

**Migration Review Tribunal
AUSTRALIA**

MRT RESEARCH RESPONSE

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Questions

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RESPONSE

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A number of previous research responses address issues surrounding *hukou* registration and may provide some relevant background information:

1. RRT Research & Information 2008, *Research Response CHN33969*, 31 October – Attachment 1
2. MRT Research & Information 2008, *Research Response CHN33856*, 21 October – Attachment 2
3. MRT Research & Information 2008, *Research Response CHN34141*, 8 December – Attachment 3

A book written in 2005 by Fei-Ling Wang describes China's *hukou* system and the current registration requirements, and outlines the difference between permanent and temporary *hukou*. Wang explains that changes can be made to the *hukou* record and booklets "when a household changes its address in the same *hukou* zone, merges with another household, or divides into several new households":

Permanent hukou. Permanent *hukou* is the most important registration of the PRC *hukou* system, the basis of *hukou*-based institutional exclusion, social control, political organization, and resource allocation in contemporary China. Permanent *hukou* is the legally recognized location and type of a citizen's *hukou* and is unrelated to actual location and length of residency. A person may actually live outside the zone where his *hukou* is located. Others may live in one area for decades without the local permanent *hukou*. All citizens must be registered within one month of birth or adoption at the local police station to establish a permanent *hukou* record regarding type, location and family relations.

...Permanent *hukou* can be changed only by the *hukou* authority in the case of permanent internal migration (*qianyi*) for a state-sector job assignment, college or graduate-school enrollment, or specially authorized change of *hukou* such as recategorization of rural residents as urban residents, or for family reunion purposes.

...*Temporary hukou*. A temporary *hukou* is required for those staying or living outside their permanent *hukou* zone for more than three days. According to the *Provisional Regulations on the Management of Temporary Residents in the Urban Areas*, issued by the MPS on July 13, 1985, all temporary residents in a city or township for longer than three days, including tourists and foreigners, must register with local *hukou* authorities.

...In addition, to the all-important basic *hukou* and migrant registrations, the PRC *hukou* system is charged with the collection of other important information about the citizens. Birth, death, and marriage are routinely monitored by *hukou* police and officials. The PRC government relies on *hukou* records as its legal source for information about population changes and for purposes of criminal investigation. Changes and corrections are made to *hukou* files when a household changes its address in the same *hukou* zone, merges with another household, or divides into several new households. *Hukou* police are responsible for changing the permanent or temporary *hukou* records and booklets, and for the computerization of the *hukou* system that started in the major cities in 1992 (Wang, F. L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp. 70-71, 83, 191 – Attachment 4).

A response provided by the Immigration and Refugee Board of Canada (IRB) on 19 April 2002 indicates that a permanent *hukou* does not expire; however, details can be amended in circumstances such as marriage or change of residence:

On 11 April 2002 an official at the Embassy of Canada in Beijing stated that

A *hukou* does not expire so there is no need for it to be renewed. There are occasions when a *hukou* required amending, i.e.: if the person moves, if there is an addition to the family, if the person gets married, etc. The information we have been able to obtain is that amendments to the *hukou* are made by the local government, [at the] local police station, [which is] responsible for issuing and maintaining the *hukou* (Immigration and Refugee Board of Canada 2002, *CHN37380.E – China: whether a person can have his or her hukou renewed even if he or she is outside of China*, 19 April – Attachment 5).

Information provided by the IRB in April 2006 explains that under the *hukou* system, “a person is only able to access community-based benefits and opportunities, as well as obtain legal permanent residence, in the *hukou* zone in which he/she is registered”:

There are two categories of *hukou* in China: agricultural (rural) and non-agricultural (urban) (ibid., 23; HRIC 6 Nov. 2002, 9). A person's *hukou* record includes the category of *hukou* [i.e., agricultural (rural) or non-agricultural (urban)] (Wang 2005a, 88), residential address and location, employment information, as well as other family and personal information (ibid.; Rogerson and Wu 2002), including religious beliefs and physical features (Wang 2005a, 88). While it is possible to change one's *hukou* categorization (ibid.; UN 30 Nov. 2005, 3), this is reportedly difficult (ibid.) and requires government approval (Wang 2005a, 88; Wang 2005b, 23; see also Country Reports 2005 8 Mar. 2006, Sec. 2.d).

...Urban and Rural Hukou (including available social services)

According to several sources, including the Director of the China Institute at the University of Alberta and a PhD candidate in China Studies at the University of Technology in Sydney, as of 2006, there remains a distinction between rural and urban hukou (Director of China Institute 4 Apr. 2006; China Studies PhD candidate 7 Apr. 2006; Assistant professor of Economics 29 Mar. 2006; Associate Professor of International Affairs 1 Apr. 2006) which is “expected to continue for some time” (ibid.). Various sources reported that China’s urban hukou holders have better access to economic and social benefits and opportunities than do rural hukou holders (Wang 2005a, 120; Director of China Institute 4 Apr. 2006; UN 30 Nov. 2005, 4), including access to education, medical care, and housing (ibid.).

