilin Province." Citing Article 50 of "Regulations on Religious Affairs of Jilin Province," the Government abolished the Loyalty Christian Church of Yanji and ordered Hao to cease her proselytizing activities;

China Aid Association 2005, 'Massive, Coordinated Crackdown on House Churches Christians in China's Jilin Province', 9 June <http://chinaaid.org/2005/06/09/massive-coordinated-crackdown-on-house-churches-christians-in-chinas-jilin-province/> – Accessed 26 November 2008 – Attachment 2:

"An unusual series of coordinated raids in May 2005 at 100 locales netted some 600 believers in Jilin province ... A few key house church leaders were detained to ensure their attendance at "study sessions" where they would be subjected to attempts to force them to affiliate with the "Three-Self Patriotic Movement," the official umbrella organization for Protestants. Most of those detained – one gathering involved some 100 pastors; another drew 50 participants from 20 provinces and cities – were released following payment of fines."

<sup>9</sup> RRT Country Advice 2009, Email to Joseph Kung of the Cardinal Kung Foundation 'Information Request about Catholic Church in China', 30 November – Attachment 9.

<sup>10</sup> Kung, Joseph 2009, Email to RRT 'Re: Information Request about Catholic Church in China (Ref: CHN35792)', 8 December – Attachment 10.

<sup>11</sup> Anthony E. Clark, Ph.D. is assistant professor of Asian History at the University of Alabama. His doctoral thesis examined Chinese history, philosophy and religion. His recent research has centred on East/West religious dialogue and the history of Catholic martyrs in China. Clark, A.E., 2006, 'Two Chinese Churches? Or One? An

[c]hanges in the communist state's attitudes toward religion have allowed many Catholics to live in the open, but they live in terror – their freedom may be removed at any moment. You see this enormous restoration work on churches and this enormous freedom given to Protestants and Catholics... Yet at the same time, you'll see an arrest of an underground bishop, or a couple gets a warning from the party police about a visit they had with a foreigner. So the old powers are still there, and you don't know when they'll re-emerge.<sup>12</sup>

The most recent annual report by the United States Congressional Executive Commission on China (CECC) (2009), notes that “[i]n 2008 and 2009, Party and government authorities continued to characterise unregistered Catholics as a threat to ‘social stability’, and in some cases, called for security officials to “strike against [and] transform [unregistered] communities”. The report goes on to note that in April 2009 Dalian Medical University posted a notice from the Liaoning provincial United Front Work Department (UFD) calling for authorities to ‘aggressively launch transformation through re-education of underground Catholic forces.’<sup>13</sup>

The 2009 US State Department *Report on International Religious Freedom* states that harassment and arrest of underground bishops continues to be reported, particularly in Hebei Province where there is a large unregistered Catholic community. The *Report* also observes that the treatment of unregistered religious groups varied depending on their location and activities:

Officials in some areas detained Protestant and Catholic believers who attended unregistered groups, while those in other areas did little to interfere with the worship or social service activities of such groups.<sup>14</sup>

While specific information on the treatment of unregistered Catholics in Jilin could not be located, it remains possible that such communities may be subject to harassment or other ill-treatment by authorities.

**2. Please provide any available information regarding any difficulties persons arrested/detained in connection with unregistered Catholic Church activity may have obtaining:**

**a) a passport in Jilin province;**

It is likely that Chinese citizens who have not been charged with, or convicted of, a criminal offence will be able to obtain passports. However, the Australian Department of Foreign Affairs and Trade (DFAT) noted in 2007 that post was aware of cases where a local security bureau has prevented holders of valid passports from leaving the country because the, “bureau believes them to be involved in a sensitive case or believes they will undermine national security.”<sup>15</sup>

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Interview with Fr. Daniel Cerezo, Comboni Missionaries of the Heart of Jesus', *Ignatius Insight website*, June [http://www.ignatiusinsight.com/features2006/aclark\\_chinesechurch\\_jun06.asp](http://www.ignatiusinsight.com/features2006/aclark_chinesechurch_jun06.asp) - Accessed 1 September 2009

<sup>12</sup> ‘US Historian’s Travels Uncover New Freedoms, New Fears Among Roman Catholics in China’, 2009, UA News, *University of Alabama*, 3 March <http://uanews.ua.edu/2009/03/ua-historians-travels-uncover-new-freedoms-new-fears-among-roman-catholics-in-china/> - Accessed 7 July 2010 Attachment 11

<sup>13</sup> Congressional – Executive Commission on China 2006, *Annual Report*, Washington, US Government Printing Office, 20 September, p.94. <http://www.cecc.gov/pages/annualrpt/annualrpt06/religion.php> – Accessed on 30 June 2010, Attachment 12

