



Australian Government
Refugee Review Tribunal

Country Advice

China

China – CHN38003 – Jilin Province –
Christians – Exit procedures – Passport
renewal

24 January 2011

1. Please provide general information on the situation for Christian churches in Jilin.

General information on the Christian community in Jilin province indicates that there are many registered Catholic and Protestant churches in the area.¹ Tony Lambert, in his 2006 edition of *China's Christian Millions*, reports that:

In 2000 there were 350,000 Protestants meeting in 1,900 registered churches and meetings-points. There are over 100 pastors and elders and 1,134 voluntary church workers.

There are 1.2 million Koreans living in Jilin, many in the Yanbian Autonomous Region by the North Korean border. At least 35,000 Korean Christians meet in Yanbian in forty-five churches and over 200 registered meeting points. An earlier independent report in 1998 from house church sources estimated 70,000 Korean Protestant Christians in Jilin. There are also about 80,000 Roman Catholics in the province".²

A 2009 report by the Union of Catholic Asian News also states that there are approximately 30,000 underground Catholic churches in Jilin province. The report states that:

As of 2009, Jilin province had 100,000 baptized Catholics - an estimated 70,000 in the "open" and 30,000 in the "underground" Church communities - representing 0.23 percent of all 27.09 million people in the territory. The diocese in the open Church which covers the whole province had 47 churches. According to the Vatican, the province comprises three dioceses: Jilin, Szepingkai and Yanji.³

No reports were found in the sources consulted regarding the situation for unregistered churches or underground Christians in Jilin province during the period of 2009 to 2010. *Research Response CHN34095*, dated 28 November 2008, provides information on the targeting of Christians by authorities in Jilin province for the period of 2006 to 2008. Information contained in the response indicates that during 2008 there was one report of a police raid on a house church in which the Pastor was arrested. The closure of churches in the Yanbian Korean Autonomous Prefecture in Jilin province with links to South Koreans or other foreign nationals was also reported to have occurred in 2008. The research response also includes three incidents in 2006 including a house church raid in which 40 people were arrested, the detention of a Christian couple and the demolition of a house church.⁴

¹ Lambert, Tony 2006, *China's Christian Millions*, OMF Publications, UK, pp.260-261 – Attachment 1; Union of Catholic Asian News 2009, 'Diocese of Jilin', 6 October http://www.ucanews.com/dps/html/dps-ch_jilin.php - Accessed 19 January 2011 - Attachment 2.

² Lambert, Tony 2006, *China's Christian Millions*, OMF Publications, UK, pp.260-261 – Attachment 1

³ Union of Catholic Asian News 2009, 'Diocese of Jilin', 6 October http://www.ucanews.com/dps/html/dps-ch_jilin.php - Accessed 19 January 2011 - Attachment 2

⁴ RRT Research & Information 2008, *Research Response CHN34095*, 28 November - Attachment 3.

2. Deleted.

3. Would a Chinese citizen who has been arrested and detained (a) be able to leave China legally in their own name? (b) be able to get a replacement passport in Australia?

Departing China

A Chinese citizen, who has been previously arrested and detained, can legally gain a passport to exit China provided that they are not considered to be a suspect in a criminal case, serving a criminal sentence or considered a national security threat.⁵ A person who has been subject to ‘administrative detention’, as opposed to criminal detention, should not be considered a criminal suspect nor would be serving a criminal sentence.⁶ Advice from the Department of Foreign Affairs and Trade (DFAT) indicates that Post is aware of cases in which “dissidents” who have been detained in the past have been able to legally acquire passports and exit China.⁷ Government sources also indicate, however, that Chinese authorities have denied passports and prohibited overseas travel to some individuals due to religious and other activist activity.⁸ DFAT advice states that it is often possible to gain a passport illegally in China through the payment of a bribe.⁹

Article 13 of the *Passport Law of PRC*, which came into force on 1 January 2007, states that the passport issuing authority shall refuse to issue a passport in the following circumstances:

- 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**

⁵ *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 4.