In a November 2005 news article, the British Broadcasting Corporation (BBC) cited the Director of the China Institute at the University of Alberta describing China’s hukou system as “one of the most strictly enforced ‘apartheid’ social structures in modern world history” (BBC 10 Nov. 2005). The Director further stated that

[u]rban dwellers enjoy a range of social, economic and cultural benefits while peasants, the majority of the Chinese population, are treated as second-class citizens (ibid.).

Rural hukou holders who migrate to urban areas are “largely discriminated against” in host cities (The Straits Times 21 Jan. 2006), and are unable to access many of the social services available to urban citizens (ibid.; The Financial Express 19 Nov. 2005). In a May 2005 report, the United Nations Committee on Economic, Social and Cultural Rights expressed concern about the hukou system and the situation of internal migrants in China, stating,

The Committee notes with deep concern the de facto discrimination against internal migrants in the fields of employment, social security, health services, housing and education that indirectly result from inter alia, the restrictive national household registration system (hukou) which continues to be in place despite official announcements regarding reforms (13 May 2005).

...Temporary Hukou and Temporary Residence Certificate (TRC)

Temporary migrants, travellers, and foreigners staying in a locality for an extended period of time (i.e., more than three days) must register with the local hukou authorities to obtain a temporary hukou (Wang 2005a, 88; ibid. 2005b, 71). Temporary hukous can also be obtained at certain hotels and guesthouses with “specially trained and authorized registration clerks” (ibid., 74). An application for a temporary hukou must be made within three days of arrival in the locality and must be cancelled upon departure from the locality (ibid.). If it is not cancelled earlier, the temporary hukou automatically expires after three months (ibid.).

For stays longer than three months, visitors must apply for a Temporary Residence Permit [zanzhuzheng] (Wang 2005, 29), also referred to as Temporary Resident Certificate (TRC) (UN 30 Nov. 2005, 4). A TRC can also be requested by the hosting household, landlord, or employer on behalf of the visitor (ibid.). In addition to documentation from the applicant’s employer, host, or landlord, a character reference from the police of the originating hukou zone is required (Wang 2005, 75). A TRC is renewable every six to twelve months (ibid., 74).

Among the sources consulted by the Research Directorate, the cost associated with obtaining a Temporary Resident Certificate is unclear. However, two sources suggested that TRC fees varied as a result of corruption among Chinese authorities (US 7 Oct. 2005, 6; He 1 Sept. 2005).

A TRC is generally required in order to legally rent housing (UN 30 Nov. 2005, 4; Wang 2005b, 74), open a bank account, receive registered mail (ibid.), register a business, or obtain an employment certificate (UN 30 Nov. 2005, 4). According to Country Reports on Human Rights Practices for 2005, most cities in China in 2005 had an annual quota for the issuance of new temporary residence permits and as a result, migrant workers, including university graduates, had to compete for a TRC (8 Mar. 2006, Sec. 2.d). Another source noted that, in Beijing, only migrants with at least a secondary school level of education were eligible to apply for a TRC (The Financial Express 19 Nov. 2005).

A TRC holder is not considered a local resident (Wang 2005b, 74; Director of China Institute 4 Apr. 2006). Although the TRC allows migrants from rural areas to legally reside in urban areas (UN 30 Nov. 2005, 4), it does not entitle them to the same social benefits as urban hukou holders (ibid.; Director of China Institute 4 Apr. 2006). Regardless of how long a person has lived and worked in the same hukou zone, a temporary hukou cannot be turned into a local hukou (Wang 2005b, 74) (Immigration and Refugee Board of Canada 2006, *CHN101198.E – China: The hukou; whether there remains a distinction between urban and rural hukou; social services available to persons holding an urban or rural hukou; the temporary hukou; and whether a person who is not registered in an urban area can obtain social services, including a hukou (2005 – 2006)*, 26 April – Attachment 6).

An IRB response dated 3 September 2002 similarly explains *hukou* classifications and quotes a professor of international affairs at the Georgia Institute of Technology as advising that “a hukou booklet cannot list different people with different classifications unless is it “altered or forged””:

A 1998 paper entitled “The Hukou System and Rural-Urban Migration in China: Processes and Changes” co-written by a professor of Geography at the University of Washington provided the following information:

In mainland China, all PRC [People’s Republic of China] nationals’ personal hukou is classified by two related parts: one by residential location and one by socioeconomic eligibility (often confusingly called “agricultural”/“non-agricultural”). [...]