<sup>14</sup> US Department of State 2009, *International Religious Freedom Report for 2009 - China*, October, <http://www.state.gov/g/drl/rls/irf/2009/127268.htm> - Accessed 16 June 2010

<sup>15</sup> *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, Department of Foreign Affairs and Trade 2008, 16 December – Attachment 16

In September 2003, the Ministry of Public Security announced simplified procedures for passport applications in 100 large and medium-sized cities across China. In December 2008, DFAT provided advice to the Tribunal on the procedures involved in passport issuance in China<sup>16</sup> as follows:

- Applicants need to submit an application form to a branch of the Exit and Entry Administration Bureau, including photocopies of their household registration (*hukou*) and ID card;
- Registered government officials should submit a “certificate of exit approval” issued by their work unit (employer) or by higher authorities;
- Military personnel in active service, armed police and retired military personnel need to provide their military officer ID card and exit approval issued by the political department of their unit, above the level of military command;
- Applicants under the age of 16 and adopted children need to provide additional documents.<sup>17</sup>

According to the *Passport Law of PRC*<sup>18</sup>, which came into force on 1 January 2007, the passport issuing authority shall refuse to issue a passport if the applicant:

- i. is not a PRC national;
- ii. cannot prove his or her identity;
- iii. practises fraud in the course of application;
- iv. has been punished for a crime and is serving a sentence;
- v. is not allowed to leave the country because of an unsettled civil case, as is notified by a people’s court;
- vi. is a defendant in a criminal case or a criminal suspect; or
- vii. is a person whom the relevant competent department of the State Council believes will undermine national security or cause major losses to the interests of the State.

Please note that Part (vii) appears to provide a wide discretionary power of refusal to officials. No information was found which particularly discussed the application of this article.

Provisions also exist which enable border inspection officers to forbid a person from leaving the country under the *Implementing Rules for the Law of the PRC on Control of the Exit and Entry of Citizens*<sup>19</sup>. The categories are:

- i. those who hold no passports issued by the People’s Republic of China or other entry-exit certificates;
- ii. holders of invalid passports or other invalid entry-exit certificates;
- iii. holders of forged or altered passports and certificates, or passport and certificates other than their own;

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<sup>16</sup> Email to Department of Foreign Affairs & Trade: ‘Refugee Review Tribunal Information Request: CHN34077’, 19 November 2008 – Attachment 14, as quoted in *RRT Research Response CHN34077* December 2008, Attachment 15

<sup>17</sup> *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, Department of Foreign Affairs and Trade 2008, 16 December – Attachment 16

<sup>18</sup> *Passport Law of the People’s Republic of China 2006* (Adopted 29 April 2006 & Promulgated 1 January 2007), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 December 2008 – Attachment 17

<sup>19</sup> *Rules for the Implementation of the Law of the People’s Republic of China on the Control of the Exit and Entry of Citizens*, (Approved 4 December 1986 & Promulgated 26 December 1986). Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 September 2008 – Attachment 18

iv. those who refuse to produce their certificates for examination.

As noted above, DFAT have advised the Tribunal that post has been aware of instances where Chinese citizens with valid documentation were prevented from leaving the country.

**b) a police clearance certificate (issued by the Notary Public Office of Changchun City, Jilin Province and exiting China via Changchun airport).**

No information was located which discusses the issuance of police clearance certificates in Jilin Province, or the reception of such a certificate at Changchun airport. Advice received from DFAT in 2007 indicates that if a person was arrested and administratively detained but not convicted then they would not be considered to have committed a criminal offence and therefore would be eligible for a police clearance certificate. The DFAT report goes on to explain:

Administrative detention is by its nature an extra-judicial form of punishment: authorities do not issue arrest warrants and those punished in this way are not tried or convicted of a criminal offence (but would likely have a record of their detention placed on their personal file) ...

If, however, the person was arrested and detained for a period but not subsequently prosecuted, or prosecuted but not convicted, then Chinese authorities would not consider that the person had committed a criminal offence... If the detention was through [a non criminal process], for example administrative detention (commonly used against prostitutes and drug users but also used to detain religious and political dissidents... then Chinese authorities would not usually consider that the person had committed a criminal offence, regardless of the detention period.

...As a general point, we would note that China is still far from complying with rule of law standards. Chinese local authorities sometimes detain people or otherwise subject them to punitive measures in a way which is not in accordance with Chinese laws. Similarly, some areas of China follow practices which do not conform with national laws and regulations.<sup>20</sup>

This information suggests that it would be possible for persons so detained to obtain a clearance certificate, although regional variation is expected throughout China.