⁶ Administrative detention is an extra-judicial form of punishment in which those punished are not tried or convicted of a criminal offence nor tried before a court of law. For further information please refer to *Country Advice CHN36990*, dated 6 July 2010 (RRT Country Advice 2010, *Country Advice CHN36990*, 6 July)

⁷ DIAC Country Information Service 2007, *Country Information Report No.07/83 – CISQuest CHN9120 – ‘Shouters’ Christian group and Fujian Province*, (sourced from DFAT advice of 28 November 2007), 28 November – Attachment 5.

⁸ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China*, 11 March, Section 2(d) – Attachment 6; Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 7; DIAC Country Information Service 2007, *Country Information Report No.07/83 – CISQuest CHN9120 – ‘Shouters’ Christian group and Fujian Province*, (sourced from DFAT advice of 28 November 2007), 28 November – Attachment 5; DIMIA Country Information Service 2006, *Country Information Report No. 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2006), 10 November – Attachment 8

⁹ Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 7

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.¹⁰

According to the *Law of the PRC on Control of the Exit and Entry of Citizens*, border inspection offices also have the right to forbid a person who falls into any of the following categories from leaving the country:

- 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;
- iv. those who refuse to produce their certificates for examination.¹¹

The latest US Department of State report for China covering 2009 reports on the denial of passports to 'religious leaders' and other groups on national security grounds notes:

Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and ethnic minorities, were refused passports or otherwise prevented from traveling overseas.¹²

On 16 December 2008, the Department of Foreign Affairs and Trade (DFAT) advised that individuals with legal passports have been prevented from leaving China on national security grounds. The advice also states that according to anecdotal evidence the Chinese government has prevented known Falun Gong practitioners from exiting the country. The DFAT advice does not state known incidences in which Christians have been prevented from departing China:

We are aware of reports of Chinese citizens with legally-obtained passports being prevented from leaving China because the local security bureau believes them to be involved in a sensitive case or believes they will undermine national security.

...In regard to members of Falun Gong, we have been advised by sources within the Ministry of Public Security that only those considered to be Falun Gong leaders are refused passports and hence would be prevented from leaving China legally. However, there is anecdotal evidence to suggest that the Chinese Government does act to prevent identified Falun Gong followers from leaving China. In many cases, Chinese citizens who have been identified by the Government as Falun Gong followers have their Chinese identity cards confiscated and hence are unable to obtain a passport and leave the country legally. Those that have not been identified by the Government as Falun Gong followers can obtain passports and leave the country legally.¹³

¹⁰ *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 4.

¹¹ *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 9

¹² US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China*, 11 March, Section 2(d) – Attachment 6.

¹³ Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 7

The abovementioned DFAT advice states that it is often possible to gain a passport illegally in China through the payment of a bribe:

Corruption is endemic in the Chinese bureaucracy, in particular at lower levels such as provincial Public Security Bureaus where passports are issued. We judge that in many cases it would be possible to obtain a passport illegally, for example by paying a bribe. A recent case in Guangxi province involved the payment of RMB12,000 per illegal passport. We are aware of a case where a Chinese citizen obtained officially-issued passports in two different names.¹⁴

Earlier DFAT advice from November 2007, states that Post is aware of cases where dissidents who have been previously imprisoned have been able to obtain passports and leave the country. The advice also states, however, that Post is aware of instances in which individuals have been denied travel out of China on national security grounds due to their religious activity. The advice is as follows:

Q.5. Following two arrests, what is the likelihood that a person would still be able to obtain a passport and depart China?

... The post in Beijing has provided some information on the issue of people who have been arrested or convicted of offences obtaining passports in CX164795 and CX189035. We are aware of cases where dissidents who have been subject to criminal punishment (including imprisonment) have subsequently been able to obtain passports and leave the country. But we are also aware of some cases where people who are viewed as suspicious by the authorities because of their religious activities have been unable to leave the country, even when they have never been arrested or imprisoned (we are aware of such situations occurring particularly in Tibet and Xinjiang). This would be more likely in cases where the person's religious activity was seen to pose a threat to state security.¹⁵

In November 2006, DFAT similarly advised that the Post was aware of several cases in which Chinese authorities had denied citizens passports to stop them leaving the country, including dissidents, human rights activists and their relatives. In the cases the Post was aware of the "refusal to issue the passport came after the dissident or activist had served a period of imprisonment (but this is not necessarily an essential factor in denying a passport to this group of people)."¹⁶

Passport Renewal in Australia

Definitive information was not sourced on passport/travel document issuance procedures at the PRC Consulate in Sydney, including whether someone detained in China would be able to renew their passport. In August 2007, DFAT made inquiries with regard to an "Investigation" document, concluding that China's Ministry of Foreign Affairs "would be sensitive to disclosing its procedure in this area":

Is the post aware of the necessity to complete an "Investigation" form similar to the one provided by fax as part of passport replacement procedures? More broadly, is the post able to advise regarding the procedures when applying for a replacement passport overseas?