The first classification of one’s hukou registration is the “hukou suozaidi” (the place of hukou registration). It is based on one’s presumed permanent residence. Under hukou regulation each citizen is required to register in one and only one place of regular residence. The most common categories of the place of hukou registration are urban centers (cities or towns) or rural settlements (villages or state farms). The local regular hukou registration defines one’s rights for social and economic activities in a specified locality. [...] Openings of many jobs, even today, are limited to local hukou holders.

The second classification is the “hukou leibie” (the “status” or type of hukou registration), essentially referred to the “agricultural” and “non-agricultural” hukou. This classification determines one’s entitlement to get the state-subsidized grain and other privileges and is often more important than the hukou place of registration (4).

The paper goes on to note that, as “the two classifications are based on different criteria, urban areas contain both non-agricultural hukou population as well as agricultural hukou population. Similarly, non agricultural hukou may exist in urban areas or the countryside” (ibid., 5).

Information contained in a winter 2000 China Human Resources Update prepared by a recruiting firm for Asia described the hukou as a “small passport-size booklet showing the holder’s name, names of family members, permanent address, date of birth, educational level and other details” (Pacific Bridge). The update further stated that only one book is allowed per family and that each family has one representative who holds the hukou (ibid.).

According to a background brief published by the East Asia Institute (EAI) at the National University of Singapore, the permanent location of a person’s hukou cannot be changed without the approval of the “hukou authorities” for the particular local community (25 Oct. 2001).

As well, the designation of hukou place and status for a person is inherited from the mother and is essentially a “birth-subscribed” system (Chan, Kam Wing and Li Zhang 1998, 5).

A 2 July 2001 article detailed the experience of a rural woman who married a Beijing resident, stating that, despite their marriage, the woman could obtain only a temporary resident permit and could be forced to leave the city during police crackdowns against migrant workers (South China Morning Post). The article further noted that the woman’s “daughter’s education will require double the normal school fees, as city authorities consider her a peasant like her mother” (ibid.).

The following information, dated 26 August 2002, was provided to the Research Directorate in correspondence from a professor of international affairs at the Georgia Institute of Technology whose specializations include internal migration and China:

Under Chinese laws, there are two categories/types/classifications of permanent hukou: the agricultural or rural and the non-agricultural or urban hukou. Each household has a hukou booklet (hukou ben), as the legal copy of the hukou registration is filed at the hukou police. Each hukou booklet contains only the members of the same household (either a blood-family or a danwei or working unit like a firm) with the same hukou type and location. Each person of the household usually has one page in the booklet. People with different hukou types or different hukou locations can not be on the same hukou booklet.

One address can only be registered for one type and location of permanent hukou. A temporary local hukou can be issued to a tenant/visitor/employee (who is from out of town and may also have a different type of hukou) living in the same address as long as the household head at the address qualifies and agrees to be the sponsor. But the temporary hukou (usually valid for 6 months and may be renewable) holder can not be on the same permanent hukou booklet.

The professor further added that a hukou booklet cannot list different people with different classifications unless it “altered or forged” (ibid.) (Immigration and Refugee Board of Canada 2002, *CHN39172.E – China: The issuance of household registration/hukous; whether different people with different classifications can be registered on the same household registration and whether or not two separate hukous can be issued for the same address*, 3 September – Attachment 7).

A previous research response provides information on whether there are any penalties for failing to update information on a *hukou*, such as failing to update an address after moving out as the result of a divorce (MRT Country Research 2006, *Research Response CHN30506*, 12 September – Attachment 8).

The response cites the following requirements for the administration of *hukou* in Shanghai:

Article 7 The citizen shall register their Hukou under the principle of permanent residence as first priority. The citizens with over two permanent addresses is only allowed to register in one of the addresses and shall fill out the Form of Permanent Residence faithfully.

The citizen shall register Hukou in accordance with the law. Their right of Hukou registration is protected by the law.

...Article 14 Alteration procedures shall be proceeded with in accordance with the following regulations for any changes to any items in Hukou registration:

...(7) For alteration of the items, e.g. educational level, marital status, military service, height and profession, the applicant or the housemaster shall proceed with alteration formalities holding the ID card, Permanent Residence Card, education certificates, marital status testimonial of the applicant or other relevant certificates issued by the HR department of the employer.

The alteration of items from Item 1 to 6 shall be submitted to the Hukou registration organs for initial audit and then to the Hukou administration organ of each district or county for examination and approval. The Hukou registration organ may directly alter Item 7 after its acceptance and examination of the application.

