



Australian Government
Refugee Review Tribunal

Country Advice China

China – CHN36488 – Exit procedures –
Legal proceedings – Corruption – Steel
production – Education
14 April 2010

1. Please provide a map showing Liaoyang City, Gongzhuli city and Beijing.

The *Encarta Interactive World Atlas*¹ below shows the locations of Liaoyang City, Gongzhuli City, and Beijing, circled in red.



The distances between the cities are provided below:

Gongzhuling to Beijing 804km
Gongzhuling to Liaoyang 273km
Liaoyang to Beijing 594 km²

¹ 'Liaoyang City, Gongzhuli City, and Beijing' 2000, *Microsoft Encarta Interactive World Atlas 2000*.

² 'Distances among Liaoyang City, Gongzhuli City, and Beijing' 2000, *Microsoft Encarta Interactive World Atlas 2000*.

2. [Deleted.]

3. Can a person leave China legally if there are outstanding police charges against them?

Laws, systems, and procedures are in place in China to prevent a person from leaving the country if there are outstanding police charges against them. First, it would be difficult for an individual, with charges pending, to be approved for a passport. Second, airport and immigration exit procedures are designed to prevent such an individual from leaving the country when they present their passport for travel. Traveller's names are checked against a nationwide computerised database of individuals with charges pending and they are denied permission to leave China. This computer database system is linked to most local police stations and if court charges exist against an individual, their names are most likely entered in the system.

Passport Issuance

Article 13, of *The Passport Law of the People's Republic of China*³, effective as of 1 January 2007, addresses the issuance of passports to applicants with criminal and civil charges against them. Several items under the law indicate that an individual with police charges pending is very likely to be denied a passport:

- Item 4 states that passports shall not be issued to applicants who have been sentenced to any criminal punishment or to anyone serving a sentence.
- Item 5 states that a passport shall not be issued to an applicant who involved in a pending civil case.
- Item 6 states that a passport shall not be issued to an applicant who is a defendant or a suspect in criminal case.

Article 13 is provided in its entirety below:

Article 13 Under any of the following circumstances, the passport issuance departments shall not issue any passport to the applicant:

- (1) He does not have the nationality of the People's Republic of China;
- (2) He is unable to prove his identity;
- (3) He cheats during the process of application;
- (4) He has been sentenced to any criminal punishment and is serving the sentence at present;
- (5) The people's courts notice that he is not permitted to leave China because he is involved in pending civil case;
- (6) He is a defendant or criminal suspect of a criminal case; or
- (7) The competent organs of the State Council believe that his leaving China will do harm to the state security or result in serious losses to the benefits of the state

³ *The Passport Law of the People's Republic of China*, Promulgated by the 21st Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on 29 April 2006 and effective as of 1 January 2007, Beijing Review website http://www.bjreview.com.cn/document/txt/2006-12/14/content_50706.htm – Accessed 16 February 2007 – Attachment 1

Exit Procedures

According to DFAT Advice provided in 2006, the Ministry of Public Security stated that the border exit procedures were carried out according to Chapter II, Article 8 of the *Administrative Law on the Border Exit and Entry of Citizens of the People's Republic of China*.⁴ This section of the law would prevent anyone identified as a defendant in a criminal case, or someone suspected of a crime, from leaving the country. It would also prevent anyone involved in an ongoing civil case from leaving. The article states that Chinese citizens will not be allowed to exit the PRC border under the following circumstances:

- i) If the person is a defendant in a criminal case or suspected of a crime by the security organs, the People's Procuratorate or the People's Court;
- ii) If the People's Court notifies that the person is involved in a civil case that has not been completed and they cannot leave the country;

The Immigration and Refugee Board of Canada (IRB) published information in October 2005 stating that Chinese airports have separate inspection barriers for Chinese citizens, foreign travellers, diplomatic staff, and airline personnel. The Frontier Defence Inspection Bureau (FDIB) controls inspection barriers and Chinese travellers must present their passports and immigration departure cards to FDIB officers who conduct identity verification using a computerised system.⁵

Additional advice received from DFAT in 2006 confirmed that Chinese authorities check all outgoing passengers against an 'alert' list; however, DFAT was not aware of how comprehensive the list is.⁶ DFAT stated that Chinese citizens subject to arrest warrants would be on the alert lists, and that it was likely that people under investigation (but for whom an arrest warrant is yet to be issued) would also be on the lists. DFAT also advised that alert lists are cross referenced to Chinese identity cards as well as passports.⁷

