

# Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

11 October 2012

### CHN104190.E

China: Seamen's books issued to seamen going abroad, including the regulations governing their issuance, whether a security check is done on applicants, and the role of the Public Security Bureau in the issuance process

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Seamen's Books

The Passport Law of the People's Republic of China that came into effect in 2007 states that a citizen intending "to enter or leave the country in the capacity of a seaman or to work in such capacity on board of a vessel flying the flag of another country" shall apply for a seaman's book (China 2007b, Art. 25). The 2007 Regulations of the People's Republic of China on Seafarers similarly state that "[a] Chinese seaman leaving and entering China or working on a foreign ship" shall apply for a China's seaman's book (China 2007a, Art. 15).

The Regulations on Seafarers specify that "the seaman's book of the People's Republic of China is the certificate to prove a Chinese seaman's identity as a citizen of the People's Republic of China when he is performing tasks beyond the borders" (*ibid.*, Art. 17). The Regulations also add the following:

Any seaman holding the seaman's book of the People's Republic of China shall, when he is in a foreign country or region, enjoy the rights and traffic convenience provided in the local laws, the relevant international treaties and [the] shipping agreements concluded by the People's Republic of China with relevant countries. (*ibid.*, Art 18)

The Regulations indicate that a seaman's book is valid for a maximum period of five years, but do not specify a minimum period of validity (*ibid.*, Art. 17).

#### 2. Regulations Governing the Issuance of Seamen's Books

The Regulations on Seafarers stipulate that in order to apply for a China's seaman's book, a seaman must conform to the following conditions:

1. He is a citizen of the People's Republic of China;
2. He has a certificate of competence for being a seaman of ships of international voyage or has a definite task to leave the country;
3. He is not under any circumstance under which he shall be prohibited from leaving the country (China 2007a, Art. 15).

The Regulations state that the application for a seaman's book shall be made to "the maritime administrative organ appointed by the state maritime administrative organ for the seaman's book of the People's Republic of China" (ibid.), while the Passport Law states that the application should be made to "the maritime administrative authority authorized by the Ministry of Communications" (China 2007b, Art. 25). More specifically, the 1986 Law of the People's Republic of China on the Control of the Exit and Entry of Citizens specifies that "[s]eamen's papers shall be issued by the Bureau of Harbour Superintendence or a harbour superintendent authorized by the bureau" (China 1986, Art. 12). Regarding the application itself, the Regulations on Seafarers add the following:

The maritime administrative organ shall, within 7 days since the day when the application is received, make a decision on approval or disapproval. In the case of approval, a seaman's book of the People's Republic of China shall be issued; in the case of disapproval, a written notice thereon shall be sent to the applicant and corresponding reasons shall be given. (China 2007a, Art. 16)

Details on additional requirements regarding applications for seamen's books, information on whether a security check is conducted, or on the role of the Public Security Bureau were not found among the sources consulted by the Research Directorate.

### **3. Loss, Theft or Damage of a Seaman's Book**

The Regulations on Seafarers states that in the case of the loss, theft or damage of a seaman's book, a seaman "shall apply to the maritime administrative organ for reissuing a new one. If the seaman is in a foreign country or region, he shall apply to the embassy or consulate of the People's Republic of China in that country or region" (ibid., Art. 17).

### **4. New Law Concerning Exit and Entry**

A new law, the Exit-Entry Administration Law, which will replace the Law on the Control of the Exit and Entry of Citizens as well as the Law on the Control of the Exit and Entry of Aliens (China Briefing 6 July 2012), was passed by legislators on 30 June 2012 and is scheduled to come into effect on 1 July 2013 (ibid.; Law and Border.com 29 Aug. 2012). According to an overview of the law prepared by a Beijing-based lawyer specializing in immigration and nationality law, "the [Exit-Entry Administration Law] is skeletal in many places, leaving it to administrators to enact implementing regulations and to officers to exercise their discretion" (ibid.). Regarding Chinese seamen, an unofficial translation of the new law by the same lawyer stipulates the following: "If any Chinese citizen leaves or enters China in the identity of a seaman or works on a foreign ship, he shall apply for seamen's papers according to law" (China 2012, Art. 9).

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**

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## Additional Sources Consulted

**Oral sources:** Attempts to contact representatives of the following organizations were unsuccessful: Embassy of the People's Republic of China in Canada, Embassy of the People's Republic of China in Washington, DC, Taizhou Harbour Superintendent Bureau, law firms specializing in Chinese maritime law.

**Internet sites, including:** Asian Legal Information Institute; Australia – Refugee Review Tribunal; Chinalawinfo; China Today; Ecoi.net; Factiva; Hai Tong and Partners; NATLEX; NovexCn.com; People's Republic of China – Ministry of Foreign Affairs, National People's Congress; Sidley; United Nations – Refworld; Wang Jing & Co.

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[Top of Page](#)

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