... Article 17 If the transfer of non-agricultural Hukou is justified and with complete procedure and legal testimonials, the Hukou registration organ shall approve the transfer.

If the Hukou transfer occurs within the same village or town, it shall be subject to the examination and approval by the local Hukou registration organ; If the transfer is across village or town, it shall be subject to the Hukou registration organ of the place of destination for examination and then submitted to the Hukou organ of district/county public security bureau for approval before the transfer formality can be processed.

Article 18 For moving out, the citizen shall go to the Hukou registration organ where his Hukou is registered to handle the procedures; For moving in, the citizen shall go to the Hukou registration organ of the destination for Hukou transfer to handle the procedures, a prior written permission from the housemaster shall be acquired.

Hukou transfer of the citizen without capacity of civil conduct or with limited capacity of civil conduct shall be handled by his custodians. Hukou transfer of whole family shall be handled by the housemaster ('Interim Measures For the Administration of Hukou in Shanghai' 2000, Shanghai Government Website, 28 January <http://www.shanghai.gov.cn/shanghai/node8059/ServiceforCitizen/node8129/node8130/userobject22ai9321.html> – Accessed 11 September 2006 – Attachment 9).

An article dated 13 March 2007 claims that “Chinese authorities have indeed moved to eliminate the distinctions between “agricultural” (*nongye*) and “non-agricultural” (*fei nongye*) hukou registration”; however, “the linkage between one’s hukou registration in a particular city and the ability to enjoy municipal health or education services...remains alive and well”. The article indicates that currently, in order to be granted urban *hukou* status, rural migrants in many provinces are required to have a fixed place of residence, which local regulations often define as requiring ownership of one’s residence:

To listen to some official Chinese pronouncements and US media coverage, one might think that the Chinese hukou (household registration) system is on the verge of complete dismantlement. Wu Dong, chief of the Bureau for the Management of Public Order at the Ministry of Public Security announced on March 8 that Chinese authorities would deepen reform of the hukou system in 2007, according to a March 9 Legal Daily article reposted on the People's Daily website. Reforms would aim at replacing temporary residence cards, migrant marriage documentation, and other controls over the migrant population with a unified residence permit system.

Chinese provincial authorities have previously made announcements regarding the elimination of distinction between "agricultural" and "non-agricultural" hukou status. Western media has picked up on some of these pronouncements and characterized them as efforts to "abolish" or "eliminate" the hukou system.

This is wrong. The Chinese hukou system is not disappearing. But it is mutating.

For starters, take a look at Wu's own language in the March 8 statement:

We should adjust our policies on shifting one's place of hukou registration, using **possession** of a legal and fixed place of residence as the basic criteria for obtaining hukou registration [in an urban area], allowing those in the migrant population who fulfill this criteria to obtain hukou registration in their place of ordinary registration, and guiding the migrant population to merge with the local [urban] society. Model migrant workers, advanced workers and technicians, and others who have made outstanding contributions, will be granted preference in obtaining hukou registration [in urban areas].

This is not a proposal to wipe out the hukou system entirely. It is a call to gradually allow those migrants deemed desirable, and who satisfy particular criteria, to obtain urban hukou registration. This is, in fact, entirely consistent with the general trend of Chinese hukou reforms over the past twenty years.

Chinese authorities have regularly pressed policies to grant urban hukou status to migrant workers who have a "fixed place of living" and a "stable source of income." But local regulations often define these terms to require ownership of one's own home or professional employment. Naturally, this excludes many low-wage migrants.

Migrants must obtain local hukou in urban areas to receive public services and benefits on an equal basis with other urban residents. But since local hukou reforms continue to apply strict economic and housing criteria to determine migrant eligibility for obtaining urban hukou status, many continue to suffer from institutional exclusion. And since hukou status is inherited, children of low-wage migrants can be born and raised in urban areas, yet not enjoy the same status as their urban counterparts.

One reason for the confusion in reporting on hukou reform: outsiders don't understand the system that well. Chinese authorities have indeed moved to eliminate the distinctions between "agricultural" (nongye) and "non-agricultural" (fei nongye) hukou registration. In the pre-reform era, this distinction played a critical role in determining whether one was eligible for food rations. But with the advent of private markets for food, that role has largely disappeared. Chinese scholars have noted that these reforms have progressed relatively smoothly precisely because they "don't involve substantive content," as noted in a January 4, 2006 post on the CECC website.

In contrast, the linkage between one's hukou registration in a particular city and the ability to enjoy municipal health or education services on an equal basis with other residents remains alive and well. In 2006, intergovernmental research groups created by the State Council noted that hukou reform would be difficult to carry out without comprehensively addressing these issues, according to a January 31 post on the China Court web site (Minzner, C. 2007, 'Is The Hukou System Really Disappearing?', Chinese Law and Politics Blog website, 13 March http://sinolaw.typepad.com/chinese_law_and_politics_/2007/03/is_the_hukou_sy.html – Accessed 2 September 2009 – Attachment 10).

