

Immigration and Refugee Board of Canada

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> Responses to Information Requests

Responses to Information Requests

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19 May 2016

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China: Implementation of family planning policy changes permitting two children announced 29 October 2015 (November 2015-April 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Implementation

According to sources, the two-child policy came into effect in January 2016 (Professor 2 May 2016; VOA 1 Mar. 2016; US 8 Jan. 2016) becoming law, and applicable nationwide (ibid.). In November 2015, Agence France-Presse (AFP) quoted the Vice Minister of the National Health & Family Planning Commission as stating that the policy will be "implemented after the law is revised by the National People's Congress" in March 2016 (AFP 11 Nov. 2015). A March 2016 article by *The Diplomat*, a "current-affairs magazine for the Asia-Pacific region" (*The Diplomat* n.d.), reported that the policy was passed by the National People's Congress (ibid. 4 Mar. 2016).

In correspondence with the Research Directorate, a Senior Foreign Law Specialist with the Library of Congress quoted the head of the Central Government Family Planning Authority as stating at a press conference on 8 March 2016 that the two-child policy is "'in the process of being lawfully and orderly implemented'" across the country (Foreign Law Specialist 18 Apr. 2016). The same source indicated that "thirteen local population and family planning regulations had been amended and more were expected at the end of March" (ibid.). According to the source, as of April 2016, she could state that "Beijing, Shanghai, Fujian, Jilin, Hainan, Hunan, Jiangxi, Hubei, and Guangdong" had revised their regulations (ibid.). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Further details on the process and status of provincial regulatory amendments and implementation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, a professor with the Institute of Population and Labour Economics at the Chinese Academy of Social Sciences in Beijing stated that, concerning the implementation of the two-child policy, more detailed plans will be made at the provincial level and, without providing further detail, noted that "each province should revise their regulation accordingly" (Professor 2 May 2016). According to the US Department of State's *Country Reports on Human Rights Practices for 2015*, the national laws "standardized the implementation of the government's birth-limitation policies, but it left considerable discretion to provincial authorities to determine enforcement measures, which varied significantly" (13 Apr. 2016, 56). >The >March 2016 article in *The Diplomat* states that "the creation and implementation of actionable guidelines has been left to the provinces" and they have hesitated on "how to implement the two-child policy" (*The Diplomat* 4 Mar. 2016). According to the same source, the provinces of Sichuan and Zhejiang have begun county-level training on the new policy for healthcare and government workers, "to ensure that the new guidelines are widely circulated and to encourage hospitals to prepare themselves to handle more

births. However, more detailed programs have yet to emerge" (ibid.). Further information on regulatory amendments implemented at the local and provincial level could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Impact on Children Born Outside Birth Limits Before the Change to a Two-child Policy

According to the Professor, "all children born should be registered, no matter if they are second or third or higher births, prior to or after the new regulation" (Professor 2 May 2016). In April 2016, *The Globe and Mail* reported that "[s]ome districts - Xicheng, Dongcheng and Changping - were registering children. Others were not," and in the city of Shenzhen, registrations began in January 2016 (3 Apr. 2016). Without providing further detail, the same source reports on the case of a mother who was able to register and obtain a *hukou* for her unregistered second child, a two year old, "without first paying punishing fines" (ibid.). According to the Professor, registration "should be separate from the social compensation fee collection" (Professor 2 May 2016).

A March 2016 article by Voice of America News (VOA), a news site that covers events in the US, Asia, Africa and the Mideast, states that despite the change in policy allowing Chinese citizens to have two children, "[m]any are still burdened with fines, known as 'social maintenance fees,' and their children remain unregistered as legal citizens" (1 Mar. 2016). *The Global Times*, an English language Chinese daily newspaper, reported in January 2016 that the provinces of Guangdong, Liaoning, Shandong and Fujian had "officially delink[ed] fines and hukou registration," noting that in these provinces, those "born outside the rules can register for a hukou without having to first pay fines - although the fines must be paid eventually" (28 Jan. 2016). The same source further states that

nearly no local government, including the ones that have already begun allowing *heihu* [unregistered persons] to have a hukou without paying fines first, have implemented clear regulations about "social maintenance fees." Some just follow the old standards while some have stopped collecting fines. (ibid.)

Further and corroborating information on provincial and local policies regarding registration and social maintenance fees 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

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Additional Sources Consulted

Oral sources: Professor of Business Administration, Darden School of Business, University of Virginia; Professor of Sociology, The Population Studies and Training Center, Brown University.

Internet sites, including: Amnesty International; Asian Human Rights Commission; Asia Observer; BBC; China Daily; Deutsche Welle; ecoi.net; Factiva; Human Rights Watch; IZA Newsroom; Nikkei Asian Review; People's Daily; Radio Free Asia; *South China Morning Post*; *The Telegraph*; United Nations – Refworld; *Washington Times*; Women of China; Xinhua News Agency.

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