¹⁴ Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 7

¹⁵ DIAC Country Information Service 2007, *Country Information Report No.07/83 – CISQuest CHN9120 – 'Shouters' Christian group and Fujian Province*, (sourced from DFAT advice of 28 November 2007), 28 November – Attachment 10

¹⁶ DIMIA Country Information Service 2006, *Country Information Report No. 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2006), 10 November – Attachment 8

... We made general enquiries to the area responsible for managing passport issuance in China's Ministry of Foreign Affairs (MFA) regarding the procedure for issuing replacement passports to Chinese citizens at their overseas missions. MFA advised that to obtain a replacement passport, the person would have to go to the Chinese mission with valid identification (for example, a Chinese registration card). If the passport had been stolen, the person would also need to provide a police report to that effect. MFA advised that the person would not have to fill in a form with the sort of details requested in the document described as an "investigation" form in reftel.

We note that the MFA's advice may not be entirely credible. **It would be sensitive to disclosing its procedure in this area. We have also found that on occasions MFA is not aware of procedures used across its hundreds of overseas missions and it is possible that different procedures are used for issuing passports at different Chinese missions.**¹⁷

Similarly in 2003, the Ministry of Foreign Affairs did not advise DFAT "of the grounds on which Chinese embassies and consulates may refuse to renew the passports of applicants". The report does state, however, that Chinese embassies may not extend passports in some instances on national security grounds:

The Ministry of Foreign Affairs (MFA) has advised us informally that China does not recognise "refugee status" accorded by other countries. MFA advises that Chinese embassies and consulates abroad cannot therefore refuse to renew the passports of otherwise eligible Chinese applicants on the grounds that applicants have also applied for refugee status in Australia.

... **The Ministry of Foreign Affairs has not advised us of the grounds on which Chinese embassies and consulates may refuse to renew the passports of applicants.**

... additional information

The Ministry of Foreign Affairs has provided the following formal advice on refugee status and passport renewal (ministry translation):

... According to relevant Chinese law, all Chinese citizens overseas can apply for passport renewal at Chinese embassies and consulates. **For that small minority of persons who take part in activities which jeopardise national security, honour and national interest, Chinese embassies and consulates will not extend their passports; if they correct their mistakes, stop the activities listed above and perform the duties of citizens, they can still obtain permission to have their passports renewed or extended**" .¹⁸

The US State Department reported in March 2010 that numerous individuals considered to be dissidents have been refused re entry to China:

The law neither provides for a citizen's right to repatriate nor otherwise addresses exile. The government continued to refuse reentry to numerous citizens who were considered dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad were allowed

¹⁷ DIAC Country Information Service 2007, *Country Information Report No. 07/67 – China*, 'Investigation' document from PRC Consulate, Australia (sourced from DFAT advice of 15 August 2007), 14 August – Attachment 10.

¹⁸ Department of Foreign Affairs and Trade 2003, *DFAT Report 00221 – China: RRT Information Request: CHN14995*, 13 January – Attachment 11.

to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled.¹⁹

Anecdotal evidence was found in relation to the denial of passport renewals for Falun Gong practitioners. No information was found in the sources consulted, however, regarding the denial of passport renewals to Chinese Christians overseas.