The IRB response dated 26 April 2006 cited above similarly states that rather than abolishing the *hukou* system, reforms have resulted in many towns and cities setting requirements that rural migrants must meet in order to obtain urban *hukou* registration, including “fixed housing and stable employment”:

In smaller towns and cities, local governments have reportedly started implementing reforms, allowing rural migrants to apply for urban resident permits (China Studies PhD candidate 7 Apr. 2006; The Financial Express 19 Nov. 2005). The requirements for obtaining an urban hukou in certain locations include fixed housing and stable employment (*ibid.*; Vancouver Sun 7 Nov. 2005; see also US 9 Mar. 2005). A March 2005 publication by the United States Congressional-Executive Commission on China (CECC) noted that many of the hukou reforms define [urban hukou eligibility] requirements in terms which exclude the vast majority of Chinese migrants, who often work as manual laborers and live in temporary accommodations (*ibid.*).

Guangdong, Liaoning, Shandong, and Fujian are reportedly among the 11 of 23 provinces to “take the lead in abolishing hukou differentiation” (China Studies PhD candidate 7 Apr. 2006).

Regarding the possibility of hukou abolishment, an assistant professor of Economics at the State University of New York at Buffalo who has conducted research on the hukou system, stated that, although several provinces have proposed to abolish the hukou system, “[t]he process is slow and difficult” (29 Mar. 2006).

In 1 April 2006 correspondence sent to the Research Directorate, an associate professor of International Affairs at the Georgia Institute of Technology, who specializes in the subject of household registration in China, stated that

[initial reports on hukou abolishment have] been an exaggeration. What was announced in Beijing (and then covered by the BBC and others) was about removing some of the unsightly categorizations and distinctions, not about abolishing the hukou system. The places to start such reforms are mainly the eastern and central provinces. It is still unclear as to how much has been implemented (1 Apr. 2006) (Immigration and Refugee Board of Canada 2006, CHN101198.E – *China: The hukou; whether there remains a distinction between urban and rural hukou; social services available to persons holding an urban or rural hukou; the temporary hukou; and whether a person who is not registered in an urban area can obtain social services, including a hukou (2005 – 2006)*, 26 April – Attachment 6).

In addition, the following paper discusses reforms of the *hukou* system since the late 1990s, stating that rural migrants who wish to obtain *hukou* registration in urban areas must satisfy certain criteria, including having a “stable place of residence” and a “stable source of income.” Local regulations have varied interpretations of these criteria, however, many regard having a “stable place of residence” as owning one's own home. For example, in Hebei, “provincial regulations bar migrants living in rented apartments from receiving local hukou”. However, it is also stated that in Jiangsu Province in 2003, it was announced that

officials “planned to end the labeling of hukous as agricultural, non-agricultural, blue-stamp, and other types, thereby “breaking” urban-rural divisions”. Despite these reforms, the requirement for urban *hukou* registration to satisfy permanent residence criteria remained unchanged:

[S]ince 2001, many provinces and large cities have also begun to allow migrants who satisfy certain criteria to obtain local hukou in urban areas. As with the State Council decision on small cities and towns, these measures generally require that applicants possess a “stable place of residence” and a “stable source of income.” Many provincial and municipal regulations define these terms stringently. For example, Nanjing municipal regulations define “stable place of residence” as private ownership of a house, or residence in corporate- or government-owned housing. Hebei provincial regulations bar migrants living in rented apartments from receiving local hukou. Many regulations interpret “stable source of income” to mean formal employment by a private enterprise or government bureau, or establishment of a private enterprise with a stable source of income, rather than the unskilled jobs held by many migrants. Many local regulations expressly exclude low-income workers with salaries under officially-determined limits.

Many provincial and municipal regulations grant local hukou in urban areas based on educational or financial criteria. Zhejiang province directs large and medium-sized towns to grant local hukou to individuals who purchase homes of a certain size or price. Non-local residents with higher educational levels enjoy similar benefits. Chongqing municipality grants local hukou to persons with a 2-year college degree (*dazhuan*) or higher who purchase a house or apartment that measures 30 square meters or more.