The website of the Australian Embassy in China, states that the application procedures for Certificates of no Criminal Conviction “differ from region to region”:

There are over 3,000 Public Notary Offices (公证处 gongzhengchu) in counties, autonomous areas, and municipalities across China... Public Notary Offices are accredited by the Chinese government to perform a number of notarial roles, including:

Notarising facts that amount to civil legal acts such as birth, death, marriage, divorce, kinship, identity and qualifications, and the issuing of the relevant Notarial Certificate – including “Certificates of No Criminal Conviction.”<sup>21</sup>

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<sup>20</sup> Department of Foreign Affairs and Trade 2007, *DFAT Report 612*, 16 March – Attachment 18.

<sup>21</sup> The procedures for application differ from region to region, as does the title of the Certificate: Depending on the Public Notary Office, a CNCC may be referred to as a “Certificate of No Criminal Record” (无犯罪记录公证 Wufanzui jilu gongzheng), “Certificate of No Criminal Sanction” (无刑事处分公证书/未受刑事处分公证书 Wuxingshi chufen gongzhengshu/Weishou xingshi chufen gongzhengshu), or simply a “Notarial Certificate” (公证书 Gongzhengshu) certifying no criminal record. ‘Additional Information – Partner Migration’ (undated), Australian Embassy in China website <http://www.china.embassy.gov.au/bjng/DIMA090401.html> – Accessed 18 August 2009 – Attachment 20.

## Attachments

1. Human Rights Watch 2006, 'China: A Year after New Regulations, Religious Rights Still Restricted', 1 March [http://hrw.org/english/docs/2006/03/01/china12740\\_txt.htm](http://hrw.org/english/docs/2006/03/01/china12740_txt.htm) – Accessed 17 March 2006.
2. China Aid Association 2005, 'Massive, Coordinated Crackdown on House Churches Christians in China's Jilin Province', 9 June <http://chinaaid.org/2005/06/09/massive-coordinated-crackdown-on-house-churches-christians-in-chinas-jilin-province/> – Accessed 26 November 2008.
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5. 'List of bishops and priests in prison, isolation or labour camps', 2005 *Asia News*, 3 May, <http://www.asianews.it/news-en/List-of-bishops-and-priests-in-prison,-isolation-or-labour-camps-2705.html#> - Accessed 9 July 2010.
6. 'UCAN Diocesan Profiles Series' undated, *Union of Catholic Asia News* [http://www.ucanews.com/dps/html/dps-ch\\_jilin.php](http://www.ucanews.com/dps/html/dps-ch_jilin.php) - Accessed 9 July 2010.
7. Charbonnier, Fr. J. 2008, *Guide to the Catholic Church in China*, China Catholic Communication, Singapore.
8. DIAC Country Research Section 2008, *China's Protestants and Catholics*, November, [http://immibelweh03/NXT/gateway.dll/bacis\\_cisresources/cisnet\\_resources\\_folder\\_344/cisnet\\_resources\\_folder\\_59/cisnet\\_resources\\_folder\\_111/cisnet\\_resources\\_folder\\_767/cisresources\\_796?f=templates\\$fn=document-frameset.htm\\$g=\[rank,100:\[domain:\[and%\[>](http://immibelweh03/NXT/gateway.dll/bacis_cisresources/cisnet_resources_folder_344/cisnet_resources_folder_59/cisnet_resources_folder_111/cisnet_resources_folder_767/cisresources_796?f=templates$fn=document-frameset.htm$g=[rank,100:[domain:[and%[)
9. RRT Country Advice 2009, Email to Joseph Kung of the Cardinal Kung Foundation 'Information Request about Catholic Church in China', 30 November.
10. Kung, Joseph 2009, Email to RRT 'Re: Information Request about Catholic Church in China (Ref: CHN35792)', 8 December.
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12. Congressional – Executive Commission on China 2006, *Annual Report*, Washington, US Government Printing Office, 20 September, p.94. <http://www.cecc.gov/pages/annualrpt/annualrpt06/religion.php> – Accessed on 30 June 2010.
13. Department of State 2009, *International Religious Freedom Report for 2009 - China*, October, <http://www.state.gov/g/drl/rls/irf/2009/127268.htm>

14. Email to Department of Foreign Affairs & Trade: 'Refugee Review Tribunal Information Request: CHN34077', 19 November 2008.
15. *RRT Research Response CHN34077* December 2008.
16. *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, Department of Foreign Affairs and Trade 2008, 16 December.
17. *Passport Law of the People's Republic of China 2006* (Adopted 29 April 2006 & Promulgated 1 January 2007), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 December 2008.
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19. Department of Foreign Affairs and Trade 2007, *DFAT Report 612*, 16 March.
20. 'Additional Information – Partner Migration' (undated), Australian Embassy in China website <http://www.china.embassy.gov.au/bjng/DIMA090401.html> – Accessed 18 August 2009.