



RESPONSES TO INFORMATION REQUESTS (RIRs)

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China: Regulations on Family Planning of Liaoning Province; including exceptions to the one-child policy; reference made to birth control and termination of pregnancy; consequences or penalties for having more than one child under the regulations of the province; whether there are penalties for Chinese returning from overseas with children born abroad

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Selected sections of the Regulations on Family Planning of Liaoning Province (2003), which have been translated by the Translation Bureau, Multilingual Translation Division, Public Works and Government Services Canada are attached to this Response. Subjects covered in the Regulations include exceptions to the one-child policy (China 2003, Article 18-19); birth control and termination of pregnancy (*ibid.*, Article 25-26); and consequences or penalties for having more than one child under the regulations of the province (*ibid.*, Article 45-51). Article 53 makes reference to Chinese citizens returning from overseas, but states that these matters are "handled by the family planning administrative authorities in accordance with relevant State regulations" (China 2003). The "relevant State regulations" are not specified in the legislation; however, the following information may be of interest.

Penalties for Chinese returning from overseas with children born abroad

Cited in a 2004 report by the Resource Information Center (RIC) of the United States Citizenship and Immigration Services (USCIS), a University of California (Irvine) anthropologist who has researched the subject of family planning in China stated that "'in general, people who return to China from abroad are actively welcomed back to the 'motherland,' and children born outside China largely forgiven" (US 21 Jan. 2004).

According to an expert on China who lives in Germany, cited in the report on China of the 10th Country of Origin Information Seminar in Budapest,

[p]arents responsible for pregnancies or births without permission in China could face ... difficulties ... But Chinese couples living abroad are not bound to the One-Child-Policy. Chinese citizens studying or working in foreign countries can return with more than one child without any serious problem. (ACCORD 17 Mar. 2006, 16)

In a 23 October 2008 presentation at the Immigration and Refugee Board (IRB) of Canada's Calgary office, an associate professor and Mactaggart Research Chair of the China Institute at the University of Alberta likewise noted that Chinese nationals who have children while abroad may not be subject to the one-child policy.

News sources report that there is an emerging class of rich Chinese citizens who simply pay a fine or travel overseas to have additional children (*Straits Times* 1 Mar. 2008; *China Daily* 28 Dec. 2006).

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 sources consulted in researching this Information Request.

References

Associate professor and Mactaggart Research Chair, China Institute, University of Alberta. 23 October 2008. Presentation at the IRB Calgary office.

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD). 17 March 2006. *China. 10th European Country of Origin Information Seminar. 1-2 December 2005, Budapest.* (Office of the United Nations High Commissioner for Refugees) <<http://www.unhcr.org/home/RSDCOI/4451d8c64.pdf>> [Accessed 23 Jan. 2009]

China. 1 April 2003. Liaoning Provincial Population and Family Planning Commission. Population and Family Planning Regulations of the Province of Liaoning. Selected sections translated by the Translation Bureau, Multilingual Translation Directorate, Public Works and Government Services Canada, 5pp.

China Daily [Beijing]. 28 December 2006. Guo Qiang. "Are the Rich Challenging Family Planning Policy?" <http://www.chinadaily.com.cn/china/2006-12/28/content_770107.htm> [Accessed 14 Jan. 2009]

Straits Times [Singapore]. Sim Chi Yin and Susan Long. "My Trophy Kids Make Me Look Younger." (Factiva)

United States (US). 21 January 2004. Resource Information Center, Citizenship and Immigration Services. "China: Information on Return to China After Having Children Abroad." (CHN04001.WAS) <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f_614176543f6d1a/?vgnextoid=f88b361cfb98d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=d2d1e89390b5d010VgnVCM10000048f3d6a1RCRD> [Accessed 23 Jan. 2009]

Additional Sources Consulted

Oral sources: The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) did not provide information within the time constraints of this Response. A research coordinator of the Asylum Division of the United States Citizenship and Immigration Services (USCIS), who contacted the United States Library of Congress and USCIS field offices concerning translated family planning regulations, did not provide information within the time constraints of this Response. A researcher of the Research and Information Services of the Australian Migration Review Tribunal and Refugee Review Tribunal was also consulted.

Internet sites, including: *China Digital Times*, China -National Population and Family Planning Commission of China, China.org.cn, European Country of Origin Information Network (ecoi.net), LawinfoChina.com, Legalinfo.gov.cn, Liaoning-Gateway.com, Natlex (International Labour Organization, ILO), United Kingdom Home Office, United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), United Nations Refworld, United States - Congressional-Executive Commission on China (CECC), United States Department of State, United States Library of Congress, Xinhua.

Attachment

China. 1 April 2003. Liaoning Provincial Population and Family Planning Commission. Population and Family Planning Regulations of the Province of Liaoning. Selected sections translated by the Translation Bureau, Multilingual Translation Directorate, Public Works and Government Services Canada, 5pp.

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