...Local Chinese government officials often portray these reforms as eliminating hukou discrimination against rural residents and migrants because they have ended distinctions between different hukou types. For example, Jiangsu province announced in March 2003 that it planned to end the labeling of hukous as agricultural, non-agricultural, blue-stamp, and other types, thereby “breaking” urban-rural divisions. Other provinces have announced similar reforms. These changes do not abolish hukou identification entirely, however. They leave intact the remaining component: registration by permanent residence. As a result, migrants must still satisfy the criteria set by local authorities to obtain a local hukou in a given urban area (Congressional-Executive Commission on China 2005, ‘China’s Household Registration System: Sustained Reform Needed to Protect China’s Rural Migrants’, Congressional-Executive Commission on China website, 7 October <http://www.cecc.gov/pages/news/hukou.pdf?PHPSESSID=64f24a0aa4cf63d87d4b0e4aead2d2aa> – Accessed 2 September 2009 – Attachment 11).

However, the following paper on housing tenure choice in China indicates that people who hold urban, permanent *hukou* are eligible for subsidised rental housing, and that “[h]ouseholds can choose to own or rent”:

Housing reform, aiming to create a functional housing market, has granted households a certain degree of freedom of housing choice and thus has changed the nature of the housing system in urban China.

...Households can choose to own or rent. Yet, ‘commodity housing’ is accessible only to households with urban and permanent *hukou*, with a few exceptions for blue *hukou* holders. Migrants with rural or temporary *hukou* may access private housing by individual owners; yet they are in general unqualified for home-ownership in cities.

...[U]rban *and* permanent *hukou*, indicating a close relationship between households and the state/local government, are requirements for households to access public rental housing and purchase both public and private housing, while those with rural *hukou* or migrants with temporary *hukou* in general do not qualify. Thus the rates of home-ownership among households with different *hukou* are different... Among those with permanent *hukou*, only people with urban *hukou* qualify for subsidised rental housing, so they have a much lower rate of home-ownership than those with rural *hukou* (48.7 per cent versus 73.2 per cent) (Huang, Y. and Clark, W. A. V. 2002, 'Housing Tenure Choice in Transitional Urban China: A Multilevel Analysis', *Urban Studies*, Vol. 39, No. 1, pp. 13-14, 18-19 http://www.albany.edu/~yhuang/Huang&Clark_HousingTenureChoiceInTransitionalUrbanChina.pdf – Accessed 1 September 2009 – Attachment 12).

In addition, a report from Human Rights in China states that local urban *hukou* holders in most large cities have access to housing benefits provided by the government, which enable them to “purchase and rent housing at a lower cost”. The following information relates specifically to Beijing, however may be of some relevance:

There are several housing benefits in Beijing that migrants do not enjoy. First, the “Housing Fund System” [住房公积金制度] enables working urban *hukou* holders to have a portion of their paychecks invested into a housing fund. When they are ready to purchase, the account additionally allows them to secure loans from the bank at a lower interest rate. Second, the “Economically Affordable Housing” [经济适用房制] government policy enables Beijing *hukou* holders to purchase housing at a substantially lower price. Third, the “Low-rent Housing Program” [廉租房制度] ensures that Beijing *hukou* holders who do not meet a minimum income enjoy a lower rent for housing (Human Rights in China (HRIC) 2009, 'Implementation of the Convention on the Elimination of all Forms of Racial Discrimination in the People's Republic of China: A Parallel NGO Report by Human Rights in China', Human Rights in China website, June, pp. 18, 37 http://www.hrichina.org/public/PDFs/Reports/2009-CERD_Report.pdf – Accessed 31 August 2009 – Attachment 13).

A 2008 paper on housing for rural migrants in China similarly indicates that urban *hukou* holders have the option of renting or owning a house. Evidence suggests that local, urban *hukou* holders are more likely to own than rent their place of residence. However, there is no indication that renting a house or unit excludes a person from maintaining their urban *hukou* registration:

When the respondent holds an urban *hukou*, the probability of choosing to own a housing unit, to rent a public housing unit or the employer-provided housing unit, or to rent a private housing unit in urban areas is much higher than to rent a unit in an urbanising village. This indicates that urban *hukou* holders prefer to stay in urban areas, outside urbanising villages. When the respondent holds a local *hukou*, the possibility of choosing to own a housing unit is significantly higher than other renting options. The results also indicate that when choosing renting options, a person with a college degree is more likely to choose a public rental unit, an employer-provided unit or a private rental unit in an urban area than to live in an urbanising village. Finally, when comparing private renting options, a person with a higher income is more likely to choose a rental unit in an urban area than to live in an urbanising village.

