



RESPONSES TO INFORMATION REQUESTS (RIRs)

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China: The *hukou*; whether there remains a distinction between urban and rural *hukou*; social services available to persons holding an urban or rural *hukou*; the temporary *hukou*; and whether a person who is not registered in an urban area can obtain social services, including a *hukou* (2005 - 2006)

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Background

The Chinese household registration system (*hukou*) was established in the 1950s (US 7 Oct. 2005, 1; Wang 2005a, 87) to serve three main purposes: resource distribution, migration control (particularly rural to urban migration), and management of "targeted" people (ibid., 89). Under this system, a person is only able to access community-based benefits and opportunities, as well as obtain legal permanent residence, in the *hukou* zone in which he/she is registered (ibid., 88; *The Vancouver Sun* 7 Nov. 2005). All Chinese citizens aged one month and older must be registered in their place of residence (UN 30 Nov. 2005, 3) and can only be registered in one place at any given time (Liu 2005, 135; Wang 2005b, 65).

There are two categories of *hukou* in China: agricultural (rural) and non-agricultural (urban) (ibid., 23; HRIC 6 Nov. 2002, 9). A person's *hukou* record includes the category of *hukou* [i.e., agricultural (rural) or non-agricultural (urban)] (Wang 2005a, 88), residential address and location, employment information, as well as other family and personal information (ibid.; Rogerson and Wu 2002), including religious beliefs and physical features (Wang 2005a, 88). While it is possible to change one's *hukou* categorization (ibid.; UN 30 Nov. 2005, 3), this is reportedly difficult (ibid.) and requires government approval (Wang 2005a, 88; Wang 2005b, 23; see also *Country Reports 2005* 8 Mar. 2006, Sec. 2.d).

For a more detailed description of China's *hukou* system and related documents, please refer to the Immigration and Refugee Board's February 2005 issue paper *China: Reforms of the Household Registration System (Hukou) (1998-2004)*.

Urban and Rural Hukou (including available social services)

According to several sources, including the Director of the China Institute at the University of Alberta and a PhD candidate in China Studies at the University of Technology in Sydney, as of 2006, there remains a distinction between rural and urban *hukou* (Director of China Institute 4 Apr. 2006; China Studies PhD candidate 7 Apr. 2006; Assistant professor of Economics 29 Mar. 2006; Associate Professor of International Affairs 1 Apr. 2006) which is "expected to continue for some time" (ibid.). Various sources reported that China's urban *hukou* holders have better access to economic and social benefits and opportunities than do rural *hukou* holders (Wang 2005a, 120; Director of China Institute 4 Apr. 2006; UN 30 Nov. 2005, 4), including access to education, medical care, and housing (ibid.).

In a November 2005 news article, the British Broadcasting Corporation (BBC) cited the Director of the China Institute at the University of Alberta describing China's *hukou* system as "one of the most strictly enforced 'apartheid' social structures in modern world history" (BBC 10 Nov. 2005). The Director further stated

that

[u]rban dwellers enjoy a range of social, economic and cultural benefits while peasants, the majority of the Chinese population, are treated as second-class citizens (ibid.).

Rural *hukou* holders who migrate to urban areas are "largely discriminated against" in host cities (*The Straits Times* 21 Jan. 2006), and are unable to access many of the social services available to urban citizens (ibid.; *The Financial Express* 19 Nov. 2005). In a May 2005 report, the United Nations Committee on Economic, Social and Cultural Rights expressed concern about the *hukou* system and the situation of internal migrants in China, stating,

The Committee notes with deep concern the de facto discrimination against internal migrants in the fields of employment, social security, health services, housing and education that indirectly result from inter alia, the restrictive national household registration system (*hukou*) which continues to be in place despite official announcements regarding reforms (13 May 2005).

