



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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20 May 2008

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China: Whether an individual who has been sent to prison would have his or her *hukou* automatically cancelled; procedures to incarcerate and release a convict, including forfeiture of documentation, return of documentation and any demarcations on documentation noting incarceration  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

China's *hukou* system, or household registration system, requires that all Chinese citizens be registered with the hukou authorities (Wang 2005a, 65; *ibid.* 2005b, 88). According to a 3 December 2007 article by China Radio International (CRI), a China-based radio station that is owned and operated by the state (CRI n.d.), the hukou authorities may cancel an individual's hukou registration "only in the case of death, missing [person], immigration, army recruitment or criminal detention" (*ibid.* 3 Dec. 2007).

Several other sources consulted by the Research Directorate similarly indicate that an individual who has been sent to prison may have his or her hukou cancelled (Research Fellow 26 Apr. 2008; LRF 16 Apr. 2008; Wang 2005a, 66). In 26 April 2008 correspondence, a research fellow at the Griffith Asia Institute in Australia who is a specialist in the area of criminal justice, policing and punishment in China indicated that a convict's hukou is cancelled upon his or her first day of arrival to the prison. The Research Fellow explained that while in prison, convicts have a collective *danwei* (work unit) hukou, in the same way that soldiers in the People's Liberation Army (PLA) also have a *danwei* hukou instead of an individual one (Research Fellow 26 Apr. 2008).

In a 16 April 2008 telephone interview, the Executive Director of the Laogai Research Foundation (LRF), a Washington, DC-based organization that documents and reports on the Chinese *Laogai* (prison labour camps) and other human rights abuses in China (LRF 14 Apr. 2004), similarly indicated that by law an individual's hukou should be cancelled immediately upon his or her incarceration (*ibid.* 16 Apr. 2008). However, he noted that policies and procedures differ by location in China, including whether an individual lives in a big city, small city, rural village, etc. (*ibid.*). He said that in general, if an individual's imprisonment is long term, his or her hukou may be cancelled; however, if the imprisonment is only for a short term, it may not be cancelled (*ibid.*). He also indicated that in certain instances, individuals may be able to bribe the hukou police not to cancel their hukou (*ibid.*).

Concerning procedures for the release of a prisoner and the re-registration process for a hukou, the Research Fellow stated the following:

When a prisoner is released, in the overwhelming number of cases, the individual re-registers his/her hukou at their original hukou location. In the event that there are no relatives in the area of his/her original hukou, or for other reasons that make it an unsuitable place to reside in (e.g if the prisoner committed a heinous sex crime and would not feel safe in the community or employable) the individual can be reregistered in an area in close proximity to the prison but only if the prison is willing to offer the individual paid employment in the prison. This is only the case if the individual wishes to stay in the area, and they cannot be forced to stay.

Before 1985, it was common, upon release, for an ex-prisoner to reside in an area close to the prison, but this is no longer a common practice. Nowadays, the ex-prisoner returns to his/her original place of residence to be re-registered and the police in this locality and authorities cannot refuse to give the individual a permit due to 'lack of employment opportunities' or other reasons.

... After leaving prison, the prison will issue the individual a 'release certificate' (*shifangzheng*) and enough money for a bus or train ticket home. The individual must return to his/her original area of residence to re-register a hukou within 30 days of release and must present the release form to the police. The release form will be kept at the local police station along with the document recording the canceling of his/her original hukou.

With his/her new identity card and hukou, there is no indication whatsoever that the individual is an ex-prisoner or that he/she has a criminal record. However, the local police keep this information in the dossier of the individual at the local police station and the person's name is recorded on a police database as having a criminal record. This situation described above complies with the hukou law and the hukou implementing regulations of the Ministry of Public Security. (26 Apr. 2008)

The Executive Director of the Laogai Research Foundation likewise indicated that once an individual is released from prison, he or she may re-register for a hukou and that there are no demarcations on the hukou noting whether he or she has been incarcerated (16 Apr. 2008).

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.

#### References

China Radio International (CRI). 3 December 2007. "The Loss of My Hukou."

<<http://english.cri.cn/4026/2007/12/03/1481@300869.htm>> [Accessed 17 Apr. 2008]

\_\_\_\_\_. N.d. "Who We Are?" <[http://english.cri.cn/about\\_us/who-we-are.htm](http://english.cri.cn/about_us/who-we-are.htm)> [Accessed 17 May 2008]

Laogai Research Foundation (LRF). 16 April 2008. Telephone interview with the Executive Director.

\_\_\_\_\_. 14 April 2004. "What is the Laogai Research Foundation?"

<<http://www.laogai.org/news/newsdetail.php?id=1868>> [Accessed 16 May 2008]

Research Fellow, Griffith Asia Institute, Griffith University, Australia. 26 April 2008. Correspondence.

Wang, Fei Ling. 2005a. *Organizing Through Division and Exclusion: China's Hukou System*. Stanford, California: Stanford University Press.

\_\_\_\_\_. 2005b. *Asian Perspective*. Vol. 29, No. 4. "Brewing Tensions While Maintaining Stabilities: The Dual Role of the *Hukou* System in Contemporary China."

#### Additional Sources Consulted

**Oral sources:** A professor at the Georgia Institute of Technology did not provide information within the time constraints of this Response. A lecturer in Asian Studies at the University of Technology in Sydney, Australia provided the contact information of another China expert.

**Internet sites, including:** Amnesty International (AI), *Asia Times*, China - official website of the Central People's Government of the People's Republic of China, Chinacourt.org, China Legislative Information Network System (ChinaLaw.gov.cn), European Country of Origin Information Network (ecoi.net), Freedom House, Human Rights in China (HRIC), Human Rights Watch (HRW), Laogai Research Foundation, Lexadin - The World Law Guide, United Kingdom Home Office, United States Congressional Executive Committee on China (CECC), United States Department of State.

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