To evaluate if individual and household characteristics and type of employment have different effects on choosing housing type for people with different *hukou* status, we further disaggregate the sample into two sub-samples: those with and those without local *hukous*... For the group with local *hukous*, we find that individual lifecycles, income and urban *hukou* strongly affect people's choice to own a housing unit. Individuals who are between 35 and 60 years old, married or with a child at home, who have higher income or

hold an urban *hukou* are more likely to own rather than to rent in urbanising villages. Among renting options, people with a higher income, holding an urban *hukou* or working for a state-owned enterprise are more likely to choose a public rental unit or employer-provided unit than to live in urbanising villages. Furthermore, people with a higher income and holding an urban *hukou* are more likely to choose a rental unit in an urban area than to live in urbanizing villages (Song, Y., Zenou, Y. and Ding, C. 2008, 'Let's Not Throw the Baby Out with the Bath Water: The Role of Urban Villages in Housing Rural Migrants in China', *Urban Studies*, Vol. 45, No. 2, pp. 322-325
<http://usj.sagepub.com.ezproxy.lib.rmit.edu.au/cgi/reprint/45/2/313> – Accessed 1 September 2009 – Attachment 14).

Impact of *hukou* on educational opportunities and school enrolment

The following sources indicate that a person must possess urban *hukou* registration in order to access urban state schools. Re-registration in a rural area may have implications on urban school enrolment.

For example, according to Fei-Ling Wang, “only people with permanent local *hukou* can send their children to the local public schools at the state-subsidized cost”. In addition, Wang highlights the fact that migrant children enrolled in urban schools must return to their place of rural *hukou* registration in order to sit college exams:

Those not holding local *hukou* can send their children to local schools only after making substantial payments for available slots. The children, however, must still return to their permanent *hukou* zones to take college and professional school entrance examinations, which are usually much more competitive outside the major cities.

...Under the PRC *hukou* system only people with permanent local *hukou* can send their children to the local public schools at the state-subsidized cost. In 1996, to enforce the national policy of mandatory education among the millions of migrants, the State Education Commission issued a regulation to address the education among the millions of migrant school-age children. The *hukou* police were first required to restrict the migration of school-age children so they could continue their mandatory education in their home town or home village, if any relatives there could be found to serve as nonparent guardians. In March 1998, the MPS and the Ministry of Education (formerly the State Education Commission) jointly issued a new regulation that requires the public schools of all cities to organize guest classes for the migrant children, with appropriate and reasonable additional fees. The regulation also legalizes the previously illegal private schools created exclusively for migrant children.

The 1998 regulation acknowledged the serious problem of no education for massive numbers of migrant school-age children and outlined new policies to accommodate that fact. Yet “different localities have reacted very differently: some support but some stop the implementation” of the 1998 regulation. Most frequently, the urban schools simply charge the guest students hefty fees to keep them away (Wang, F. L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp. 67, 193-194 – Attachment 4).

The IRB response dated 26 April 2006 cited earlier similarly advises that access to education and other social services is severely limited for migrants without local *hukou* registration:

According to the associate professor of International Affairs at the Georgia Institute of Technology,

[a] non-registered person anywhere, not just in the cities, is considered hukou-less and usually can't obtain local social services such as unemployment relief or social welfare support (but can still access such [services] in his/her hometown where his/her hukou is located) (1 Apr. 2006).

Country Reports on Human Rights Practices for 2005 noted that access to social services in China, including education, was "difficult or impossible" for migrants without official residence status (8 Mar. 2006, Sec. 2.d).

In a 4 April 2006 telephone interview, the Director of the China Institute at the University of Alberta indicated that migrant workers who are not registered in urban areas may be able to access social services by paying higher fees (e.g., for sending their children to school) or by offering bribes to officials (4 Apr. 2006). In 7 April 2006 correspondence, a China Studies PhD candidate at the University of Technology in Sydney similarly indicated that, in general, a person who is not registered in an urban area cannot access social services unless he/she pays for those services (Immigration and Refugee Board of Canada 2006, *CHN101198.E – China: The hukou; whether there remains a distinction between urban and rural hukou; social services available to persons holding an urban or rural hukou; the temporary hukou; and whether a person who is not registered in an urban area can obtain social services, including a hukou (2005 – 2006)*, 26 April – Attachment 6).

A news article dated 6 March 2008 outlines the restrictions faced by migrant children regarding enrolment in urban schools in Beijing, particularly describing the extra fees charged to migrant families:

If he wants to be enrolled in a school in Beijing, the family has to pay an extra fee to the school, which is called temporary studying fees (a kind of schooling fees only for migrant children). Although the amount of the fee has been decreasing in recent years with the intervention of the Beijing municipal government, according to government rules, the fee adds up to 17,400 yuan for a kid to finish high school education.

They also need to give the school more money as sponsor fee, which is set by the school individually and is much higher the temporary studying fees.

Zhang Yong took his friend's son for an example. Each year, the boy needs to give his school an average of 10,000 yuan as sponsor fee. Zhang deduced that they should prepare over one hundred thousand yuan for their son before he enters college.

