

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.

12 September 2014

CHN104953.E

China: The 2009 and 2014 versions of the Regulations of Guangdong Province on Population and Family Planning

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. 2009 Version of the Regulations of Guangdong Province on Population and Family Planning

Attached to this Response is an English translation of the 2009 Regulations of Guangdong Province on Population and Family Planning obtained from Westlaw China, an online Chinese law database operated by Thomson Reuters (Westlaw China n.d.).

2. 2014 Amendment to the Regulations of Guangdong Province on Population and Family Planning

Sources indicate that an amendment to the Regulations of Guangdong Province on Population and Family Planning came into force in March 2014 (US 15 Aug. 2014; All Girls Allowed 11 Aug. 2014; The Nanfang 4 Apr. 2014). According to sources, the amendment allows a second child to a couple in which at least one of the parents is an only child themselves (US 6 Aug. 2014; The Nanfang 4 Apr. 2014).

The amendment followed an announcement of a change in the national family planning policy in late 2013 (*Global Times* 17 Mar. 2014; US 6 Aug. 2014). The US Library of Congress reports that most Chinese provinces have implemented similar amendments as of August 2014 (ibid.).

According to information provided by the Law Library of Congress, in correspondence sent to the Research Directorate by a representative, only item 6 of Article 19 of the regulations was revised in the 2014 version (US 15 Aug. 2014). Article 19 (6) of the 2009 version of the regulations states the following regarding one of the circumstances under which a couple may have another child: "[b]oth parties of a couple are the only children of their families and the couple has only one child" (Guangdong 2009). The Law Library of Congress representative stated, "[t]he newly revised item 6 may be translated as follows: 'One member of a couple was an only child in his or her own family, and the couple has only one child'" (US 15 Aug. 2014).

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

All Girls Allowed. 11 August 2014. Correspondence sent to the Research Directorate by a representative.

Global Times. 17 March 2014. Fang Yang. "Guangdong Delays Implementation of New Family Planning Regulations." <<http://www.globaltimes.cn/content/849128.shtml>> [Accessed 3 Sept. 2014]

Guangdong. 2009. The Standing Committee of Guangdong Provincial People's Congress. Regulations of Guangdong Province on Population and Family Planning. Obtained from Westlaw China online database.

The Nanfang. 4 April 2014. "Guangdong's New 'Two-Child Policy' Off to a Rocky Start." <<http://www.thenanfang.com/blog/guangdongs-new-two-child-policy-off-to-a-rocky-start/>> [Accessed 3 Sept. 2014]

United States (US). 15 August 2014. Law Library of Congress. Correspondence sent to the Research Directorate by a representative.

_____. 6 August 2014. Law Library of Congress. "China: Provincial Family Planning Regulations Amended Allowing More Couples to Have a Second Child." <http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205404091_text> [Accessed 3 Sept. 2014]

Westlaw China. N.d. "Westlaw China." <http://www.westlawchina.com/index_en.html> [Accessed 5 Sept. 2014]

Additional Sources Consulted

Oral Sources: The following organizations could not provide information for this Response: Australian Refugee Review Tribunal; Ted Cox Law. Attempts to contact the Director of Center of Comparative and Public Law at the University of Hong Kong were unsuccessful.

Internet Sites, including: Asian Legal Information; Carleton University Law Database; China – Legislative Affairs Office of the State Council, Ministry of Justice, National People's Congress database of laws, Supreme People's Court of Justice; China Daily; China Law and Practice; HeinOnline; Kluwer Law Online; Lawinfochina.com; Lexis Nexis Quicklaw Database; Pkulaw.cn; University of Ottawa Law Database.

Attachment

Guangdong. 2009. The Standing Committee of Guangdong Provincial People's Congress. Regulations of Guangdong Province on Population and Family Planning. Obtained from Westlaw China online database.

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[Top of Page](#)

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