The most recent information located regarding data checking procedures at international airports in China was published in June 2009 by the Immigration and Refugee Board of Canada (IRB).⁸ This report identified the Golden Shield as the database system used by officials to check travellers. This system links information among all police departments at the county-level and above and most police stations and other units under the county level. Only small urban police stations and stations in remote areas may not be connected to this system. Chinese police are responsible for the administration of exit and entry, at all ports of entry, including international airports, and assign police units to examine travellers using this system. As this system contains criminal record and criminal fugitive information, it is logical to conclude that it would alert authorities to question and deny exit permission to someone with pending police charges. The IRB advice states:

⁴ Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – China – RRT Information Request: CHN30682*, 28 September – Attachment 2

⁵ Immigration and Refugee Board of Canada 2005, *CHN100513.E 'China: Exit controls for citizens traveling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport'*, 25 October – Attachment 3.

⁶ DIAC Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August – Attachment 4.

⁷ DIAC Country Information Service 2006, *Country Information Report No 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2008), 8 November – Attachment 5.

⁸ Immigration and Refugee Board of Canada 2009, *CHN103133.E 'Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China'*, 2 July – Attachment 3.

In 17 June 2009 correspondence with the Research Directorate, a counsellor at the Embassy of the People's Republic of China in Ottawa provided the following information on Public Security Bureau (PSB) information sharing:

1. The national computer network of policing is called the Golden Shield Project.
2. The aim of the project is to improve policing. Non-policing information and information from other departments, such as family planning information, is not stored in the project. There are strict regulations on how to use the data in the project.
3. The Project has eight databases:
 - (1) Population information, mainly the information on the citizen ID;
 - (2) Criminal record information;
 - (3) Criminal fugitive information;
 - (4) Information on stolen and robbed cars;
 - (5) Information on passports and exit and entry;
 - (6) Information on registered cars and drivers;
 - (7) Information on police officers;
 - (8) Information on key fire-prevention units.
4. Now all police departments at county level and above (namely police departments at provincial, city and county levels) and most police stations and other grass-roots units (namely police under the county level) can connect to the system. Some small police stations and grass-roots units in remote areas can not connect to the system.
5. The system used by PSB in Beijing is the same national system. It is part of the national system.
6. Chinese police are in charge of exit and entry administration. Just like CBSA [Canada Border Services Agency], in all ports of entry including international airports there are police units in charge of examination and they can connect to the system.⁹

4. Please provide information on the prevalence of corruption and bribery of local officials in China. Is the government acting to fight corruption?

According to 2 February 2010 *CNN* report, the Chinese government is in the midst of a sweeping national campaign to crack down on corruption among officials. While putting high level officials on trial for colluding with criminals and accepting bribes amounting to millions of dollars is a major part of the campaign, local officials are also being targeted. *CNN* reports 106,000 officials nationwide were found guilty of corruption charges in 2009 and the number of officials guilty of embezzling 'high amounts of money' rose by 19 percent. President Hu Jintao has called publicly for the government to increase anti-corruption programs at the most recent Communist Party Central Commission meeting.¹⁰

⁹ Immigration and Refugee Board of Canada 2009, *CHN103133.E 'Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China*, 2 July – Attachment 3

¹⁰ Chang E. 2010, 'Trial begins in Chinese corruption crackdown' *CNN*, 2 February <http://www.cnn.com/2010/WORLD/asiapcf/02/02/china.corruption.crackdown/index.html> - Accessed 14 April 2010 – Attachment 6

The Economist Intelligence Unit's (EIU) 2009 Country Profile for China¹¹ reports that President Hu launched several anti-corruption campaigns directed at government officials. However, in the absence of systemic reforms, these anti-graft efforts more often appear to be 'at least partly connected with attempts by senior CCP [Chinese Communist Party] officials to remove factional rivals in the ruling bureaucracy'.