In smaller towns and cities, local governments have reportedly started implementing reforms, allowing rural migrants to apply for urban resident permits (China Studies PhD candidate 7 Apr. 2006; *The Financial Express* 19 Nov. 2005). The requirements for obtaining an urban *hukou* in certain locations include fixed housing and stable employment (ibid.; *Vancouver Sun* 7 Nov. 2005; see also US 9 Mar. 2005). A March 2005 publication by the United States Congressional Executive Committee on China (CECC) noted that many of the *hukou* reforms

define [urban *hukou* eligibility] requirements in terms which exclude the vast majority of Chinese migrants, who often work as manual laborers and live in temporary accommodations (ibid.).

In November 2005, the BBC and other newspapers reported that China had proposed further reforms to be made to the *hukou* system (*The Financial Express* 19 Nov. 2005; BBC 10 Nov. 2005; *The Vancouver Sun* 7 Nov. 2005), including its abolition in 11 of the country's 23 provinces (ibid.; BBC 10 Nov. 2005). Guangdong, Liaoning, Shandong, and Fujian are reportedly among the 11 provinces to "take the lead in abolishing *hukou* differentiation" (China Studies PhD candidate 7 Apr. 2006). However, according to correspondence from an assistant professor of Economics at the State University of New York at Buffalo who has conducted research on the *hukou* system, although several provinces have proposed to abolish the *hukou* system, "[t]he process is slow and difficult" (29 Mar. 2006).

In 1 April 2006 correspondence sent to the Research Directorate, an associate professor of International Affairs at the Georgia Institute of Technology, who specializes in the subject of household registration in China, stated

The [BBC] report [on *hukou* abolishment] has been an exaggeration. What was announced in Beijing (and then covered by the BBC and others) was about removing some of the unsightly categorizations and distinctions, not about abolishing the *hukou* system. The places to start such reforms are mainly the eastern and central provinces. It is still unclear as to how much has been implemented (1 Apr. 2006).

Availability of Social Services To a Person Not Registered in an Urban Area

According to the associate professor of International Affairs at the Georgia Institute of Technology,

[a] non-registered person anywhere, not just in the cities, is considered *hukou*-less and usually can't obtain local social services such as unemployment relief or social welfare support (but can still access such [services] in his/her hometown where his/her *hukou* is located) (1 Apr. 2006).

Country Reports on Human Rights Practices for 2005 noted that access to social services in China, including education, was "difficult or impossible" for migrants without official residence status (8 Mar. 2006, Sec. 2.d).

In a 4 April 2006 telephone interview, the Director of the China Institute at the University of Alberta indicated that migrant workers who are not registered in urban areas may be able to access social services by paying higher fees (e.g., for sending their children to school) or by offering bribes to officials (4 Apr. 2006). In 7 April 2006 correspondence, a China Studies PhD candidate at the University of Technology in Sydney similarly indicated that, in general, a person who is not registered in an urban area cannot access social services unless he/she pays for those services.

According to the Director of the China Institute, however, a migrant community in a suburb area of Beijing has been able to access certain social services since it developed into its own "civil citizens' district" (4 Apr. 2006). The Beijing authorities contacted the hometown, or *hukou* zone, of the migrants, which provided resources for policing the area (Director of China Institute 4 Apr. 2006). While not a formal level of government, the district has established its own security patrol and a school, among other services (ibid.).

Temporary Hukou and Temporary Residence Certificate (TRC)

Temporary migrants, travellers, and foreigners staying in a locality for an extended period of time (i.e., more than three days) must register with the local *hukou* authorities to obtain a temporary *hukou* (Wang 2005a, 88; ibid. 2005b, 71). Temporary *hukous* can also be obtained at certain hotels and guesthouses with "specially trained and authorized registration clerks" (ibid., 74). An application for a temporary *hukou* must be made within three days of arrival in the locality and must be cancelled upon departure from the locality (ibid.). If it is not cancelled earlier, the temporary *hukou* automatically expires after three months (ibid.).

For stays longer than three months, visitors must apply for a Temporary Residence Permit [*zanzhuzheng*] (Wang 2005, 29), also referred to as Temporary Resident Certificate (TRC) (UN 30 Nov. 2005, 4). A TRC can also be requested by the hosting household, landlord, or employer on behalf of the visitor (ibid.). In addition to documentation from the applicant's employer, host, or landlord, a character reference from the police of the originating *hukou* zone is required (Wang 2005, 75). A TRC is renewable every six to twelve months (ibid., 74).

