Immigration and Refugee Board of Canada

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.

CHN104782.E

China: Whether citizens require an exit certificate to be issued by the Public Security Bureau in order to leave the country, including legislation (2013-February 2014)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on whether Chinese citizens require exit certificates to be issued by the Public Security Bureau in order to leave the country could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In June 2012, the National People's Congress adopted the Exit and Entry Administration Law of the People's Republic of China (China 2012). According to both the Hong Kong-based daily newspaper South China Morning Post (SCMP) and the blog of an immigration law firm in Toronto, the law came into force on 1 July 2013 (SCMP 1 July 2013; Baker & McKenzie 22 Aug. 2013). The new law replaces separate laws regulating the entry and exit of foreigners and the entry and exit of Chinese citizens (China 2012, Art. 93; SCMP 1 July 2013). A copy of the law is attached to this Response (China 2012).

According to an overview of the law prepared by a Beijing-based lawyer specializing in immigration and nationality law, the new legislation was "the first overhaul of China's immigration law since 1985" (Chodorow 29Aug. 2012). The South China Morning Post (SCMP) similarly states that the coming into force of the new law completed the "first major overhaul of border regulations in more than two decades" (1 July 2013). However, according to the immigration lawyer's overview, the law "is skeletal in many places, leaving it to administrators to enact implementing regulations and to officers to exercise their discretion" (Chodorow 29 Aug. 2012).

Sources indicate that implementing regulations regarding foreigners came into force on 1 September 2013 (China Daily 16 Sept. 2013; Baker & McKenzie 22 Aug. 2013). Information regarding implementing regulations for Chinese citizens could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

With regard to the entry and exit of Chinese citizens, Article 9 of the law states that "Chinese citizens who exit or enter China shall, in accordance with the law, apply for passports or other travel documents" (China 2012). Article 12 enumerates the reasons for which "Chinese citizens are not allowed to exit China," which include the following: if they "[h]old no valid exit/entry documents, or refuse or evade border inspection," or "[o]ther circumstances in which exit from China is not allowed in accordance with laws or administrative regulations" (ibid.). Article 71 provides for the imposition of penalties on persons who "[e]xit or enter China with forged, altered or fraudulently obtained exit/entry documents" or "[e]xit or enter China using others' exit/entry documents" (ibid.).

Information regarding the nature of the exit documents mentioned by the law or how they are obtained could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.
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


Additional Sources Consulted

**Oral sources consulted:** Attempts to contact the embassies of the People's Republic of China in Canada and Washington, DC, were unsuccessful.

**Internet Sites, including:** Beijing Expat Service Center; British Chamber of Congress Shanghai; China.org.cn; China Law and Practice; Changzhou Website; eoci.net; Factiva; People's Republic of China – embassies of the People's Republic of China in Ottawa and in Washington, DC, Ministry of Commerce, Ministry of Foreign Affairs, Ministry of Public Security, United Kingdom – Home Office; United Nations – Refworld; United States – Department of State.

Attachment


Tips on how to use this search engine.
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