In Transparency International's (TI) Corruption Perceptions Index 2009, released in November 2009, China was placed at 79 out of 180 countries, with 1 being the least corrupt and 180 being the most. The survey was based on perceived levels of corruption among public officials and politicians, as assessed by international experts and institutions. China scored 3.6 out of 10, with 10 representing low levels of corruption.¹²

The Freedom House annual report *Freedom in the World – China (2009)* characterises corruption in China as endemic and most concentrated in sectors with extensive state involvement, such as construction, land procurement, and banking. According to the report, government efforts to fight corruption are not having the desired effect. Reforms, such as 'open government' transparency regulations announced in 2008 have not produced substantial results when courts are hesitant to compel disclosure of information from local officials. Freedom House also assesses that the absence of an independent anti-corruption agency hampers reform. Nevertheless, the report states that multiple government agencies attempted to track and prosecute cases of corruption resulting in the discipline of 151,000 party officials between November 2007 and November 2008.

A 2008 article by Mark Magnier in the Los Angeles Times entitled *Bribery and graft taint every facet of life in China*,¹³ reports that corruption and bribery permeate society in China, virtually tainting every contact a citizen has with officials. No area is unaffected and the report specifically mentions corruption problems in businesses and factories. The article states that in 2007 nearly 5,000 officials at the county level were punished for engaging in corrupt practices. The recent remarkable economic growth in China has created numerous opportunities for local officials to enrich themselves through graft and their positions in local government.

5. Please provide any information on whether there is a national standard for iron and steel and if there has been a crackdown on substandard products.

Very little information was found regarding national standards for iron and steel in China. The only reference to changes in national standards affecting the Chinese steel industry was an announcement on 9 December 2009 by the *Chinese Ministry of Industry and Information Technology* that the government is seeking to realign Chinese steel production sector to reduce fragmentation, reduce over-capacity, and raise environmental standards. A draft government policy document stated that firms with less than 1 million tonnes capacity per year would be eliminated or restructured. According to an 8 December 2009 *Reuters*¹⁴ report, the ministry has identified excess capacity in the steel industry as a major challenge as exports have declined.

¹¹ UK Home Office 2010, *Country of origin information report: China*, 8 January, pp70-71 – Attachment 7

¹² Transparency International 2009, *Corruption Perceptions Index 2009*

http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table - Accessed 8 February 2010 – Attachment 8.

¹³ Magnier, M. 2008, 'Bribery and graft taint every facet of life in China' 29 December

<http://articles.latimes.com/2008/dec/29/world/fg-china-corruption29> - Accessed 14 April 2010 – Attachment 9

¹⁴ 'China to close steel firms with a capacity under 1 mln T; 2009, *Reuters* 8 December

<http://www.reuters.com/assets/print?aid=USTOE5B805420091209> - Accessed 14 April 2010 – Attachment 10

6. Is education denied to children of people charged with or convicted of a crime?

No information was located indicating that education is ever denied to children of Chinese citizens charged with, or convicted of, a crime.

Attachments

1. *The Passport Law of the People's Republic of China*, Promulgated by the 21st Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on 29 April 2006 and effective as of 1 January 2007, Beijing Review website http://www.bjreview.com.cn/document/txt/2006-12/14/content_50706.htm – Accessed 16 February 2007.
2. Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – China – RRT Information Request: CHN30682*, 28 September.
3. Immigration and Refugee Board of Canada 2005, *CHN100513.E 'China: Exit controls for citizens traveling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport'*, 25 October.
4. DIAC Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August.
5. DIAC County Information Service 2006, *Country Information Report No 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2008), 8 November.
6. Chang E. 2010, 'Trial begins in Chinese corruption crackdown' *CNN*, 2 February <http://www.cnn.com/2010/WORLD/asiapcf/02/02/china.corruption.crackdown/index.html> – Accessed 14 April 2010.
7. UK Home Office 2010, *Country of origin information report: China*, 8 January, pp70-71.
8. Transparency International 2009, *Corruption Perceptions Index 2009* http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table – Accessed 8 February 2010.
9. Magnier, M. 2008, 'Bribery and graft taint every facet of life in China' 29 December <http://articles.latimes.com/2008/dec/29/world/fg-china-corruption29> – Accessed 14 April 2010.
10. 'China to close steel firms with a capacity under 1 mln T; 2009, *Reuters* 8 December <http://www.reuters.com/assets/print?aid=USTOE5B805420091209> – Accessed 14 April 2010.