Among the sources consulted by the Research Directorate, the cost associated with obtaining a Temporary Resident Certificate is unclear. However, two sources suggested that TRC fees varied as a result of corruption among Chinese authorities (US 7 Oct. 2005, 6; He 1 Sept. 2005).

A TRC is generally required in order to legally rent housing (UN 30 Nov. 2005, 4; Wang 2005b, 74), open a bank account, receive registered mail (ibid.), register a business, or obtain an employment certificate (UN 30 Nov. 2005, 4). According to *Country Reports on Human Rights Practices for 2005*, most cities in China in 2005 had an annual quota for the issuance of new temporary residence permits and as a result, migrant workers, including university graduates, had to compete for a TRC (8 Mar. 2006, Sec. 2.d). Another source noted that, in Beijing, only migrants with at least a secondary school level of education were eligible to apply for a TRC (*The Financial Express* 19 Nov. 2005).

A TRC holder is not considered a local resident (Wang 2005b, 74; Director of China Institute 4 Apr. 2006). Although the TRC allows migrants from rural areas to legally reside in urban areas (UN 30 Nov. 2005, 4), it does not entitle them to the same social benefits as urban *hukou* holders (ibid.; Director of China Institute 4 Apr. 2006). Regardless of how long a person has lived and worked in the same *hukou* zone, a temporary *hukou* cannot be turned into a local *hukou* (Wang 2005b, 74).

The CECC survey of recent *hukou* reforms in China indicated that, in 2004, certain municipalities (e.g., Shenyang, Wuhan) eliminated the Temporary Resident Certificate system (US 9 Mar. 2005). The Director of the China Institute at the University of Alberta also indicated that government officials had discussed the possibility of granting local *hukous* to temporary residents (4 Apr. 2006). However, this idea was reportedly met with resistance from local governments who cannot afford to provide their migrant populations with the social services associated with a local *hukou* (Director of China Institute 4 Apr. 2006).

In 2006, several sources indicated that the Temporary Resident Certificate continued to be used in China (Assistant Professor of Economics 29 Mar. 2006; Associate Professor of International Affairs 1 Apr. 2006; China Studies PhD candidate 7 Apr. 2006; Director of the China Institute 4 Apr. 2006) and, according to one academic, is not likely to be abolished in the short term (ibid.). However, according to another academic who specializes in the subject of China's *hukou* system, the "application [for the TRC] has now become easier and its enforcement has become considerably relaxed" (Associate Professor of International Affairs 1 Apr. 2006).

A China Studies PhD candidate indicated in 7 April 2006 correspondence that TRCs are "enforced more stringently in larger cities" than in smaller ones (7 Apr. 2006). The PhD candidate also noted that most migrant workers do not obtain a Temporary Resident Certificate and that it is generally only when an employer requests a TRC that a migrant will register (China Studies PhD candidate 7 Apr. 2006). According to the source, most migrants do not register with the *hukou* authorities because they do not want to pay the registration and renewal fees and because they feel that if they do register, they will be "closely watched by the police" (ibid.).

Prior to 2003, migrants without proper documentation could be arrested, fined, and returned to their

permanent resident location (UN 30 Nov. 2005, 5). Since the Chinese government abolished the detention and repatriation system in 2003 (ibid.; Wang 2005a, 97), migrants without proper documentation, but who are employed (UN 30 Nov. 2005, 5) and have not become "homeless, paupers, or criminals" (Wang 2005a, 97) can no longer be detained, fined or repatriated.

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 additional sources consulted in researching this Information Request.

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Internet sites, including: Amnesty International (AI); China Internet Information Center; The Dui Hua Foundation; European Country of Origin Information Network (ECOI); *The Guardian*; Human Rights in China (HRIC); Human Rights Watch (HRW); Laogai Research Foundation (LRF); United Kingdom (UK) Home Office; United States Committee for Refugees and Immigrants (USCRI); and the United States Embassy in China.

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