Testimonial information from Chen Yonglin, a former Chinese embassy official, also suggests that Chinese passports may not be renewed by overseas embassies on national security grounds. Chen Yonglin defected from China in 2005. He was a Consul for Political Affairs of the Consulate-General of China in Sydney, worked in the Chinese Consulate-General in Sydney from 2001 to 26 May 2005. In his testimony to the United States Congress Committee on International Relations, Chen noted the various measures the Consulate had undertaken to contain the Falun Gong in Sydney. Chen noted the following practices:

1. A “broad black list of Australia Falun Gong practitioners used for border checking and surveillance in Australia”.
2. “Each year, there are over 20 Falun Gong practitioners intercepted by the Chinese Consulate, who want their visas or Chinese passports to be renewed. For those Chinese national who want to extend their passports, the Consulate normally confiscates their passports.”²⁰

Chen also supplied a 1999 official document which states in translation that in relation to Falun Gong practitioners in Australia:

...if they apply to enter China, we will report to Beijing for review; for key elements we need to have tight control and forbid their entrance to China”²¹

Falun Gong has published a 140-page report which purports to give examples from around the world of FG practitioners being refused passport renewal at overseas embassies, either for their activities in the foreign nation in question or previously within China. Pages one to nine offer examples of those in Australia, consisting of persons who were allegedly refused passport renewal because of activities in Australia such as protesting outside the Consular building. One example does state that “While abroad, my name was found on a blacklist, and my passport renewal was turned down only because I practice Falun Gong”.²²

¹⁹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China*, 11 March, Section 2(d) – Attachment 6

²⁰ Chen, Yonglin 2005, ‘Testimony of Chen Yonglin at the United States Congress Committee on International Relations hearing “Falun Gong And China’s Continuing War On Human Rights”’, 21 July, pp. 37, 38, 40, 41 & Appendix 2, <http://www.internationalrelations.house.gov/archives/109/22579.pdf> - Accessed 10 April 2008 – Attachment 12.

²¹ Chen, Yonglin 2005, ‘Testimony of Chen Yonglin at the United States Congress Committee on International Relations hearing “Falun Gong And China’s Continuing War On Human Rights”’, 21 July, pp. 37, 38, 40, 41 & Appendix 2, <http://www.internationalrelations.house.gov/archives/109/22579.pdf> - Accessed 10 April 2008 – Attachment 12.

²² The Falun Gong Human Rights Working Group 2005, *Alienating its Own Citizens: A report on the Chinese Government’s Worldwide Refusal to renew its Citizens’ Passports*, Falun Gong Human Rights Working Group website, April, pp.5 & 50 <http://www.falunhr.org/reports/Passport/Passport-S.pdf> - Accessed 4 November 2008 – Attachment 13

Attachments

1. Lambert, Tony 2006, *China's Christian Millions*, OMF Publications, UK, pp.260-261.
2. Union of Catholic Asian News 2009, 'Diocese of Jilin', 6 October
http://www.ucanews.com/dps/html/dps-ch_jilin.php - Accessed 19 January 2011.
3. RRT Research & Information 2008, *Research Response CHN34095*, 28 November.
4. *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.
5. DIAC Country Information Service 2007, *Country Information Report No.07/83 – CISQuest CHN9120 – 'Shouters' Christian group and Fujian Province*, (sourced from DFAT advice of 28 November 2007), 28 November. (CISNET China CX189037)
6. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – China*, 11 March.
7. Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December.
8. DIMIA Country Information Service 2006, *Country Information Report No. 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2006), 10 November. (CISNET China CX164795)
9. *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.
10. DIAC Country Information Service 2007, *Country Information Report No. 07/67 – China*, 'Investigation' document from PRC Consulate, Australia (sourced from DFAT advice of 15 August 2007), 14 August. (CISNET China CX183029)
11. Department of Foreign Affairs and Trade 2003, *DFAT Report 00221 – China: RRT Information Request: CHN14995*, 13 January.
12. Chen, Yonglin 2005, 'Testimony of Chen Yonglin at the United States Congress Committee on International Relations hearing "Falun Gong And China's Continuing War On Human Rights"', 21 July
<http://www.internationalrelations.house.gov/archives/109/22579.pdf> - Accessed 10 April 2008.
13. The Falun Gong Human Rights Working Group 2005, *Alienating its Own Citizens: A report on the Chinese Government's Worldwide Refusal to renew its Citizens' Passports*, Falun Gong Human Rights Working Group website, April
<http://www.falunhr.org/reports/Passport/Passport-S.pdf> - Accessed 4 November 2008.