"And preschool education expense hasn't been included," said Zhang. Take a kindergarten near Zhang's home for an example, each year, they charge a migrant student over 30,000 RMB as sponsor fee.

The extra charge adds huge burden to the migrant families. But it's not the worst. After graduating from a high school, the child has to return to the place where his "hukou" was registered to take part in the college entrance exam, which is the rule.

There is only one way to help Zhang Yong solve all the problems – buying his son a Beijing hukou. Zhang said that he really thought this over before. The price is 200 thousand RMB, which is a bit less than the heavy schooling fees he has to pay in the next 12 years (‘Where should we register our son’s hukou’ 2008, *China Daily*, 6 March – Attachment 15).

In addition, Amnesty International’s August 2007 report on discrimination against internal migrants in China emphasises the difficulties faced by children not legally registered in urban areas in receiving a decent education:

Millions of internal migrant children still struggle to get a decent education. Many of those who live with their parents in the city are effectively shut out of state schools, because their parents are not legally registered, or by the high school fees, or their failure to pass qualifying exams administered by schools. Private schools set up especially by internal migrants for their children, on the other hand, face sudden, possibly discriminatory, closure by local governments, and offer lower quality education than state schools (Amnesty International 2007, *Internal Migrants: Discrimination and Abuse. The Human Cost of an Economic Miracle*, March – Attachment 16).

A paper on school choice in China states that schools in urban areas “are divided into districts or zones” and that government policy requires students to attend the school in their zone of residence. However, parental choice regarding which school their children attend is becoming more common-place and can take a number of forms, including paying higher fees:

(I) Nature of School-Choice Phenomenon

The effort to accommodate parental choice in schooling is a rather recent phenomenon in education in China. In urban areas, schools are divided into districts or zones and the government’s general policy on school assignment is that students go to the government school in their district of residence. Parental choice in school is a departure from this general policy and it can take one of the following forms:

- (1) Allowing students to go to a government school in another district. The destination school is allowed to charge a relatively high school fee on such students;
- (2) Allowing students with a lower examination score to enroll in a government school which requires a certain threshold score for admission. The student has to pay an admissions fee to the school;
- (3) Allowing students to enroll in a “people-run” school (known as minban school in China) which usually charges a much higher school fee than government schools; and
- (4) Allowing students to enroll in a traditional private school that usually charges the highest school fee.

Here government schools refer to schools sponsored by government agencies, funded by the State, and managed by government agencies at various levels. Traditional private schools and people-run schools are non-government schools. Traditional private schools refer to schools sponsored and managed by a private individual or group, and funded by student tuition and other private sources. People-run schools are schools sponsored and managed by a community of people or a collective organization, and funded by resources from the community or collective organization, and from a variety of sources (student tuition, financial assistance from the State, etc.). They are non-government and non-private schools that lie some where between government schools and traditional private schools. There is a range of people-run schools, some are closer to government schools while others are closer to traditional private schools.

There are several reasons why parents choose to pay a high school fee to send their children to another school. First, parents want their children to study in a higher-quality school so that they have a better chance of eventually going to college. The destination government school is usually a “key” government school, a “demonstration” government school, or an “experimental” government school that has a high rate of educational transition. Key schools are located throughout the country and are designated by the government to be the elite government schools and they admit the top-achieving students. Demonstration and experimental schools are special government schools located in selected areas for certain educational purposes and are often affiliated with a university. Such schools are often associated with a high-quality teaching staff, an effective principal, better facilities, and more government investment. Some parents also send their children to people-run and traditional private schools so that their children do not get stuck in a low-quality neighborhood government school. Second, access to schooling is still an issue in many parts of China. By paying a school fee, parents can buy a place for their children who do not have the required examination scores. Third, some parents send their children to the traditional private schools because of a variety of taste-related or personal reasons. Some traditional private schools attract students by offering specialty programs (such as in the English language, computer, and music or arts). Some are boarding schools that appeal to parents with a busy work schedule, especially when both parents work and are away from home. So far, the school-choice phenomenon is confined primarily to urban areas where families have much higher income and can afford the high school fees (Tsang, M. C. 2001, ‘School Choice in the People’s Republic of China’, Teachers College, Columbia University, June, pp. 2-3 http://www.tc.columbia.edu/centers/cocce/pdf_files/b1.pdf – Accessed 26 August 2009 – Attachment 17).

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Shanghai Government <http://www.shanghai.gov.cn/>

United Nations

UNHCR Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Human Rights in China <http://www.hrichina.org/>

Region Specific Links

Chinese Law and Politics Blog http://sinolaw.typepad.com/chinese_law_and_politics/

Congressional-Executive Commission on China <http://www.cecc.gov/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

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